

1 2. If a court provides that a determinate sentence is to run consecutive to
2 another determinate sentence, the person sentenced shall serve the periods of
3 confinement in prison under the sentences consecutively and the terms of extended
4 supervision under the sentences consecutively and in the order in which the
5 sentences have been pronounced.

6 (c) *Determinate sentences imposed to run concurrent with or consecutive to*
7 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run
8 concurrent with an indeterminate sentence, the person sentenced shall serve the
9 period of confinement in prison under the determinate sentence concurrent with the
10 period of confinement in prison under the indeterminate sentence and the term of
11 extended supervision under the determinate sentence concurrent with the parole
12 portion of the indeterminate sentence.

13 2. If a court provides that a determinate sentence is to run consecutive to an
14 indeterminate sentence, the person sentenced shall serve the period of confinement
15 in prison under the determinate sentence consecutive to the period of confinement
16 in prison under the indeterminate sentence and the parole portion of the
17 indeterminate sentence consecutive to the term of extended supervision under the
18 determinate sentence.

19 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
20 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run
21 concurrent with a determinate sentence, the person sentenced shall serve the period
22 of confinement in prison under the indeterminate sentence concurrent with the
23 period of confinement in prison under the determinate sentence and the parole
24 portion of the indeterminate sentence concurrent with the term of extended
25 supervision required under the determinate sentence.

1 2. If a court provides that an indeterminate sentence is to run consecutive to
2 a determinate sentence, the person sentenced shall serve the period of confinement
3 in prison under the indeterminate sentence consecutive to the period of confinement
4 in prison under the determinate sentence and the parole portion of the
5 indeterminate sentence consecutive to the term of extended supervision under the
6 determinate sentence.

7 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
8 determinate sentences and extended supervision is revoked in each case, or if a
9 person is serving a determinate sentence concurrent with an indeterminate sentence
10 and both extended supervision and parole are revoked, the person shall concurrently
11 serve any periods of confinement in prison required under those sentences under s.
12 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

13 **SECTION 815.** 973.155 (1) (b) of the statutes is amended to read:

14 973.155 (1) (b) The categories in par. (a) include custody of the convicted
15 offender which is in whole or in part the result of a probation, extended supervision
16 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
17 upon the person for the same course of conduct as that resulting in the new
18 conviction.

19 **SECTION 816.** 973.30 of the statutes is created to read:

20 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
21 shall do all of the following:

22 (a) Select an executive director having appropriate training and experience to
23 study sentencing practices and prepare proposed sentencing guidelines.

24 (b) Monitor and compile data regarding sentencing practices in the state.

1 (c) Adopt advisory sentencing guidelines for felonies committed on or after the
2 effective date of this paragraph [revisor inserts date], to promote public safety, to
3 reflect changes in sentencing practices and to preserve the integrity of the criminal
4 justice and correctional systems.

5 (d) Provide information to the legislature, state agencies, and the public
6 regarding the costs to and other needs of the department which result from
7 sentencing practices.

8 (e) Provide information to judges and lawyers about the sentencing guidelines.

9 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
10 report regarding its work, which shall include all sentencing guidelines and all
11 changes in existing sentencing guidelines adopted during the 12 months preceding
12 the report.

13 (g) Study whether race is a basis for imposing sentences in criminal cases and
14 submit a report and recommendations on this issue to the governor, to each house
15 of the legislature under s. 13.172 (2), and to the supreme court.

16 (h) Assist the legislature in assessing the cost of enacting new or revising
17 existing statutes affecting criminal sentencing.

18 (i) At least semiannually, submit reports to all circuit judges, and to the chief
19 clerk of each house of the legislature for distribution to the appropriate standing
20 committees under s. 13.172 (3), containing statistics regarding criminal sentences
21 imposed in this state. Each report shall have a different focus and need not contain
22 statistics regarding every crime. Each report shall contain information regarding
23 sentences imposed statewide and in each of the following geographic areas:

- 24 1. Milwaukee County.
- 25 2. Dane and Rock counties.

1 3. Brown, Outagamie, Calumet, and Winnebago counties.

2 4. Racine and Kenosha counties.

3 5. All other counties.

4 (j) Study how sentencing options affect various types of offenders and offenses.

5 **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission
6 may hire staff to assist it in the performance of its duties.

7 **(3) SUNSET.** This section does not apply after December 31, 2006.

8 **SECTION 817.** 977.05 (4) (jm) of the statutes is created to read:

9 977.05 (4) (jm) At the request of an inmate determined by the state public
10 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
11 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
12 (9g) before a program review committee and the sentencing court, if the state public
13 defender determines the case should be pursued.

14 **SECTION 818.** 977.06 (2) (b) of the statutes is amended to read:

15 977.06 (2) (b) A person who makes a false representation that he or she does
16 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
17 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
18 is guilty of a Class I felony.

19 **SECTION 819.** 978.13 (1) (c) of the statutes is amended to read:

20 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
21 fringe benefit costs of clerk positions in the district attorney's office necessary for the
22 prosecution of violent crime cases primarily involving felony violations under s.
23 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
24 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
25 pay the amount authorized under this paragraph to the county treasurer pursuant

1 to a voucher submitted by the district attorney to the secretary of administration
2 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
3 may not exceed \$94,400 in the 1999–2000 fiscal year and \$97,200 in the 2000–01
4 fiscal year.

5 **SECTION 820.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

6 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
7 The committee shall submit a report of its findings and recommendations to the
8 legislature in the manner provided under section 13.172 (2) of the statutes and to the
9 governor. The report shall include any proposed legislation that is necessary to
10 implement the recommendations made by the committee in its report.

11 **SECTION 9101. Nonstatutory provisions; administration.**

12 (1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (27)
13 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
14 commission shall be appointed for the following terms:

15 (a) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as
16 created by this act, one of whom is not employed by any unit of federal, state, or local
17 government, one circuit judge, and one district attorney, for terms expiring on
18 January 1, 2003.

19 (b) Three members appointed under section 15.105 (27) (a) 3. of the statutes,
20 as created by this act, one of whom is not employed by any unit of federal, state, or
21 local government, and one circuit judge, for terms expiring on January 1, 2004.

22 (c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as
23 created by this act, the member appointed under section 15.105 (27) (a) 5. of the
24 statutes, as created by this act, one representative of crime victims, and one attorney
25 in private practice, for terms expiring on January 1, 2005.

1 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
2 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and
3 4.0 FTE GPR other positions to be funded from the appropriation under section
4 20.505 (4) (dr) of the statutes, as created by this act.

5 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
6 commission created under section 973.30 of the statutes, as created by this act, are
7 appointed, the criminal penalties study committee shall provide information to
8 lawyers, judges, the legislature, and the public regarding changes made in the
9 substance and structure of criminal penalties to be imposed under this act.

10 **SECTION 9332. Initial applicability; legislature.**

11 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
12 13.525 (5) of the statutes first applies to bills introduced on the effective date of this
13 subsection.

14 **SECTION 9359. Initial applicability; other.**

15 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
16 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
17 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
18 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
19 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
20 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
21 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
22 (1m) (c) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41
23 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
24 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the
25 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering

1 and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025
2 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1),
3 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of the statutes;
4 the amendment of sections 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69
5 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971
6 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03
7 (3) (d), 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b),
8 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n) (r), 49.49 (1)
9 (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12),
10 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83
11 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2),
12 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11),
13 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c),
14 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20
15 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58,
16 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3),
17 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20
18 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2),
19 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.),
20 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b)
21 (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.45 (6) (a) 2., 302.095 (2), 341.605
22 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32
23 (3), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1)
24 (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.),
25 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d),

1 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19
2 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4),
3 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
4 767.242 (8), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355
5 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32
6 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
7 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m. a.
8 (with respect to the serious felony for which the person presently is being sentenced),
9 939.62 (2m) (a) 2m. b. (with respect to the serious felony for which the person
10 presently is being sentenced), 939.623 (2), 939.624 (2), 939.632 (1) (e) 1., 939.632 (2),
11 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2)
12 (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1)
13 (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5),
14 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195
15 (4), 940.195 (5), 940.195 (6), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b),
16 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2)
17 (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22
18 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23
19 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m.,
20 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m.,
21 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305
22 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m),
23 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.),
24 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a),
25 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e).

1 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1),
2 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2)
3 (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3),
4 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011
5 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.),
6 943.017 (2) (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04,
7 943.06 (2), 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20
8 (3) (b), 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20
9 (3) (d) 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.),
10 943.208 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23
11 (1g), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2)
12 (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2),
13 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1)
14 (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40
15 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c),
16 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2)
17 (b) 2., 943.50 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4)
18 (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2.,
19 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06,
20 944.16 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2),
21 944.34 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.),
22 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12
23 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.), 946.32
24 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425 (1),
25 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m) (intro.), 946.43 (2m) (a) (intro.), 946.44

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2 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a),
3 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2),
4 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x)
5 (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c),
6 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1),
7 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b),
8 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2)
9 (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1)
10 (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3)
11 (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c),
12 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1)
13 (c), 949.03 (1) (b), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a),
14 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1)
15 (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
16 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3.,
17 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f)
18 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1)
19 (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41
20 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.),
21 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.),
22 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m)
23 (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e)
24 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3.,
25 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41

1 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m)
 2 (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b),
 3 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b), 961.41 (3g) (c), 961.41 (3g) (d), 961.41
 4 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.437 (4) (a),
 5 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3),
 6 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3), 968.255 (1) (a) 2., 968.31 (1)
 7 (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 973.01 (2) (intro.),
 8 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01 (2) (b)
 9 5., 973.03 (3) (e) 1. and 2., 973.09 (2) (b) 1., and 977.06 (2) (b) of the statutes; the repeal
 10 and recreation of sections 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im) of the
 11 statutes; and the creation of sections 49.95 (1) (e) and (f), 125.075 (2) (b), 346.04 (2t),
 12 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 939.32 (2) (title),
 13 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3)
 14 (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23
 15 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50
 16 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) 1g.,
 17 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m)
 18 (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01
 19 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., and 973.017
 20 of the statutes first apply to offenses committed on the effective date of this
 21 subsection.

22 (2) RETURNING PERSONS TO PRISON UPON REVOCATION. The treatment of sections
 23 302.113 (9) (a), (at), (b), ~~and~~ (c) and 302.114 (9) (a), (b), ~~and~~ (bm) of the statutes first
 24 applies to persons who are the subjects of extended supervision revocation
 25 proceedings that are commenced on the effective date of this subsection.

*auto ref A
(to p. 213, line 23), and (g) ✓*

and (f) ✓

by the department of corrections ✓

auto ref B
(to P. 213, line 23)

1 (3) CONCURRENT AND CONSECUTIVE SENTENCES. The treatment of section 973.15
2 (2m) of the statutes first applies to persons sentenced for crimes committed on the
3 effective date of this subsection.

4 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
5 SECTIONS 9432 and 9459 of this act, this act takes effect on the day after publication.

6 **SECTION 9432. Effective dates; legislature.**

7 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
8 13.525 (5) of the statutes and SECTION 9332 (1) of this act take effect on January 1,
9 2002.

10 **SECTION 9459. Effective dates; other.**

11 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
12 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
13 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
14 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
15 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
16 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
17 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
18 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41
19 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
20 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the
21 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering
22 and amendment of sections 49.95 (1), 125.075 (2), 302.113 (9) (a), 302.114 (9) (a),
23 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m)
24 (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01
25 (2) (c) and 973.01 (2) (d) of the statutes; the amendment of sections 6.18, 11.61 (1) (a),

1 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971
2 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c),
3 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m)
4 (b) 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5) (bm)
5 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a),
6 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n)
7 (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b),
8 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1)
9 (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b),
10 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2),
11 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07
12 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b),
13 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05
14 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2),
15 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9)
16 (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3),
17 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21
18 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004
19 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53
20 (4) (c) 2., 301.048 (2) (bm) 1. a., 301.26 (4) (cm) 1., 301.45 (6) (a) 2., 302.095 (2), 302.11
21 (1g) (a) 2., 302.11 (1p), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (9) (b),
22 302.114 (9) (bm), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b),
23 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a),
24 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175
25 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)

1 (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09,
2 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2),
3 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
4 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07,
5 908.08 (1), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3.,
6 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.),
7 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7)
8 (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m. a., 939.62 (2m)
9 (a) 2m. b., 939.623 (2), 939.624 (2), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72
10 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
11 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1),
12 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2),
13 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195
14 (6), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20
15 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.),
16 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.),
17 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1),
18 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b)
19 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b)
20 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1)
21 (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3)
22 (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1),
23 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2)
24 (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
25 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2),

1 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1.,
2 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37
3 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2)
4 (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017
5 (2) (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
6 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (b),
7 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d)
8 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208
9 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23
10 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
11 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3),
12 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (b), 943.34
13 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.),
14 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4)
15 (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50
16 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4)
17 (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b)
18 3., 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
19 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34 (intro.),
20 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03 (1)
21 (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12 (intro.),
22 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.), 946.32 (1) (intro.),
23 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425 (1), 946.425 (1m)
24 (b), 946.425 (1r) (b), 946.43 (1m) (intro.), 946.43 (2m) (a) (intro.), 946.44 (1) (intro.),
25 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2),

1 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r)
2 (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82
3 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015,
4 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03
5 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1)
6 (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07
7 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.),
8 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.),
9 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40
10 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a),
11 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1),
12 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm)
13 (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.),
14 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e)
15 (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1)
16 (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.),
17 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1)
18 (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m)
19 (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm)
20 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d)
21 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.),
22 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m)
23 (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g)
24 (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h)
25 (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i),

1 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2)
 2 (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b), 961.41 (3g) (c), 961.41
 3 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2),
 4 961.437 (4) (a), 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a),
 5 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3), 967.04 (9), 968.255
 6 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b),
 7 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1), 973.01 (2)
 8 (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01
 9 (2) (b) 5., 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032 (4) (c) 2., 973.09 (2) (b)
 10 1., 977.06 (2) (b) and 978.13 (1) (c) of the statutes; the repeal and recreation of sections
 11 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im) of the statutes; and the creation
 12 of sections 49.95 (1) (e) and (f), 125.075 (2) (b), 302.113 (7m), 302.113 (9) (ag), 302.113
 13 (9) (at), 302.113 (9) (d), 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.114 (9) (ag), 302.114 (9) (d),
 14 302.114 (9) (e), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32
 15 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
 16 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c),
 17 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h),
 18 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm),
 19 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm)
 20 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m.,
 21 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01
 22 (2) (c) 2., 973.01 (2) (d) 1. to 6., 973.017, and 973.15 (2m) of the statutes; and SECTION
 23 9359 (1), of this act take effect on the first day of the 7th month beginning after
 24 publication.

25

(2), and (3)
 (END)
 auto ref A (from p. 207, line 22)
 auto ref B (from p. 208, line 1)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/1dn

MGD:.....

Jld

January 9, 2001

Missy:

same

1. This bill differs from 1999 Assembly Bill 465 (AB-465), as amended in the assembly, in a number of ways. First, using recommendations provided at the end of the 1999-2000 legislative session by Professor Thomas Hammer (the reporter for the Criminal Penalties Study Committee (CPSC) and chair of its code reclassification subcommittee), this bill classifies felonies that were created during that session under the A-I classification scheme. (If you would like me to provide you a list of those crimes and a description of how they are treated in this bill, please let me know.) At the same time, the bill repeals certain provisions enacted in 1999 Wisconsin Act 48 relating to the controlled substance methamphetamine. As I mentioned in our phone conversation, under reconciliation provisions contained in Act 48, methamphetamine would have been treated in the manner as certain other hallucinogenic and stimulant drugs had AB-465 been enacted last session. The repeal of the provisions relating to methamphetamine in this bill produces the same result.

Second, the bill makes minor changes in a few of the provisions in AB-465 to make them clearer or more workable. See, e.g., ss. 302.11 (7) (ag), 302.113 (9) (ag), and 302.114 (9) (ag) (defining "reviewing authority" to simplify language in provisions relating to parole and extended supervision (ES) revocation hearings). Third, the bill includes a new effective date. (See item 2 below.) Fourth, the bill makes minor changes to ensure that current law provisions designed to apply only to indeterminate or bifurcated sentences do not apply to another type of sentence. See, e.g., s. 302.045 (3) (clarifying that parole eligibility under the challenge incarceration program only applies to indeterminate sentences). Fifth, there are a number of provisions that required renumbering or new cross-references as a result of either legislation enacted last session or other changes made by the bill itself. *within*

persons serving

extends

Sixth, the bill makes certain substantive changes that should have been made in AB-465 to address gaps or ambiguities in 1997 Wisconsin Act 283. The following table briefly describes those changes:

Statute section	Summary
302.11 (7) (e), 302.113 (9) (f), 302.114 (9) (e)	Authorizes consolidation of all parole or ES revocation proceedings that relate to a single individual

302.113 (8m)✓ 302.114 (8m)✓	Authorizes department of corrections (DOC) to take physical custody of a person alleged to have violated ES (to mirror provision in current law authorizing DOC to take custody of person alleged to have violated parole)
302.113 (9) (e)✓ 302.114 (9) (d)✓ 908.08 (1)✓	Authorizes use of ^{use of} videotaped depositions and videotaped statement of a child in ES revocation hearings (to mirror current law provision relating to use of videotape in parole revocation hearings)
973.15 (2m) (b)✓	Specifies how concurrent and consecutive sentences are to be served when all crimes involved were committed on or after December 31, 1999
973.15 (2m) (e)✓	Addresses revocation in multiple sentence cases

8

2. Based on your instructions, the bill delays the effective date of the changes in the felony classification system to the first day of the seventh month after publication. Thus, if the bill becomes law on March 15, 2001, the new felony classifications apply to crimes committed on or after October 1, 2001.

AB-465, however, did not delay the effective date for certain changes relating to ES revocation proceedings. Not having a delayed effective date in AB-465 for these changes made sense. Since all bifurcated sentences must include a term of confinement of at least one year, see s. 973.01 (2) (b) (intro.)✓, no revocation hearings could occur until after December 31, 2000. Thus, ~~under the AB-465 approach~~ ^{had}, courts would have had ample time to prepare for their new role in revocation hearings.

been enacted

That lead time is now gone. Therefore, the bill delays the effective date for all of the changes relating to ES revocation proceedings. Some of those provisions, however — such as those relating to videotaped depositions, ss. 302.113 (9) (e) and 302.114 (9) (d), or those relating to review of revocation decisions by certiorari, ss. 302.113 (9) (g) and 302.114 (9) (f)✓ — could be implemented more quickly. I ~~used the delayed~~ effective date for those provisions for consistency reasons. But if you would like, I can redraft the bill or draft amendments so that changes that require less preparation time take effect sooner.

SEM for example, upon the bill becoming law

The bill includes

3. ~~is drafted~~ an initial applicability provision for the joint review committee on criminal penalties. Under that provision, the requirement that the committee review all bills creating or revising criminal penalties only applies to bills introduced on or after January 1, 2002. Is that okay?

4. Please review the amount listed in the appropriation for s. 20.505 (4) (dr) to see if it is appropriate. (The figure is one-third of the amount that was listed for fiscal year 1999-2000 in AB-465 and is premised on the bill being enacted at the beginning of the legislative session.) In addition, please note that s. 16.47 (2) provides that, before the passage of the budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2) ~~is~~ is a rule of legislative procedure; thus, the legislature determines the extent to

Make note errors in 302.114 x ref that AB465 corrects. Those could go in unmed. along with other changes like video via double draft

which it is enforced.) Finally, the bill does not appropriate money for the sentencing commission for the 2001-03 biennium. You may wish address that through the 2001-03 budget bill.

5. AB 465 required that the enhancers for repeat offenders (ss. 939.62 and 961.48) be applied after all other enhancers and that the enhancer for use of a dangerous weapon (s. 939.63) be applied after all but the repeat offenders enhancers. Nevertheless, AB 465 did not specify the order in which the other surviving penalty enhancers are to be applied.

Under The language in the bill says "the court shall apply them in the order listed," but *the intent of* that merely meant that the enhancers listed in s. 973.01 (2) (c) 2. a. *should* be applied before the subd. 2. b. enhancer, which in turn *should* be applied before the subd. 2. c. enhancers. *to* The CPSC never considered the order in which the subd. 2. a. enhancers are to be applied or the possibility that the order in which those enhancers are to be applied might matter. Consequently, they are simply listed in numerical order *by the relevant statute numbers* *did not* *would*

With respect to the drug crime enhancers (ss. 961.46 and 961.49), the bill's silence regarding sequencing does not matter, since they will not be applied in combination with the other enhancers. But the bill's silence does matter in cases in which more than one of the other subd. 2. a. enhancers applies. A judge applying the enhancers in one order will end up with a maximum term of imprisonment that differs from that which results from another judge applying them in a different order.

For example, assume a person commits a battery in a school zone, see s. 939.632, and the battery is adjudged a hate crime. See s. 939.645. If the former enhancer is applied before the latter, the term of imprisonment required for the battery (a Class A misdemeanor) is increased under s. 939.632 (2) (b) by three months. The hate crime enhancer, s. 939.645 (2) (b), then converts it to a felony with a maximum term of imprisonment of two years. But if the enhancers are applied in the other order, the hate crime enhancer first converts it into a ^{two} year felony. Under s. 939.632 (2) (a), the maximum period of imprisonment is then increased to seven years.

If you would like the bill to specify the order in which the subd. 2. a. enhancers are to be applied, I can redraft the bill *or draft an amendment to have it do* so. Alternatively, given that the number of cases in which the subd. 2. a. enhancers are combined is likely to be small, you may simply want the court of appeals or the supreme court to resolve this matter.

6. There is also one other unresolved question relating to penalty enhancers. Under s. 939.32 (1) (bm), an attempt to commit a Class I felony is penalized as a Class A misdemeanor, unless a penalty enhancer — other than one of the enhancers for repeat offenders — applies. I have been unable to determine whether the CPSC intended to create ~~the~~ exception to the ~~exception for the repeat offender enhancers~~ or whether that ~~was a~~ drafting ~~error~~. I have contacted Prof. Hammer regarding this, but I have yet to receive a response from him. I will let you know if I do.

language was for

As far as I recall, the

a repeat offender

resulted from an oversight in

general penalty enhancer

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/1dn
MGD:jld:km

January 9, 2001

Missy:

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regarding this, but I have yet to receive a response from him. I will let you know if I do.

Michael Dsida
Legislative Attorney
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