

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB3)

Received: **02/01/2001**

Received By: **mdsida**

Wanted: **Today**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sentencing**

Extra Copics: **rlr**

Pre Topic:

No specific pre topic given

Topic:

Criminal sentencing

Instructions:

2001 LRBa0153 + protection of public, gravity of offense, and rehabilitative needs of defendant standards in McClary

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 02/01/2001	wjackson 02/01/2001		_____			
/1			haugeca 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadmin 02/01/2001	

FE Sent For:

<END>

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1?	mdsida	11 WLJ 2/1	CH 2-1	CH 2-1			

FE Sent For:

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa01542

MGD:.....

Wlj

①

D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 3

Now

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 190, line 16: after that line insert:

3 "(ad) The protection of the public.

4 (ag) The gravity of the offense.

5 (ak) The rehabilitative needs of the defendant."

6 ✓ 2. Page 195, line 16: after that line insert:

7 "(10m) STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall
8 state the reasons for its sentencing decision and, except as provided in par. (b), shall
9 do so in open court and on the record.

10 (b) If the court determines that it is not in the interest of the defendant for it
11 to state the reasons for its sentencing decision in the defendant's presence, the court

1 shall state the reasons for its sentencing decision in writing and include the written
2 statement in the record.”

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0154/?dn

MGD: /:.....

WLJ

This amendment codifies *McCleary v. State*, 49 Wis. 2d 263, 182 N.W.2d 512 (1971), and its progeny. It is not intended to affect the requirements of current law regarding the duties of a sentencing court, nor is it intended to affect appellate review of sentencing decisions.

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

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0154/1dn
MGD:wj:ch

February 1, 2001

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