

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB3)

Received: **01/18/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Pedro Colon (608) 267-7669**

By/Representing: **Andy**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sentencing
Criminal Law - district attys
Legislature - miscellaneous
Correctional System - ext superv
Criminal Law - miscellaneous**

Extra Copies: **rlr**

Pre Topic:

No specific pre topic given

Topic:

Truth in sentencing

Instructions:

1999 SB 357 version of CPSC bill, plus amendments to SB 357, plus any changes necessary as a result of other criminal law bills enacted in 1999-2000 session

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 01/19/2001 | jdye 01/19/2001 | | | | | |
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|--------------|----------------|-----------------|--------------|--------------------|------------------|-----------------|-----------------|
| 1? | mdsida | 1/19 jld | 1/21 pb | 1/21 pb 1/22 | | | |

FE Sent For:

<END>

Dsida, Michael

From: Dsida, Michael
Sent: Monday, January 22, 2001 3:21 PM
To: Janssen, Andy
Subject: AB3 Sub

Based on our discussion, I've filled in some proposed answers on these questions from my e-mails (which, as I mentioned, need to be answered in light of the passage of time since we drafted SB 357):

From the first e-mail:

1. What date do you want the new felony classification scheme to take effect? (I assume you want a delayed effective date, so that courts and lawyers have the chance to prepare for the changes.)

The first day of the 6th month beginning after publication.

2a. When do you want the provisions creating a sentencing commission to take effect? (They can take effect immediately, have the same date as the effective date for the penalty changes, or have an entirely different effective date.)

The first day of the 6th month beginning after publication.

2b. How much money do you want to appropriate for the sentencing commission? (Keep in mind the fact that the budget repeals and recreates the appropriation schedule in ch. 20 when you are considering these questions. If the appropriations provision is to take effect before the passage of the budget, you will need to include provisions in the budget for 2001-03 appropriations.)

In calculating the appropriations for the sentencing commission, I began with the amounts appropriated under the CPSC's proposed legislation. After talking with Jere Bauer at the Fiscal Bureau, I then increased the salary and fringe benefit costs by 4.5% to reflect increased personnel costs over the last two years. (I only increased the personnel costs; I did not increase the cost of publications or rent.) I then assumed that the sentencing commission provisions would take effect on September 1, 2001 (based on the assumption that the bill would become law in March), and prorated the appropriations for the first year.

I also assumed that the budget bill will be enacted before these provisions take effect. If it is not, and if you want the sentencing commission to begin its work on time, you will need to provide funding for it separately.

3. What dates do you want for the probation/ES/parole enhancement and caseload reduction program in s. 301.03 (3a) and in section 9111 of SB 357?

I used the following dates:

a. DOC submits to Joint Finance its plan to enhance community supervision -- the first day of the 3rd month beginning after publication

b. DOC begins reducing caseloads -- the first day of the 5th month beginning after publication

c. DOC implements s. 301.03 (3a) (which includes 20-case ceiling) -- January 1, 2002

4. By what date should the director of state courts promulgate rules regarding sentence modifications? (See s. 758.19 (8).) (That date will then be the effective date for s. 973.01 (7m).)

The first day of the 6th month beginning after publication.

5. What date do you want to use in s. 973.031 (court-ordered drug treatment)? (That date will then be the initial applicability date for ss. 973.01 (5) and 973.09 (6).)

The first day of the 6th month beginning after publication.

6. On what date(s) do the district attorney reallocations (bill section 9101 (1) in SB 357) and the creation of additional DA positions (bill section 9201 (1)) take effect?

a. DA reallocations -- January 1, 2002

b. New DA positions -- the day after publication of the 2001-03 budget act

From the second e-mail:

1. SB-357 did not delay the effective date for certain changes relating to ES revocation proceedings. Not having a delayed effective date in SB-357 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.), and no bifurcated sentences were imposed before early 2000, no revocation hearings were likely to occur until after at least the first few months of 2001. Thus, had SB-357 been enacted, courts probably would have had ample time to prepare for their new role in revocation hearings.

That lead time may now be gone. Therefore, like AB-3, the sub 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. As of now, I have delayed the effective date for those provisions for consistency reasons. But if you would like, I can revise the sub so that changes that require less preparation time take effect sooner - for example, upon the bill becoming law.

I kept the first day of the 6th month beginning after publication as the effective date for all of the changes.

2. Like AB-3, the sub will include 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?

I kept January 1, 2002.

Let me know if you have any questions about these proposed answers or need to change any of them. I think that you will receive the amendment by the end of the day.

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

50004/1
LRB-1428/2
MGD:MKJf
JLd

D Note

ASA -
AB 3

2001 ASSEMBLY BILL 3

~~WALKER~~ ~~HUBER~~

By 3:00
1/22

January 16, 2001 - Introduced by Representatives WALKER and HUBER, cosponsored by Senators BURKE and HUELSMAN. Referred to Committee on Criminal Justice.

Regen

1 AN ACT to repeal 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),
2 939.615 (7) (c), 939.622, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646,
3 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.25 (1b), 940.285 (2)
4 (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 946.42 (4), 946.425 (2),
5 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1)
6 (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41
7 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41 (1m)
8 (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2.,
9 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465,
10 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03
11 (3) (e) 3.; to renumber 351.07 (2) (a); to renumber and amend 49.95 (1),
12 125.075 (2), 302.11 (7) (a), 302.113 (9) (a), 302.114 (9) (a), 939.63 (1), 943.20 (3)
13 (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g)
14 (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 971.17 (1), 973.01 (2) (b) 6., 973.01 (2)

ASSEMBLY BILL 3

1 (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a),
2 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971
3 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80
4 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b)
5 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5)
6 (bm) 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141
7 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n)
8 (k), 49.195 (3n) (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49
9 (3m) (b), 49.49 (4) (b), 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1)
10 (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43
11 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7),
12 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85
13 (3), 108.225 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19
14 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12)
15 (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.),
16 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1),
17 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a),
18 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2),
19 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21),
20 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004
21 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2.,
22 299.53 (4) (c) 2., 301.035 (2), 301.035 (4), 301.048 (2) (bm) 1. a., 301.26 (4) (cm)
23 1., 301.45 (6) (a) 2., 302.045 (3), 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 302.11
24 (1z), 302.11 (3), 302.11 (7) (b), 302.11 (7) (d), 302.113 (2), 302.113 (4), 302.113 (7),
25 302.113 (9) (b), 302.113 (9) (c), 302.114 (4), 302.114 (5) (f), 302.114 (6) (b),

ASSEMBLY BILL 3

1 302.114 (6) (c), 302.114 (9) (b), 302.114 (9) (bm), 302.114 (9) (c), 302.33 (1),
2 303.065 (1) (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6),
3 303.08 (12), 304.06 (1) (b), 304.071 (2), 304.11 (3), 341.605 (3), 342.06 (2),
4 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31
5 (1) (i), 343.31 (3) (d) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3)
6 (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c),
7 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
8 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
9 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
10 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
11 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07,
12 801.50 (5), 908.08 (1), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m)
13 (b) 1., 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (2l) (d), 939.30 (1),
14 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50
15 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1)
16 (c), 939.62 (2m) (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.623 (2), 939.624 (2),
17 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2)
18 (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2),
19 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11
20 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4),
21 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195 (6),
22 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20
23 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2)
24 (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2)
25 (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b),

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1 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m.,
2 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b)
3 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1),
4 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.),
5 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45
6 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.),
7 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
8 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295
9 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2)
10 (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2.,
11 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38
12 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2) (intro.),
13 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2)
14 (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
15 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3)
16 (b), 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20
17 (3) (d) 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c)
18 (intro.), 943.208 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3)
19 (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25
20 (1), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4),
21 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1)
22 (intro.), 943.32 (2), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2),
23 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c),
24 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46
25 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (b), 943.50 (4)

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1 (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c), 943.70
2 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b) 3.,
3 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16
4 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2),
5 944.34 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
6 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1)
7 (intro.), 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31
8 (1) (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42
9 (3) (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m) (intro.),
10 946.43 (2m) (a) (intro.), 946.44 (1) (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1)
11 (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1)
12 (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69
13 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1),
14 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2),
15 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3)
16 (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1)
17 (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.),
18 948.07 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12
19 (intro.), 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.),
20 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3)
21 (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c),
22 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62
23 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41
24 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm)
25 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1.,

ASSEMBLY BILL 3

1 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41
2 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.),
3 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41
4 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h)
5 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m)
6 (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m)
7 (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41
8 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m)
9 (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m)
10 (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m)
11 (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m)
12 (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m)
13 (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (1q), 961.41 (1r),
14 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d),
15 961.41 (3g) (b), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f),
16 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.437 (4) (a), 961.437 (4) (b), 961.455
17 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573
18 (3), 961.574 (3), 961.575 (3), 967.04 (9), 968.255 (1) (a) 2., 968.31 (1) (intro.),
19 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (a), 971.365
20 (1) (b), 971.365 (1) (c), 971.365 (2), 972.15 (2c), 973.01 (1), 973.01 (2) (intro.),
21 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01 (2)
22 (b) 5., 973.01 (4), 973.01 (6), 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032
23 (4) (c) 2., 973.09 (2) (b) 1., 973.155 (1) (b), 977.06 (2) (b) and 978.13 (1) (c); *to*
24 *repeal and recreate* 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im); *to*
25 *create* 13.525, 15.105 (27), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr), 20.505

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1 (4) (mr), 20.923 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2) (b),
2 227.01 (13) (sm), 230.08 (2) (L) 6., 230.08 (2) (of), 302.11 (7) (ag), 302.11 (7) (e),
3 302.113 (7m), 302.113 (8m), 302.113 (9) (ag), 302.113 (9) (at), 302.113 (9) (d),
4 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.113 (9g), 302.114 (8m),
5 302.114 (9) (ag), 302.114 (9) (d), 302.114 (9) (e), 302.114 (9) (f), 346.04 (2t),
6 346.04 (4), 346.17 (2t), 801.50 (5c), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m),
7 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
8 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09
9 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d),
10 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3)
11 (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41
12 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1)
13 (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
14 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2.,
15 973.01 (2) (d) 1. to 6., 973.017, 973.15 (2m), 973.30 and 977.05 (4) (jm) of the
16 statutes; and *to affect* 1997 Wisconsin Act 283, section 454 (1) (f); **relating to:**
17 **classification and elements of felony offenses and certain misdemeanor**
18 **offenses; criminal sentences and commitments; modification of a bifurcated**
19 **sentence in certain cases; revocation of extended supervision; the creation of a**
20 **sentencing commission and temporary sentencing guidelines; making an**
21 **appropriation; and providing penalties.**

Analysis by the Legislative Reference Bureau

Felony penalties

Under current law, crimes punishable by imprisonment of more than one year are felonies. Virtually every felony created in the criminal code is put in one of six

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classes (Class A, B, BC, C, D, or E), and each class has a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For other classified felonies committed before December 31, 1999, the maximum terms of imprisonment are as follows:

| | |
|----------|----------|
| Class B | 40 years |
| Class BC | 20 years |
| Class C | 10 years |
| Class D | 5 years |
| Class E | 2 years |

1997 Wisconsin Act 283 increased these maximum terms of imprisonment for felonies committed on or after December 31, 1999. The maximum terms of imprisonment for the classes of felonies under 1997 Wisconsin Act 283 are as follows:

| | |
|----------|----------|
| Class B | 60 years |
| Class BC | 30 years |
| Class C | 15 years |
| Class D | 10 years |
| Class E | 5 years |

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000. 1997 Wisconsin Act 283 did not change the maximum fines for any of the classified felonies.

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (see below, *The structure of felony sentences*, item 2). The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, as a result of the changes made by 1997 Wisconsin Act 283, an unclassified crime punishable by a maximum term of imprisonment of one year, if the crime was committed before December 31, 1999, is punishable by a maximum of two years of imprisonment, if the crime is committed on or after December 31, 1999. Similarly, an unclassified crime punishable by a maximum term of imprisonment of five years if committed before December 31, 1999, is punishable by a term of imprisonment of seven years and six months if committed on or after December 31, 1999. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill does the following with respect to criminal offenses and penalties for them:

1. *New felony classes.* The bill expands the number of felony classes from six to nine and, except for Class A and Class B felonies, creates new maximum terms of imprisonment and new maximum fines. The felony classes under the bill and their respective maximum terms of imprisonment and maximum fines are as follows:

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| <u>Class of Felony</u> | <u>Maximum Imprisonment</u> | <u>Maximum Fine</u> |
|------------------------|-----------------------------|---------------------|
| Class A | Life imprisonment | Not applicable |
| Class B | 60 years | Not applicable |
| Class C | 40 years | \$100,000 |
| Class D | 25 years | \$100,000 |
| Class E | 15 years | \$50,000 |
| Class F | 12 years, 6 months | \$25,000 |
| Class G | 10 years | \$25,000 |
| Class II | 6 years | \$10,000 |
| Class I | 3 years, 6 months | \$10,000 |

2. *Classification of felonies.* The bill places felony offenses that are classified under current law into the new felony classes, with the exception of a few classified felony offenses that are reduced to misdemeanor offenses. In addition, the bill places unclassified felony offenses into the new felony classes, with the exception of certain unclassified felony offenses that are reduced to misdemeanor offenses and offenses that are felonies only because of the application of a penalty enhancer.

As a general rule, the bill places a felony offense into a felony class based on the amount of time that a person who is given a maximum sentence for the offense under current law would serve in prison before being released on parole under the mandatory release law (see below, item 1 under *The structure of felony sentences*, item 1). However, in some cases a felony is placed in a higher or lower felony class than the one based on the current mandatory release date for a maximum sentence under current law. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

3. *Felony murder.* Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more than 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more than 15 years.

4. *Changes to the crime of carjacking.* Under current law, a person is guilty of carjacking if he or she intentionally takes any vehicle without the consent of the owner while possessing a dangerous weapon and by using or threatening the use of force or the weapon against another. This bill classifies every carjacking offense as a Class C felony, including an offense resulting in a person's death (currently a Class A felony), and adds carjacking to the list of offenses subject to the felony murder statute (see item 4 above, *Felony murder*).

5. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The

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misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

- a) Stalking (Class I felony).
- b) Criminal damage to railroad property (Class I felony).
- c) Possession of a firearm in a school zone (Class I felony).
- d) Discharge of a firearm in a school zone (Class G felony).

6. *Elimination of certain minimum penalty provisions.* Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all. For the most part, this bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses. The bill, however, does not eliminate mandatory prison sentence requirements for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, *Sentences of life imprisonment*), nor does it change the persistent repeater penalty enhancers (often called the “three strikes, you’re out” and “two strikes, you’re out” laws), which require a sentence of life imprisonment without possibility of release. It also does not change the requirement that a person be given a minimum sentence of imprisonment if he or she is convicted of a repeat serious sex crime or a repeat violent crime, though the bill provides that, instead of a minimum sentence of five years, the court must impose a bifurcated sentence that includes a minimum term of confinement in prison of three years and six months (see below, *The structure of felony sentences*, item 2, for a description of bifurcated sentences). In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

7. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and armor-piercing bullet while committing another crime, or violating conditions of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed under current law that are ordered to run consecutively to each other (see below, *The structure of felony sentences*, item 3-C).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin, or ancestry (the “hate crime” enhancer), committing certain violent crimes against an elder person, and

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committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant's status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

The bill retains the current penalty enhancers for: 1) habitual criminals; 2) using a dangerous weapon in the commission of a crime; 3) committing a violent crime in a school zone; 4) committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; 5) committing a "hate crime"; 6) distributing a controlled substance to a person under the age of 17; and 7) distributing a controlled substance within 1,000 feet of a school, park, correctional institution or certain other facilities. The remaining penalty enhancers contained in current law are eliminated and are instead included in a list of aggravating factors that must be considered by a court when sentencing a person.

In addition, under current law, if a person violates certain prohibitions relating to operating a motor vehicle while intoxicated and, at the time of the offense, a child under the age of 16 is in the vehicle, the penalties for the offense double. This bill retains this penalty enhancer for most of the offenses involving operating a motor vehicle while intoxicated, but the bill eliminates the enhancer for the crimes of homicide by intoxicated use of a vehicle and injury by intoxicated use of a vehicle.

The structure of felony sentences (other than life sentences)

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person commits a felony before December 31, 1999, and is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding). However, the person could be subject to more restrictive discretionary parole eligibility provisions or to restrictions on mandatory release under certain circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

2. *The structure of prison sentences for felony offenses committed on or after December 31, 1999.* Under 1997 Wisconsin Act 283, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision (called "extended supervision"). The offender is not eligible for parole. A bifurcated sentence imposed under 1997 Wisconsin Act 283 must be structured as follows:

A) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

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B) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, ten years for a Class C felony, five years for a Class D felony, or two years for a Class E felony. If the person is being sentenced to prison for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

C) The term of extended supervision must equal at least 25% of the length of the term of confinement in prison. For example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentences the person to the maximum allowable 40-year term of confinement in prison, the term of extended supervision would have to be at least ten years. There is no limit on the length of the term of extended supervision, other than the limit that results from the requirements that the term of confinement in prison portion of a bifurcated sentence be at least one year and that the total bifurcated sentence not exceed the maximum term of imprisonment specified by law for the crime.

During the term of extended supervision, the person is subject to supervision by the department of corrections (DOC) and is subject to conditions set by both the court and DOC. If a person violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision, the person's extended supervision may be revoked in an administrative proceeding and the person may be returned to serve a period of time in prison. The length of time for which the person is returned to prison is determined by an administrative law judge or, if the person waives a revocation hearing, by DOC.

3. *The changes made by this bill.* This bill makes the following changes relating to the imposition of bifurcated sentences:

A) Like 1997 Wisconsin Act 283 does for the current felony classes, the bill establishes maximum terms of confinement in prison for the new felony classes. Unlike 1997 Wisconsin Act 283, the bill also establishes a maximum amount of extended supervision that a court can impose for classified felonies. The maximum term of confinement in prison and the maximum term of extended supervision for each classified felony is as follows:

| <u>Class of Felony</u> | <u>Maximum Term of Confinement in Prison</u> | <u>Maximum Term of Extended Supervision</u> |
|------------------------|--|---|
| Class B | 40 years | 20 years |
| Class C | 25 years | 15 years |
| Class D | 15 years | 10 years |
| Class E | 10 years | 5 years |
| Class F | 7 years, 6 months | 5 years |
| Class G | 5 years | 5 years |
| Class H | 3 years | 3 years |
| Class I | 1 year, 6 months | 2 years |

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B) Under the bill, when a court is imposing a bifurcated sentence it must consider any advisory sentencing guidelines for the offense adopted by the sentencing commission (see below, *Sentencing commission*) or, if the sentencing commission has not adopted guidelines for the offense, the temporary advisory guidelines adopted by the criminal penalties study committee (created by 1997 Wisconsin Act 283). In addition, the bill requires the sentencing court to consider any applicable mitigating and aggravating circumstances. The bill includes a partial list of aggravating circumstances that a court must consider. The list incorporates the provisions of current penalty enhancers that are being eliminated by the bill (see above, *Penalty enhancers*).

C) Under the bill, when a court imposes a bifurcated sentence on a person who is also subject to a prison sentence for a crime committed before December 31, 1999 (a current law sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrent with or consecutively to the imprisonment portion of the current law sentence; and 2) whether the period of parole under the current law sentence is to run concurrent with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing a current law sentence on a person who is also subject to a bifurcated sentence.

D) The bill allows DOC to take custody of a person who is on extended supervision in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail.

E) The bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison.

F) The bill creates a procedure by which DOC or a person on extended supervision may petition a court to modify the conditions of extended supervision set by the court. The court may hold a hearing on a petition to modify extended supervision and may grant the petition if it determines that the requested modification would meet the needs of DOC and the public and would be consistent with the objectives of the person's bifurcated sentence.

G) The bill creates a procedure by which certain older prisoners who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence. The procedure is available to prisoners who are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence and to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence.

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Under the procedure, the prisoner files a petition with the prison's program review committee, which may then refer the petition to the sentencing court if it finds that the public interest would be served by a modification of the prisoner's bifurcated sentence. If a petition is referred to a sentencing court, the court must determine whether the public interest would be served by a modification of the prisoner's bifurcated sentence. The victim of the prisoner's crime has a right to provide a statement concerning the modification of the sentence.

If the court decides that the public interest would be served by such a modification, the court must modify the sentence by: 1) reducing the term of confinement in prison portion of the sentence to a number that provides for the release of the prisoner to extended supervision; and 2) increasing the term of extended supervision of the prisoner by the same number, so that the total length of the bifurcated sentence does not change.

H) The bill specifies that, if a misdemeanor offender may be sentenced to prison because of the application of a sentence enhancer and the court decides to sentence the person to prison, the court must impose a bifurcated sentence. In sentencing a person to prison in such a case, the term of confinement in prison portion of the sentence may not constitute more than 75% of the total bifurcated sentence.

Sentences of life imprisonment

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a court may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. No person serving a life sentence of any kind is entitled to mandatory release on parole.

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the court who is sentencing the person to life imprisonment must do one of the following: 1) provide that the person is eligible for release to extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (see above, ***The structure of felony sentences***, item 2-C), may have his or her extended supervision revoked in an administrative proceeding and be returned to prison if he or she violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a

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period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 17 voting members and three nonvoting members, all of whom serve three year terms. Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after the effective date of the changes made in this bill regarding felony classifications (see below, ***Effective date***). The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, and the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature, and the supreme court. The duties of the commission end on December 31, 2006.

Joint review committee on criminal penalties

This bill creates a joint review committee on criminal penalties (joint review committee), which will review proposed legislation that creates a new crime or revises a penalty for an existing crime. The joint review committee is comprised of one majority party member and one minority party member from each house of the legislature, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges, and two members of the public appointed by the governor, one of whom must have law enforcement experience in this state and one of whom must be an elected county official.

Under this bill, when a bill that is introduced in either house of the legislature proposes to create a new crime or revise a penalty for an existing crime and the bill is referred to a standing committee of the house in which it is introduced, the

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chairperson may request the joint review committee to prepare a report on the bill. If the bill is not referred to a standing committee, the speaker of the assembly, if the bill is introduced in the assembly, or the presiding officer of the senate, if the bill is introduced in the senate, may request the joint review committee to prepare a report on the bill. A report on a bill by the joint review committee must address such issues as the costs that are likely to be incurred or saved if the bill is enacted, the consistency of penalties proposed in the bill with existing criminal penalties, and whether acts prohibited under the bill are prohibited under existing criminal statutes. If a bill that is introduced in either house of the legislature proposes to create a new crime or revise a penalty for an existing crime, a standing committee to which the bill is referred may not vote on whether to recommend the bill for passage and the bill may not be passed by the house in which it is introduced before the joint review committee submits a report or, if a report is requested by the speaker of the assembly or the presiding officer of the senate, before the 30th day after the report is requested, whichever is earlier.

Effective date

The requirement that crime legislation be reviewed by the joint review committee on criminal penalties takes effect on January 1, 2002. Other changes relating to crimes and criminal penalties described in this analysis take effect on the first day of the seventh month beginning after this bill's publication as an act.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.18 of the statutes is amended to read:

2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
3 which the elector has moved, any former qualified Wisconsin elector may vote an
4 absentee ballot in the ward of the elector's prior residence in any presidential election
5 occurring within 24 months after leaving Wisconsin by requesting an application
6 form and returning it, properly executed, to the municipal clerk of the elector's prior
7 Wisconsin residence. When requesting an application form for an absentee ballot,
8 the applicant shall specify the applicant's eligibility for only the presidential ballot.
9 The application form shall require the following information and be in substantially
10 the following form:

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1 This blank shall be returned to the municipal clerk's office. Application must
2 be received in sufficient time for ballots to be mailed and returned prior to any
3 presidential election at which applicant wishes to vote. Complete all statements in
4 full.

5 APPLICATION FOR PRESIDENTIAL
6 ELECTOR'S ABSENT BALLOT.

7 (To be voted at the Presidential Election

8 on November, (year)

9 I, hereby swear or affirm that I am a citizen of the United States, formerly
10 residing at in the ward aldermanic district (city, town, village) of, County
11 of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or
12 affirm that I do not qualify to register or vote under the laws of the State of(State
13 you now reside in) where I am presently residing. A citizen must be a resident of:
14 State(Insert time) County(Insert time) City, Town or Village(Insert time),
15 in order to be eligible to register or vote therein. I further swear or affirm that my
16 legal residence was established in the State of(the State where you now reside)
17 on Month Day Year.

18 Signed

19 Address(Present address)

20(City)(State)

21 Subscribed and sworn to before me this day of (year)

22(Notary Public, or other officer authorized to administer oaths.)

23(County)

24 My Commission expires

25 MAIL BALLOT TO:

ASSEMBLY BILL 3

1 NAME

2 ADDRESS

3 CITY STATE ZIP CODE

4 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
5 under this section may be fined not more than \$1,000 or imprisoned for not more than
6 6 months, or both. Whoever intentionally votes more than once in an election may
7 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
8 or both.

9(Municipal Clerk)

10(Municipality)

11 **SECTION 2.** 11.61 (1) (a) of the statutes is amended to read:

12 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
13 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
14 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
15 felony.

16 **SECTION 3.** 11.61 (1) (b) of the statutes is amended to read:

17 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
18 or 11.38 ~~where~~ is guilty of a Class I felony if the intentional violation does not involve
19 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds
20 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
21 ~~more than 4 years and 6 months or both.~~

22 **SECTION 4.** 12.60 (1) (a) of the statutes is amended to read:

23 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
24 (a), (e), (f), (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned~~
25 ~~for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

ASSEMBLY BILL 3

1 **SECTION 5.** 13.05 of the statutes is amended to read:

2 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
3 offers or promises to give his or her vote or influence in favor of or against any
4 measure or proposition pending or proposed to be introduced, in the legislature in
5 consideration or upon condition that any other person elected to the same legislature
6 will give or will promise or agree to give his or her vote or influence in favor of or
7 against any other measure or proposition pending or proposed to be introduced in
8 such legislature, or who gives, offers or promises to give his or her vote or influence
9 for or against any measure on condition that any other member will give his or her
10 vote or influence in favor of any change in any other bill pending or proposed to be
11 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
12 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
13 is guilty of a Class I felony.

14 **SECTION 6.** 13.06 of the statutes is amended to read:

15 **13.06 Executive favor.** Any member of the legislature who gives, offers or
16 promises to give his or her vote or influence in favor of or against any measure or
17 proposition pending or proposed to be introduced in the legislature, or that has
18 already been passed by either house of the legislature, in consideration of or on
19 condition that the governor approve, disapprove, veto or sign, or agree to approve,
20 disapprove, veto or sign, any other measure or proposition pending or proposed to be
21 introduced in the legislature or that has already been passed by the legislature, or
22 either house thereof, or in consideration or upon condition that the governor
23 nominate for appointment or appoint or remove any person to or from any office or
24 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~

ASSEMBLY BILL 3

1 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both is guilty~~
2 of a Class I felony.

3 **SECTION 7.** 13.525 of the statutes is created to read:

4 **13.525 Joint review committee on criminal penalties. (1) CREATION.**

5 There is created a joint review committee on criminal penalties composed of the
6 following members:

7 (a) One majority party member and one minority party member from each
8 house of the legislature, appointed as are the members of standing committees in
9 their respective houses.

10 (b) The attorney general or his or her designee.

11 (c) The secretary of corrections or his or her designee.

12 (d) The state public defender or his or her designee.

13 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th, or 5th judicial
14 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th, or
15 10th judicial administrative district, appointed by the supreme court.

16 (f) Two members of the public appointed by the governor, one of whom shall
17 have law enforcement experience in this state and one of whom shall be an elected
18 county official.

19 **(2) OFFICERS.** The majority party senator and the majority party representative
20 to the assembly shall be cochairpersons of the committee. The committee shall elect
21 a secretary from among its nonlegislator members.

22 **(3) JUDICIAL AND GUBERNATORIAL APPOINTEES.** Members appointed under sub. (1)
23 (e) or (f) shall serve at the pleasure of the authority appointing them.

ASSEMBLY BILL 3

1 (4) **ELIGIBILITY.** A member shall cease to be a member upon losing the status
2 upon which the appointment is based. Membership on the committee shall not be
3 incompatible with any other public office.

4 (5) **REVIEW OF LEGISLATION RELATING TO CRIMES.** (a) If any bill that is introduced
5 in either house of the legislature proposes to create a new crime or revise a penalty
6 for an existing crime and the bill is referred to a standing committee of the house in
7 which it is introduced, the chairperson may request the joint review committee to
8 prepare a report on the bill under par. (b). If the bill is not referred to a standing
9 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
10 the presiding officer of the senate, if the bill is introduced in the senate, may request
11 the joint review committee to prepare a report on the bill under par. (b).

12 (b) If the joint review committee receives a request under par. (a) for a report
13 on a bill that proposes to create a new crime or revise a penalty for an existing crime,
14 the committee shall prepare a report concerning all of the following:

15 1. The costs that are likely to be incurred or saved by the department of
16 corrections, the department of justice, the state public defender, the courts, district
17 attorneys, and other state and local government agencies if the bill is enacted.

18 2. The consistency of penalties proposed in the bill with existing criminal
19 penalties.

20 3. Alternative language needed, if any, to conform penalties proposed in the bill
21 to penalties in existing criminal statutes.

22 4. Whether acts prohibited under the bill are prohibited under existing
23 criminal statutes.

24 (c) The chief clerk shall print a report prepared by the committee under par.

25 (b) as an appendix to the bill and attach it thereto as are amendments. The

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1 reproduction shall be in lieu of inclusion in the daily journal of the house in which
2 the proposal is introduced.

3 (d) If a bill that is introduced in either house of the legislature proposes to create
4 a new crime or revise a penalty for an existing crime, a standing committee to which
5 the bill is referred may not vote on whether to recommend the bill for passage and
6 the bill may not be passed by the house in which it is introduced before the joint
7 review committee submits a report under par. (b) or before the 30th day after a report
8 is requested under par. (a), whichever is earlier.

9 (6) COMMITTEE POWERS AND PROCEDURES. The committee may hold hearings as
10 needed to elicit information for making a report. The committee shall meet at the
11 call of its cochairpersons. All actions of the committee require the approval of a
12 majority of all of its members.

13 **SECTION 8.** 13.69 (6m) of the statutes is amended to read:

14 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a
15 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
16 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony.

19 **SECTION 9.** 15.01 (2) of the statutes is amended to read:

20 15.01 (2) "Commission" means a 3-member governing body in charge of a
21 department or independent agency or of a division or other subunit within a
22 department, except for the Wisconsin waterways commission which shall consist of
23 5 members, the parole commission which shall consist of 6 members and the Fox
24 River management commission which shall consist of 7 members. A Wisconsin group
25 created for participation in a continuing interstate body, or the interstate body itself,

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1 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
 2 The parole commission created under s. 15.145 (1) shall be known as a "commission",
 3 but is not a commission for purposes of s. 15.06. The sentencing commission created
 4 under s. 15.105 (27) shall be known as a "commission" but is not a commission for
 5 purposes of s. 15.06 (1) to (4m), (7), and (9).

6 SECTION 10. 15.105 (27) of the statutes is created to read:

7 15.105 (27) SENTENCING COMMISSION. (a) *Creation; membership.* There is
 8 created a sentencing commission that is attached to the department of
 9 administration under s. 15.03 and that shall consist of the following members:

- 10 1. The attorney general or his or her designee.
- 11 2. The state public defender or his or her designee.
- 12 3. ~~Seven~~^{Six} members, at least 2 of whom are not employed by any unit of federal,
 13 state, or local government, appointed by the governor.
 14 4. One majority party ~~member~~^{member and one minority party} from each house of the legislature, appointed
 15 as are the members of standing committees in their respective houses.
- 16 5. ~~One member appointed by the senate majority leader or, if the senate~~
 17 ~~majority leader and the governor are members of the same political party, by the~~
 18 ~~senate minority leader.~~
- 19 ~~5~~⁶ 6. Two circuit judges, appointed by the supreme court.
- 20 ~~6~~⁷ 7. One representative of crime victims and one district attorney, each appointed
 21 by the attorney general.
- 22 ~~7~~⁸ 8. One attorney in private practice engaged primarily in the practice of criminal
 23 defense, appointed by the criminal law section of the State Bar of Wisconsin.

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1 (b) *Nonvoting members.* The secretary of corrections or his or her designee, the
2 chairperson of the parole commission or his or her designee, and the director of state
3 courts or his or her designee shall be nonvoting members of the commission.

4 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
5 3. and 5. to ⁷6. shall serve 3-year terms and are eligible for reappointment.

6 2. The term of a circuit judge appointed under par. (a) ⁵6. shall end when such
7 person ceases to be a circuit judge. The term of a district attorney appointed under
8 par. (a) ⁶7. shall end when such person ceases to be a district attorney.

9 (d) *Officers.* The governor shall designate annually one of the members of the
10 commission as chairperson. The commission may elect officers other than a
11 chairperson from among its members as its work requires.

12 (e) *Reimbursement and compensation.* Members of the commission shall be
13 reimbursed for their actual and necessary expenses incurred in the performance of
14 their duties. An officer or employee of the state shall be reimbursed by the agency
15 that pays the member's salary. Members who are full-time state officers or
16 employees shall receive no compensation for their services. Other members shall be
17 paid \$25 per day, in addition to their actual and necessary expenses, for each day on
18 which they are actually and necessarily engaged in the performance of their duties.

19 (f) *Sunset.* This subsection does not apply after December 31, 2006.

20 **SECTION 11.** 19.42 (10) (o) of the statutes is created to read:

21 19.42 (10) (o) A member, the executive director, or the deputy director of the
22 sentencing commission.

23 **SECTION 12.** 19.42 (13) (n) of the statutes is created to read:

24 19.42 (13) (n) The position of member, executive director, or deputy director of
25 the sentencing commission.

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1 **SECTION 13.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
2 insert the following amounts for the purposes indicated:

| | | |
|--|----------------------|--------------------|
| | 2001-02 | 2002-03 |
| | 1999-2000 | 2000-01 |

(B) ↙ ↘

4 **20.505 Administration, department of**

5 (4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND
6 COMMISSIONS

7 (dr) Sentencing commission GPR A

| | |
|--------------------|---------|
| 359,500 | |
| 275,000 | 395,000 |
| 200,000 | 140,000 |

8 **SECTION 14.** 20.505 (4) (dr) of the statutes is created to read:

9 20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the
10 general program operations of the sentencing commission. No money may be
11 encumbered from the appropriation under this paragraph after December 31, 2006.

12 **SECTION 15.** 20.505 (4) (mr) of the statutes is created to read:

13 20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as
14 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
15 which the aid is provided. No money may be encumbered from the appropriation
16 under this paragraph after December 31, 2006.

17 **SECTION 16.** 20.923 (4) (b) 7. of the statutes is created to read:

18 20.923 (4) (b) 7. Sentencing commission: executive director.

19 **SECTION 17.** 20.923 (6) (hr) of the statutes is created to read:

20 20.923 (6) (hr) Sentencing commission: deputy director.

21 **SECTION 18.** 23.33 (13) (cg) of the statutes is amended to read:

22 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
23 *signs and standards.* A person who violates sub. (8) (f) 1. shall be fined not more than
24 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony

A sum sufficient to \$ in fiscal year 2001-02 and a sum sufficient equal to \$ in fiscal year 2002-03

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1 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
2 person.

3 SECTION 19. 26.14 (8) of the statutes is amended to read:

4 26.14 (8) Any person who intentionally sets fire to the land of another or to a
5 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~
6 ~~and 6 months or both~~ is guilty of a Class H felony.

7 SECTION 20. 29.971 (1) (c) of the statutes is amended to read:

8 29.971 (1) (c) For A person having fish in his or her possession in violation of
9 this chapter and is guilty of a Class I felony if the value of the fish under par. (d)
10 ~~exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than~~
11 ~~3 years or both.~~

12 SECTION 21. 29.971 (1m) (c) of the statutes is amended to read:

13 29.971 (1m) (c) For A person possessing clams in violation of s. 29.537, is guilty
14 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, by a fine
15 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

16 SECTION 22. 29.971 (11m) (a) of the statutes is amended to read:

17 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
18 possessing a bear without a valid Class A bear license, or for possessing a bear which
19 does not have a carcass tag attached or possessing a bear during the closed season,
20 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
21 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~
22 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any
23 subsequent violation, and, in addition, the court shall revoke all hunting approvals
24 issued to the person under this chapter and shall prohibit the issuance of any new
25 hunting approval under this chapter to the person for 3 years.

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1 **SECTION 23.** 29.971 (11p) (a) of the statutes is amended to read:

2 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
3 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2
4 years 9 months or both.

5 **SECTION 24.** 30.80 (2g) (b) of the statutes is amended to read:

6 30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000
7 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
8 injury to a person but the person did not suffer great bodily harm.

9 **SECTION 25.** 30.80 (2g) (c) of the statutes is amended to read:

10 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
11 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
12 person and the person suffered great bodily harm.

13 **SECTION 26.** 30.80 (2g) (d) of the statutes is amended to read:

14 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
15 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
16 death to a person.

17 **SECTION 27.** 30.80 (3m) of the statutes is amended to read:

18 30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
19 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
20 a Class H felony.

21 **SECTION 28.** 36.25 (6) (d) of the statutes is amended to read:

22 36.25 (6) (d) Any officer, agent, clerk or employee of the survey or department
23 of revenue who makes known to any person except the officers of the survey or
24 department of revenue, in any manner, any information given to such person in the
25 discharge of such person's duties under par. (c), which information was given to such

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1 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
2 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
3 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
4 the use for assessment purposes of any information obtained under this subsection.

5 **SECTION 29.** 47.03 (3) (d) of the statutes is amended to read:

6 47.03 (3) (d) Any person who violates this subsection shall be fined not more
7 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

8 **SECTION 30.** 48.355 (2d) (b) 3. of the statutes is amended to read:

9 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
10 1999 stats., a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
11 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
12 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225
13 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
14 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
15 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
16 of the parent.

17 **SECTION 31.** 48.415 (9m) (b) 2. of the statutes is amended to read:

18 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
19 a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
20 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other
21 state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or
22 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
23 or 948.08 if committed in this state.

24 **SECTION 32.** 48.417 (1) (d) of the statutes is amended to read:

ASSEMBLY BILL 3

1 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
2 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4)
3 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
4 violation of the law of any other state or federal law, if that violation would be a
5 violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
6 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
7 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
8 defined in s. 939.22 (38), to the child or another child of the parent.

9 **SECTION 33.** 48.57 (3p) (g) 2. of the statutes is amended to read:

10 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
11 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
12 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other
13 state or federal law under circumstances under which the person would be subject
14 to a penalty specified in any of those sections if convicted in this state.

15 **SECTION 34.** 48.685 (1) (c) of the statutes is amended to read:

16 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
17 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
18 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
19 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
20 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
21 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
22 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
23 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
24 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
25 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

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1 **SECTION 35.** 48.685 (5) (bm) 2. of the statutes is amended to read:

2 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
3 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

4 **SECTION 36.** 48.685 (5) (bm) 3. of the statutes is amended to read:

5 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,
6 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
7 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

8 **SECTION 37.** 48.685 (5) (bm) 4. of the statutes is amended to read:

9 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
10 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
11 is a felony, if committed not more than 5 years before the date of the investigation
12 under sub. (2) (am).

13 **SECTION 38.** 49.127 (8) (a) 2. of the statutes is amended to read:

14 49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
15 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
16 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

17 **SECTION 39.** 49.127 (8) (b) 2. of the statutes is amended to read:

18 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
19 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
20 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
21 felony.

22 **SECTION 40.** 49.127 (8) (c) of the statutes is amended to read:

23 49.127 (8) (c) For any offense under this section, if the value of the food coupons
24 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
25 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

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1 **SECTION 41.** 49.141 (7) (a) of the statutes is amended to read:

2 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
3 the furnishing by that person of items or services for which payment is or may be
4 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
5 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

6 **SECTION 42.** 49.141 (7) (b) of the statutes is amended to read:

7 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
8 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
9 ~~2 years~~ 9 months or both.

10 **SECTION 43.** 49.141 (9) (a) of the statutes is amended to read:

11 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
12 in return for referring an individual to a person for the furnishing or arranging for
13 the furnishing of any item or service for which payment may be made in whole or in
14 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
15 arranging for or recommending purchasing, leasing, or ordering any good, facility,
16 service, or item for which payment may be made in whole or in part under Wisconsin
17 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
18 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or
19 ~~imprisoned for not more than 7 years and 6 months or both.~~

20 **SECTION 44.** 49.141 (9) (b) of the statutes is amended to read:

21 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
22 any person to induce the person to refer an individual to a person for the furnishing
23 or arranging for the furnishing of any item or service for which payment may be made
24 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
25 for or recommend purchasing, leasing, or ordering any good, facility, service or item

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1 for which payment may be made in whole or in part under any provision of Wisconsin
2 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
3 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or
4 ~~imprisoned for not more than 7 years and 6 months or both.~~

5 **SECTION 45.** 49.141 (10) (b) of the statutes is amended to read:

6 49.141 (10) (b) A person who violates this subsection is guilty of a Class H
7 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
8 the person may be fined not more than \$25,000 or ~~imprisoned for not more than 7~~
9 ~~years and 6 months or both.~~

10 **SECTION 46.** 49.195 (3n) (k) of the statutes is amended to read:

11 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in
12 removing, depositing or concealing any property upon which a levy is authorized
13 under this subsection with intent to evade or defeat the assessment or collection of
14 any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years~~
15 ~~and 6 months or both, is guilty of a Class H felony~~ and shall be liable to the state for
16 assessed the costs of prosecution.

17 **SECTION 47.** 49.195 (3n) (r) of the statutes is amended to read:

18 49.195 (3n) (r) No employer may discharge or otherwise discriminate with
19 respect to the terms and conditions of employment against any employee by reason
20 of the fact that his or her earnings have been subject to levy for any one levy or
21 because of compliance with any provision of this subsection. Any person who violates
22 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~
23 ~~2 years or both~~ is guilty of a Class I felony.

24 **SECTION 48.** 49.49 (1) (b) 1. of the statutes is amended to read:

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1 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
2 failure, or conversion by any person in connection with the furnishing by that person
3 of items or services for which medical assistance is or may be made, a person
4 ~~convicted of violating this subsection is guilty of a Class H felony, except that,~~
5 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
6 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
7 ~~or both.~~

8 **SECTION 49.** 49.49 (2) (a) of the statutes is amended to read:

9 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
10 or receives any remuneration, including any kickback, bribe, or rebate, directly or
11 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
12 to a person for the furnishing or arranging for the furnishing of any item or service
13 for which payment may be made in whole or in part under a medical assistance
14 program, or in return for purchasing, leasing, ordering, or arranging for or
15 recommending purchasing, leasing, or ordering any good, facility, service, or item for
16 which payment may be made in whole or in part under a medical assistance program,
17 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
18 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~
19 ~~not more than 7 years and 6 months or both.~~

20 **SECTION 50.** 49.49 (2) (b) of the statutes is amended to read:

21 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
22 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
23 or covertly, in cash or in kind to any person to induce such person to refer an
24 individual to a person for the furnishing or arranging for the furnishing of any item
25 or service for which payment may be made in whole or in part under a medical

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1 assistance program, or to purchase, lease, order, or arrange for or recommend
2 purchasing, leasing, or ordering any good, facility, service or item for which payment
3 may be made in whole or in part under a medical assistance program, is guilty of a
4 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50
5 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~
6 ~~than 7 years and 6 months or both.~~

7 **SECTION 51.** 49.49 (3) of the statutes is amended to read:

8 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
9 and wilfully make or cause to be made, or induce or seek to induce the making of, any
10 false statement or representation of a material fact with respect to the conditions or
11 operation of any institution or facility in order that such institution or facility may
12 qualify either upon initial certification or upon recertification as a hospital, skilled
13 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~
14 ~~person who violates this subsection is guilty of a Class H felony, except that,~~
15 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
16 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
17 ~~or both.~~

18 **SECTION 52.** 49.49 (3m) (b) of the statutes is amended to read:

19 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H
20 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
21 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
22 ~~years and 6 months or both.~~

23 **SECTION 53.** 49.49 (4) (b) of the statutes is amended to read:

24 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,
25 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the

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1 person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years~~
2 ~~and 6 months or both.~~

3 **SECTION 54.** 49.95 (1) of the statutes is renumbered 49.95 (1) (intro.) and
4 amended to read:

5 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
6 this chapter, whether for himself or herself or for some other person, wilfully makes
7 any false representations ~~may, if~~ is subject to the following penalties:

8 (a) If the value of the assistance so secured does not exceed \$300, the person
9 may be required to forfeit not more than \$1,000; if,

10 (b) If the value of the assistance exceeds \$300 but does not exceed \$1,000, the
11 person may be fined not more than \$250 or imprisoned for not more than 6 months
12 or both; if,

13 (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,
14 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not
15 more than 7 years and 6 9 months or both; and if,

16 (d) If the value of the assistance exceeds \$2,500, be punished as prescribed
17 under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a
18 Class I felony.

19 **SECTION 55.** 49.95 (1) (e) and (f) of the statutes are created to read:

20 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
21 \$10,000, the person is guilty of a Class H felony.

22 (f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class
23 G felony.

24 **SECTION 56.** 50.065 (1) (e) 1. of the statutes is amended to read:

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1 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.19 (3), 1999 stats.,
2 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
3 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),
4 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States
5 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.
6 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3),
7 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
8 (a) if committed in this state.

9 **SECTION 57.** 51.15 (12) of the statutes is amended to read:

10 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
11 knowing the information contained therein to be false ~~may be fined not more than~~
12 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
13 Class H felony.

14 **SECTION 58.** 55.06 (11) (am) of the statutes is amended to read:

15 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
16 information contained therein to be false ~~may be fined not more than \$5,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony.

19 **SECTION 59.** 66.1207 (1) (b) of the statutes is amended to read:

20 66.1207 (1) (b) Any person who secures or assists in securing dwelling
21 accommodations under s. 66.1205 by intentionally making false representations in
22 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
23 which the person would not otherwise be entitled ~~shall be fined not more than~~
24 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

25 **SECTION 60.** 66.1207 (1) (c) of the statutes is amended to read:

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1 66.1207 (1) (c) Any person who secures or assists in securing dwelling
2 accommodations under s. 66.1205 by intentionally making false representations in
3 order to receive more than \$25,000 in financial assistance for which the person would
4 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~
5 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

6 **SECTION 61.** 69.24 (1) (intro.) of the statutes is amended to read:

7 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~
8 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
9 I felony:

10 **SECTION 62.** 70.47 (18) (a) of the statutes is amended to read:

11 70.47 (18) (a) Whoever with intent to injure or defraud alters, damages,
12 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~
13 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a
14 Class I felony.

15 **SECTION 63.** 71.83 (2) (b) of the statutes is amended to read:

16 71.83 (2) (b) *Felony.* 1. 'False income tax return; fraud.' Any person, other than
17 a corporation or limited liability company, who renders a false or fraudulent income
18 tax return with intent to defeat or evade any assessment required by this chapter
19 ~~shall be~~ is guilty of a Class H felony and may be fined not more than \$10,000 or
20 imprisoned for not more than 7 years and 6 months or both, together with assessed
21 the cost of prosecution. In this subdivision, "return" includes a separate return filed
22 by a spouse with respect to a taxable year for which a joint return is filed under s.
23 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
24 the spouses with respect to a taxable year for which a separate return is filed under
25 s. 71.03 (2) (m) after the filing of that joint return.

ASSEMBLY BILL 3**SECTION 63**

1 2. 'Officer of a corporation; false franchise or income tax return.' Any officer
2 of a corporation or manager of a limited liability company required by law to make,
3 render, sign or verify any franchise or income tax return, who makes any false or
4 fraudulent franchise or income tax return, with intent to defeat or evade any
5 assessment required by this chapter ~~shall be~~ is guilty of a Class H felony and may
6 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
7 ~~or both, together with~~ assessed the cost of prosecution.

8 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,
9 depositing or concealing any property upon which a levy is authorized with intent
10 to evade or defeat the assessment or collection of any tax administered by the
11 department is guilty of a Class I felony and may be fined not more than \$5,000 or
12 ~~imprisoned for not more than 4 years and 6 months or both, together with~~ assessed
13 ~~the costs~~ cost of prosecution.

14 4. 'Fraudulent claim for credit.' ~~The A claimant who filed~~ files a claim for credit
15 under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was
16 filed with fraudulent intent and any person who assisted, with fraudulent intent,
17 assists in the preparation or filing of the false or excessive claim or supplied
18 information upon which the false or excessive claim was prepared, ~~with fraudulent~~
19 ~~intent, is guilty of a Class H felony~~ and may be fined not more than \$10,000 or
20 ~~imprisoned for not more than 7 years and 6 months or both, together with~~ assessed
21 the cost of prosecution.

22 **SECTION 64.** 86.192 (4) of the statutes is amended to read:

23 86.192 (4) Any person who violates this section ~~shall be fined not more than~~
24 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
25 if the injury, defacement or removal causes the death of a person.

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1 **SECTION 65.** 97.43 (4) of the statutes is amended to read:

2 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~
3 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
4 guilty of a Class H felony.

5 **SECTION 66.** 97.45 (2) of the statutes is amended to read:

6 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
7 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
8 guilty of a Class H felony.

9 **SECTION 67.** 100.171 (7) (b) of the statutes is amended to read:

10 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
11 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
12 I felony. A person intentionally violates this section if the violation occurs after the
13 department or a district attorney has notified the person by certified mail that the
14 person is in violation of this section.

15 **SECTION 68.** 100.2095 (6) (d) of the statutes is amended to read:

16 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
17 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
18 9 months or both. Each day of violation constitutes a separate offense.

19 **SECTION 69.** 100.26 (2) of the statutes is amended to read:

20 100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
21 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
22 ~~6 months or both~~ is guilty of a Class I felony.

23 **SECTION 70.** 100.26 (5) of the statutes is amended to read:

24 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
25 department thereunder, or s. 100.18 (9), ~~shall~~ may be fined not less than \$100 nor

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1 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

2 Each day of violation constitutes a separate offense.

3 **SECTION 71.** 100.26 (7) of the statutes is amended to read:

4 100.26 (7) Any person violating s. 100.182 ~~shall~~ may be fined not less than \$500
5 ~~nor~~ more than ~~\$5,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or
6 both for each offense. Each unlawful advertisement published, printed or mailed on
7 separate days or in separate publications, hand bills or direct mailings is a separate
8 violation of this section.

9 **SECTION 72.** 101.143 (10) (b) of the statutes is amended to read:

10 101.143 (10) (b) Any owner or operator, person owning a home oil tank system
11 or service provider who intentionally destroys a document that is relevant to a claim
12 for reimbursement under this section ~~may be fined not more than \$10,000 or~~
13 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

14 **SECTION 73.** 101.9204 (2) of the statutes is amended to read:

15 101.9204 (2) Any person who knowingly makes a false statement in an
16 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
17 ~~for not more than 5 years or both~~ is guilty of a Class H felony.

18 **SECTION 74.** 101.94 (8) (b) of the statutes is amended to read:

19 101.94 (8) (b) Any individual or a director, officer or agent of a corporation who
20 knowingly and wilfully violates this subchapter in a manner which threatens the
21 health or safety of a purchaser ~~shall~~ may be fined not more than ~~\$1,000~~ \$10,000 or
22 imprisoned for not more than ~~2 years~~ 9 months or both.

23 **SECTION 75.** 102.835 (11) of the statutes is amended to read:

24 102.835 (11) EVASION. Any person who removes, deposits or conceals or aids in
25 removing, depositing or concealing any property upon which a levy is authorized

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1 under this section with intent to evade or defeat the assessment or collection of any
2 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
3 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
4 costs of prosecution.

5 SECTION 76. 102.835 (18) of the statutes is amended to read:

6 102.835 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
7 employer may discharge or otherwise discriminate with respect to the terms and
8 conditions of employment against any employee by reason of the fact that his or her
9 earnings have been subject to levy for any one levy or because of compliance with any
10 provision of this section. Whoever wilfully violates this subsection may be fined not
11 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

12 SECTION 77. 102.85 (3) of the statutes is amended to read:

13 102.85 (3) An employer who violates an order to cease operations under s.
14 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
15 ~~years or both is guilty of a Class I felony.~~

16 SECTION 78. 108.225 (11) of the statutes is amended to read:

17 108.225 (11) EVASION. Any person who removes, deposits or conceals or aids in
18 removing, depositing or concealing any property upon which a levy is authorized
19 under this section with intent to evade or defeat the assessment or collection of any
20 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
21 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
22 costs of prosecution.

23 SECTION 79. 108.225 (18) of the statutes is amended to read:

24 108.225 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
25 employer may discharge or otherwise discriminate with respect to the terms and

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1 conditions of employment against any employee by reason of the fact that his or her
2 earnings have been subject to levy for any one levy or because of compliance with any
3 provision of this section. Whoever wilfully violates this subsection may be fined not
4 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

5 **SECTION 80.** 110.07 (5) (a) of the statutes is amended to read:

6 110.07 (5) (a) In this subsection, “bulletproof garment” ~~has the meaning given~~
7 ~~in s. 939.64 (1)~~ means a vest or other garment designed, redesigned, or adapted to
8 prevent bullets from penetrating through the garment.

9 **SECTION 81.** 114.20 (18) (c) of the statutes is amended to read:

10 114.20 (18) (c) Any person who knowingly makes a false statement in any
11 application or in any other document required to be filed with the department, or who
12 knowingly foregoes the submission of any application, document, or any registration
13 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
14 ~~than 7 years and 6 months or both is guilty of a Class H felony~~

15 **SECTION 82.** 115.31 (2g) of the statutes is amended to read:

16 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
17 revoke a license granted by the state superintendent, without a hearing, if the
18 licensee is convicted of any Class A, B, C, or D/felony under ch. 940 or 948, except ss.
19 940.08 and 940.205, for a violation that occurs on or after September 12, 1991, or any
20 Class E, F, G, or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a
21 violation that occurs on or after the effective date of this subsection [revisor inserts
22 date].

23 **SECTION 83.** 118.19 (4) (a) of the statutes is amended to read:

24 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
25 may not grant a license, for 6 years following the date of the conviction, to any person

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1 who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, except
2 ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a
3 violation that occurs on or after September 12, 1991, for 6 years following the date
4 of the conviction, and or any Class E, F, G, or H felony under ch. 940 or 948, except
5 ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this
6 paragraph [revisor inserts date]. The state superintendent may grant the license
7 only if the person establishes by clear and convincing evidence that he or she is
8 entitled to the license.

9 SECTION 84. 125.075 (2) of the statutes is renumbered 125.075 (2) (a) and
10 amended to read:

11 125.075 (2) (a) ~~Whoever violates sub. (1) may be fined not more than \$10,000~~
12 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
13 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

14 SECTION 85. 125.075 (2) (b) of the statutes is created to read:

15 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
16 underage person dies.

17 SECTION 86. 125.085 (3) (a) 2. of the statutes is amended to read:

18 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
19 consideration ~~may be fined not more than \$10,000 or imprisoned for not more than~~
20 ~~3 years or both~~ is guilty of a Class I felony.

21 SECTION 87. 125.105 (2) (b) of the statutes is amended to read:

22 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
23 a crime ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years~~
24 ~~and 6 months or both~~ is guilty of a Class H felony.

25 SECTION 88. 125.66 (3) of the statutes is amended to read:

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SECTION 88

1 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
2 holding appropriate permits under this chapter, or any person who sells such liquor,
3 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~
4 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
5 ~~imprisonment~~ is guilty of a Class F felony.

6 **SECTION 89.** 125.68 (12) (b) of the statutes is amended to read:

7 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
8 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
9 ~~or both~~ is guilty of a Class F felony.

10 **SECTION 90.** 125.68 (12) (c) of the statutes is amended to read:

11 125.68 (12) (c) Any person causing the death of another human being through
12 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
13 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
14 ~~for not more than 15 years~~ is guilty of a Class E felony.

15 **SECTION 91.** 132.20 (2) of the statutes is amended to read:

16 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
17 in this state in a counterfeit mark or in any goods or service bearing or provided
18 under a counterfeit mark ~~shall~~ is guilty of a Class H felony, except that,
19 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
20 individual, he or she may be fined not more than \$250,000 or imprisoned for not more
21 than 7 years and 6 months or both, or, and if the person is not an individual, the
22 person may be fined not more than \$1,000,000.

23 **SECTION 92.** 133.03 (1) of the statutes is amended to read:

24 133.03 (1) Every contract, combination in the form of trust or otherwise, or
25 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any

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1 contract or engages in any combination or conspiracy in restraint of trade or
2 commerce is guilty of a Class H felony, except that, notwithstanding the maximum
3 fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if
4 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
5 ~~imprisoned for not more than 7 years and 6 months or both.~~

6 SECTION 93. 133.03 (2) of the statutes is amended to read:

7 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
8 combines or conspires with any other person or persons to monopolize any part of
9 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
10 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
11 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
12 ~~or imprisoned for not more than 7 years and 6 months or both.~~

13 SECTION 94. 134.05 (4) of the statutes is amended to read:

14 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
15 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
16 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
17 9 months or both.

18 SECTION 95. 134.16 of the statutes is amended to read:

19 134.16 **Fraudulently receiving deposits.** Any officer, director, stockholder,
20 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
21 brokerage or deposit company, corporation or institution, or of any person, company
22 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
23 business in any way, or any person engaged in such business in whole or in part, who
24 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
25 money, or any bills, notes or other paper circulating as money, or any notes, drafts,

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1 bills of exchange, bank checks or other commercial paper for safekeeping or for
2 collection, when he or she knows or has good reason to know that such bank, company
3 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
4 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
5 ~~not more than \$10,000~~ is guilty of a Class F felony.

6 **SECTION 96.** 134.20 (1) (intro.) of the statutes is amended to read:

7 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
8 shall be ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
9 ~~months or both~~ is guilty of a Class H felony:

10 **SECTION 97.** 134.205 (4) of the statutes is amended to read:

11 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
12 without entering the same in a register as required by this section ~~shall be fined not~~
13 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
14 guilty of a Class H felony.

15 **SECTION 98.** 134.58 of the statutes is amended to read:

16 **134.58 Use of unauthorized persons as officers.** Any person who,
17 individually, in concert with another or as agent or officer of any firm, joint-stock
18 company or corporation, uses, employs, aids or assists in employing any body of
19 armed persons to act as militia, police or peace officers for the protection of persons
20 or property or for the suppression of strikes, not being authorized by the laws of this
21 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
22 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

23 **SECTION 99.** 139.44 (1) of the statutes is amended to read:

24 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
25 any stamp or procures or causes the same to be done, or who knowingly utters,

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1 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
2 affixes the same to any package or container of cigarettes, or who possesses with the
3 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
4 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
5 years is guilty of a Class G felony.

6 **SECTION 100.** 139.44 (1m) of the statutes is amended to read:

7 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
8 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
9 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

10 **SECTION 101.** 139.44 (2) of the statutes is amended to read:

11 139.44 (2) Any person who makes or signs any false or fraudulent report or who
12 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
13 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than \$1,000 nor
14 more than \$5,000 ~~\$10,000~~ or imprisoned ~~for not less than 90 days nor more than 2~~
15 ~~years~~ 9 months or both.

16 **SECTION 102.** 139.44 (8) (c) of the statutes is amended to read:

17 139.44 (8) (c) If the number of cigarettes exceeds 36,000, a fine of not more than
18 \$10,000 or imprisonment for not more than 3 years or both the person is guilty of a
19 Class I felony.

20 **SECTION 103.** 139.85 (1) of the statutes is amended to read:

21 139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
22 apply to this subchapter. In addition, a person who violates s. 139.82 (8) ~~shall~~ may
23 be fined not less than \$1,000 nor more than \$5,000 ~~\$10,000~~ or imprisoned for not less
24 than 90 days nor more than one year 9 months or both.

25 **SECTION 104.** 139.95 (2) of the statutes is amended to read:

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1 139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule
2 II controlled substance or ketamine or flunitrazepam that does not bear evidence
3 that the tax under s. 139.88 has been paid ~~may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
5 felony.

6 **SECTION 105.** 139.95 (3) of the statutes is amended to read:

7 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits
8 any stamp or procures or causes the same to be done or who knowingly utters,
9 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
10 affixes a counterfeit stamp to a schedule I controlled substance, a schedule II
11 controlled substance or ketamine or flunitrazepam or who possesses a schedule I
12 controlled substance, a schedule II controlled substance or ketamine or
13 flunitrazepam to which a false, altered or counterfeit stamp is affixed ~~may be fined~~
14 ~~not more than \$10,000 or imprisoned for not less than one year nor more than 15~~
15 ~~years or both~~ is guilty of a Class F felony.

16 **SECTION 106.** 146.345 (3) of the statutes is amended to read:

17 146.345 (3) Any person who violates this section is guilty of a Class H felony,
18 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
19 person may be fined not more than \$50,000 ~~or imprisoned for not more than 7 years~~
20 ~~and 6 months or both.~~

21 **SECTION 107.** 146.35 (5) of the statutes is amended to read:

22 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
23 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
24 felony.

25 **SECTION 108.** 146.60 (9) (am) of the statutes is amended to read:

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1 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person shall
2 ~~may be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more~~
3 ~~than 2 years 9 months or both.~~

4 **SECTION 109.** 146.70 (10) (a) of the statutes is amended to read:

5 146.70 (10) (a) Any person who intentionally dials the telephone number “911”
6 to report an emergency, knowing that the fact situation which he or she reports does
7 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
8 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
9 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
10 felony for any other offense committed within 4 years after the first offense.

11 **SECTION 110.** 154.15 (2) of the statutes is amended to read:

12 154.15 (2) Any person who, with the intent to cause a withholding or
13 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
14 the declarant, illegally falsifies or forges the declaration of another or conceals a
15 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
16 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
17 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
18 felony.

19 **SECTION 111.** 154.29 (2) of the statutes is amended to read:

20 154.29 (2) Any person who, with the intent to cause the withholding or
21 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
22 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
23 under s. 154.21 of a do-not-resuscitate order or any responsible person who
24 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~

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1 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
2 felony.

3 **SECTION 112.** 166.20 (11) (b) of the statutes is amended to read:

4 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
5 release of a hazardous substance covered under 42 USC 11004 as required under sub.
6 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. shall is subject to the following
7 penalties:

8 1. For the first offense, the person is guilty of a Class I felony, except that,
9 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
10 fined not less than ~~\$100~~ nor more than \$25,000 or imprisoned for not more than 3
11 years or both.

12 2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony,
13 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the
14 person may be fined not less than ~~\$200~~ nor more than \$50,000 or imprisoned for not
15 more than 3 years or both.

16 **SECTION 113.** 167.10 (9) (g) of the statutes is amended to read:

17 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
18 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
19 ~~than 15 years or both~~ is guilty of a Class G felony.

20 **SECTION 114.** 175.20 (3) of the statutes is amended to read:

21 175.20 (3) Any person who violates any of the provisions of this section ~~shall~~
22 may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be
23 imprisoned for not less than 30 days nor more than 2 years 9 months or both. In
24 addition, the court may revoke the license or licenses of the person or persons
25 convicted.