

**ASSEMBLY BILL 3**

1           **SECTION 115.** 180.0129 (2) of the statutes is amended to read:

2           180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~  
3 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

4           **SECTION 116.** 181.0129 (2) of the statutes is amended to read:

5           181.0129 (2) **PENALTY.** Whoever violates this section ~~may be fined not more~~  
6 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I  
7 felony.

8           **SECTION 117.** 185.825 of the statutes is amended to read:

9           **185.825 Penalty for false document.** Whoever causes a document to be  
10 filed, knowing it to be false in any material respect, ~~may be fined not more than~~  
11 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a  
12 Class I felony.

13           **SECTION 118.** 201.09 (2) of the statutes is amended to read:

14           201.09 (2) Every director, president, secretary or other official or agent of any  
15 public service corporation, who shall practice fraud or knowingly make any false  
16 statement to secure a certificate of authority to issue any security, or issue under a  
17 certificate so obtained and with knowledge of such fraud, or false statement, or  
18 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~  
19 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~  
20 ~~15 years or both~~ is guilty of a Class I felony.

21           **SECTION 119.** 214.93 of the statutes is amended to read:

22           **214.93 False statements.** A person may not knowingly make, cause, or allow  
23 another person to make or cause to be made, a false statement, under oath if required  
24 by this chapter or on any report or statement required by the division or by this

**ASSEMBLY BILL 3****SECTION 119**

1 chapter. In addition to any forfeiture under s. 214.935, a person who violates this  
2 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

3 **SECTION 120.** 215.02 (6) (b) of the statutes is amended to read:

4 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any  
5 debtor of any association or any information about the private account or  
6 transactions of such association, discloses any fact obtained in the course of any  
7 examination of any association, or discloses examination or other confidential  
8 information obtained from any state or federal regulatory authority, including an  
9 authority of this state or another state, for financial institutions, mortgage bankers,  
10 insurance or securities, except as provided in par. (a), he or she is guilty of a Class  
11 I felony and shall forfeit his or her office or position and may be fined ~~not less than~~  
12 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~  
13 ~~3 years or both.~~

14 **SECTION 121.** 215.12 of the statutes is amended to read:

15 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,  
16 director, employee or agent of any association who steals, abstracts, or wilfully  
17 misapplies any property of the association, whether owned by it or held in trust, or  
18 who, without authority, issues or puts forth any certificate of savings accounts,  
19 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry  
20 in any book, record, report or statement of the association with intent to injure or  
21 defraud the association or any person or corporation, or to deceive any officer or  
22 director of the association, or any other person, or any agent appointed to examine  
23 the affairs of such association, or any person who, with like intent, aids or abets any  
24 officer, director, employee or agent in the violation of this section, ~~shall be imprisoned~~  
25 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

**ASSEMBLY BILL 3**

1           **SECTION 122.** 215.21 (21) of the statutes is amended to read:

2           215.21 (21) **PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS.** Every officer,  
3           director, employee or agent of any association, or any appraiser making appraisals  
4           for any association, who accepts or receives, or offers or agrees to accept or receive  
5           anything of value in consideration of its loaning any money to any person; or any  
6           person who offers, gives, presents or agrees to give or present anything of value to  
7           any officer, director, employee or agent of any association or to any appraiser making  
8           appraisals for any association in consideration of its loaning money to the person,  
9           ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~  
10          ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this  
11          subsection prohibits an association from employing an officer, employee or agent to  
12          solicit mortgage loans and to pay the officer, employee or agent on a fee basis.

13          **SECTION 123.** 218.21 (7) of the statutes is amended to read:

14          218.21 (7) Any person who knowingly makes a false statement in an  
15          application for a motor vehicle salvage dealer license ~~may be fined not more than~~  
16          ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
17          Class H felony.

18          **SECTION 124.** 220.06 (2) of the statutes is amended to read:

19          220.06 (2) If any employee in the division or any member of the banking review  
20          board or any employee thereof discloses the name of any debtor of any bank or  
21          licensee, or anything relative to the private account or transactions of such bank or  
22          licensee, or any fact obtained in the course of any examination of any bank or  
23          licensee, except as herein provided, that person is guilty of a Class I felony and shall  
24          be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~

**ASSEMBLY BILL 3**

1 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~  
2 ~~than 3 years or both.~~

3 **SECTION 125.** 221.0625 (2) (intro.) of the statutes is amended to read:

4 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation  
5 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~  
6 ~~not more than 15 years~~ is guilty of a Class F felony:

7 **SECTION 126.** 221.0636 (2) of the statutes is amended to read:

8 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~  
9 ~~not more than 30 years~~ is guilty of a Class H felony.

10 **SECTION 127.** 221.0637 (2) of the statutes is amended to read:

11 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~  
12 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I  
13 felony.

14 **SECTION 128.** 221.1004 (2) of the statutes is amended to read:

15 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~  
16 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~  
17 ~~than 15 years or both~~ is guilty of a Class F felony.

18 ~~**SECTION 129.** 227.01 (13) (sm) of the statutes is created to read:~~

19 ~~227.01 (13) (sm) Establishes sentencing guidelines under s. 973.20 (1) (c).~~

20 **SECTION 130.** 230.08 (2) (L) 6. of the statutes is created to read:

21 230.08 (2) (L) 6. Sentencing commission.

22 **SECTION 131.** 230.08 (2) (of) of the statutes is created to read:

23 230.08 (2) (of) The executive director of the sentencing commission.

24 **SECTION 132.** 253.06 (4) (b) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~  
2 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~  
3 ~~of a Class I felony for the first offense and 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 for the 2nd or subsequent offense.~~

6           **SECTION 133.** 285.87 (2) (b) of the statutes is amended to read:

7           285.87 (2) (b) If the conviction under par. (a) is for a violation committed after  
8 another conviction under par. (a), the person ~~shall~~ is guilty of a Class I felony, except  
9 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may  
10 be fined not more than \$50,000 per day of violation or imprisoned for not more than  
11 3 years or both.

12           **SECTION 134.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

13           291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall  
14 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
15 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than  
16 \$100,000 or imprisoned for not more than 7 years and 6 months or both:

17           **SECTION 135.** 291.97 (2) (c) 1. and 2. of the statutes are amended to read:

18           291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall  
19 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified  
20 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000  
21 or imprisoned for not more than 2 years or both.

22           2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of  
23 a Class F felony, except that, notwithstanding the maximum fine specified in s.  
24 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000  
25 or imprisoned for not more than 15 years or both.

## ASSEMBLY BILL 3

## SECTION 136

1 SECTION 136. 299.53 (4) (c) 2. of the statutes is amended to read:

2 299.53 (4) (c) 2. Any person who intentionally makes any false statement or  
3 representation in complying with sub. (2) (a) shall be fined not more than \$25,000  
4 or imprisoned for not more than one year in the county jail or both. For a 2nd or  
5 subsequent violation, the person shall is guilty of a Class I felony, except that,  
6 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be  
7 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

8 SECTION 137. 301.035 (2) of the statutes is amended to read:

9 301.035 (2) Assign hearing examiners from the division to preside over  
10 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10  
11 (2) and ch. 304.

12 SECTION 138. 301.035 (4) of the statutes is amended to read:

13 301.035 (4) Supervise employees in the conduct of the activities of the division  
14 and be the administrative reviewing authority for decisions of the division under ss.  
15 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and  
16 ch. 304.

17 SECTION 139. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

18 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
19 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,  
20 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195  
21 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)  
22 (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45  
23 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,  
24 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43,

**ASSEMBLY BILL 3**

1 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or  
2 948.30.

3 **SECTION 140.** 301.26 (4) (cm) 1. of the statutes is amended to read:

4 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
5 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
6 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured  
7 correctional facilities, secured child caring institutions, alternate care providers,  
8 aftercare supervision providers and corrective sanctions supervision providers for  
9 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age  
10 or over who has been placed in a secured correctional facility based on a delinquent  
11 act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or  
12 s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,  
13 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2),  
14 948.02 (1), 948.025, (1), or 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any  
15 juvenile 10 years of age or over who has been placed in a secured correctional facility  
16 or secured child caring institution for attempting or committing a violation of s.  
17 940.01 or for committing a violation of s. 940.02 or 940.05.

18 **SECTION 141.** 301.45 (6) (a) 2. of the statutes is amended to read:

19 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~  
20 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class  
21 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense  
22 if, prior to committing the offense, the person has at any time been convicted of  
23 knowingly failing to comply with any requirement to provide information under  
24 subs. (2) to (4).

25 **SECTION 142.** 302.045 (3) of the statutes is amended to read:

## ASSEMBLY BILL 3

## SECTION 142

1           302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
2 determines that an inmate servng a sentence other than one imposed under s.  
3 973.01 has successfully completed the challenge incarceration program, the parole  
4 commission shall parole the inmate for that sentence under s. 304.06, regardless of  
5 the time the inmate has served, ~~unless the person is serving a sentence imposed~~  
6 ~~under s. 973.01~~. When the parole commission grants parole under this subsection,  
7 it must require the parolee to participate in an intensive supervision program for  
8 drug abusers as a condition of parole.

9           SECTION 143. 302.095 (2) of the statutes is amended to read:

10           302.095 (2) Any officer or other person who delivers or procures to be delivered  
11 or has in his or her possession with intent to deliver to any inmate confined in a jail  
12 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts  
13 of a jail or prison, or in any vehicle going into the premises belonging to a jail or  
14 prison, any article or thing whatever, with intent that any inmate confined in the jail  
15 or prison shall obtain or receive the same, or who receives from any inmate any  
16 article or thing whatever with intent to convey the same out of a jail or prison,  
17 contrary to the rules or regulations and without the knowledge or permission of the  
18 sheriff or other keeper of the jail, in the case of a jail, or of the warden or  
19 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~  
20 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

21           SECTION 144. 302.11 (1g) (a) 2. of the statutes is amended to read:

22           302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),  
23 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,  
24 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),  
25 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),



**ASSEMBLY BILL 3**

1 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,  
2 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

3 **SECTION 145.** 302.11 (1p) of the statutes is amended to read:

4 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1999 stats., for  
5 a crime committed before December 31, 1999, is entitled to mandatory release,  
6 except the inmate may not be released before he or she has complied with s. 961.49  
7 (2), 1999 stats.

8 **SECTION 146.** 302.11 (1z) of the statutes is amended to read:

9 302.11 (1z) An inmate who is sentenced to a term of confinement in prison  
10 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not  
11 entitled under this section to mandatory release on parole under this section that  
12 sentence.

13 **SECTION 147.** 302.11 (3) of the statutes is amended to read:

14 302.11 (3) All consecutive sentences imposed for crimes committed before  
15 December 31, 1999, shall be computed as one continuous sentence.

16 **SECTION 148.** 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and  
17 amended to read:

18 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~  
19 ~~administration, upon proper notice and hearing, or the department of corrections, if~~  
20 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released  
21 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the  
22 remainder of the sentence for a violation of the conditions of parole. The remainder  
23 of the sentence is the entire sentence, less time served in custody prior to parole. The  
24 revocation order shall provide the parolee with credit in accordance with ss. 304.072  
25 and 973.155.

**ASSEMBLY BILL 3****SECTION 149**

1           **SECTION 149.** 302.11 (7) (ag) of the statutes is created to read:

2           302.11 (7) (ag) In this subsection “reviewing authority” means the division of  
3 hearings and appeals in the department of administration, upon proper notice and  
4 hearing, or the department of corrections, if the parolee waives a hearing.

5           **SECTION 150.** 302.11 (7) (b) of the statutes is amended to read:

6           302.11 (7) (b) A parolee returned to prison for violation of the conditions of  
7 parole shall be incarcerated for the entire period of time determined by the  
8 ~~department of corrections in the case of a waiver or the division of hearings and~~  
9 ~~appeals in the department of administration in the case of a hearing under par. (a),~~  
10 reviewing authority unless paroled earlier under par. (c). The parolee is not subject  
11 to mandatory release under sub. (1) or presumptive mandatory release under sub.  
12 (1g). The period of time determined under par. (a) ~~(a)~~ (am) may be extended in  
13 accordance with subs. (1q) and (2).

14           **SECTION 151.** 302.11 (7) (d) of the statutes is amended to read:

15           302.11 (7) (d) A parolee who is subsequently released either after service of the  
16 period of time determined by the ~~department of corrections in the case of a waiver~~  
17 ~~or the division of hearings and appeals in the department of administration in the~~  
18 ~~case of a hearing under par. (a)~~ reviewing authority or by a grant of parole under par.  
19 (c) is subject to all conditions and rules of parole until expiration of sentence or  
20 discharge by the department.

21           **SECTION 152.** 302.11 (7) (e) of the statutes is created to read:

22           302.11 (7) (e) A reviewing authority may consolidate proceedings before it  
23 under par. (am) with other proceedings before that reviewing authority under par.  
24 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the  
25 parole or extended supervision of the same person.

## ASSEMBLY BILL 3

1           **SECTION 153.** 302.113 (2) of the statutes is amended to read:

2           302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this  
3 section is entitled to release to extended supervision after he or she has served the  
4 term of confinement in prison portion of the sentence imposed under s. 973.01, as  
5 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if  
6 applicable.

7           **SECTION 154.** 302.113 (4) of the statutes is amended to read:

8           302.113 (4) All consecutive sentences imposed for crimes committed on or after  
9 December 31, 1999, shall be computed as one continuous sentence. The person shall  
10 serve any term of extended supervision after serving all terms of confinement in  
11 prison.

12           **SECTION 155.** 302.113 (7) of the statutes is amended to read:

13           302.113 (7) Any person released to extended supervision under this section is  
14 subject to all conditions and rules of extended supervision until the expiration of the  
15 term of extended supervision portion of the bifurcated sentence. The department  
16 may set conditions of extended supervision in addition to any conditions of extended  
17 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by  
18 the department do not conflict with the court's conditions.

19           **SECTION 156.** 302.113 (7m) of the statutes is created to read:

20           302.113 (7m) (a) Except as provided in par. (e), a person subject to this section  
21 or the department may petition the sentencing court to modify any conditions of  
22 extended supervision set by the court.

23           (b) If the department files a petition under this subsection, it shall serve a copy  
24 of the petition on the person who is the subject of the petition and, if the person is  
25 represented by an attorney, on the person's attorney. If a person who is subject to this

INS ✓  
6/1/6

**ASSEMBLY BILL 3****SECTION 156**

1 section or his or her attorney files a petition under this subsection, the person or his  
2 or her attorney shall serve a copy of the petition on the department. The court shall  
3 serve a copy of a petition filed under this section on the district attorney. The court  
4 may direct the clerk of the court to provide notice of the petition to a victim of a crime  
5 committed by the person who is the subject of the petition.

6 (c) The court may conduct a hearing to consider the petition. The court may  
7 grant the petition in full or in part if it determines that the modification would meet  
8 the needs of the department and the public and would be consistent with the  
9 objectives of the person's sentence.

10 (d) A person subject to this section or the department may appeal an order  
11 entered by the court under this subsection. The appellate court may reverse the  
12 order only if it determines that the sentencing court erroneously exercised its  
13 discretion in granting or denying the petition.

14 (e) 1. An inmate may not petition the court to modify the conditions of extended  
15 supervision earlier than one year before the date of the inmate's scheduled date of  
16 release to extended supervision or more than once before the inmate's release to  
17 extended supervision.

18 2. A person subject to this section may not petition the court to modify the  
19 conditions of extended supervision within one year after the inmate's release to  
20 extended supervision. If a person subject to this section files a petition authorized  
21 by this subsection after his or her release from confinement, the person may not file  
22 another petition until one year after the date of filing the former petition.

23 **SECTION 157.** 302.113 (8m) of the statutes is created to read:

24 302.113 (8m) (a) Every person released to extended supervision under this  
25 section remains in the legal custody of the department. If the department alleges

## ASSEMBLY BILL 3

1 that any condition or rule of extended supervision has been violated by the person,  
2 the department may take physical custody of the person for the investigation of the  
3 alleged violation.

4 (b) If a person released to extended supervision under this section signs a  
5 statement admitting a violation of a condition or rule of extended supervision, the  
6 department may, as a sanction for the violation, confine the person for up to 90 days  
7 in a regional detention facility or, with the approval of the sheriff, in a county jail.  
8 If the department confines the person in a county jail under this paragraph, the  
9 department shall reimburse the county for its actual costs in confining the person  
10 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,  
11 the person is not eligible to earn good time credit on any period of confinement  
12 imposed under this subsection.

13 **SECTION 158.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am) and  
14 amended to read:

15 302.113 (9) (am) If a person released to extended supervision under this section  
16 violates a condition of extended supervision, ~~the division of hearings and appeals in~~  
17 ~~the department of administration, upon proper notice and hearing, or the~~  
18 ~~department of corrections, if the person on extended supervision waives a hearing,~~  
19 ~~reviewing authority may revoke the extended supervision of the person and return~~  
20 ~~the person to prison. If the extended supervision of the person is revoked, the person~~  
21 shall be returned to the circuit court for the county in which the person was convicted  
22 of the offense for which he or she was on extended supervision, and the court shall  
23 order the person to be returned to prison, he or she shall be returned to prison for any  
24 specified period of time that does not exceed the time remaining on the bifurcated  
25 sentence. The time remaining on the bifurcated sentence is the total length of the

**ASSEMBLY BILL 3****SECTION 158**

1 bifurcated sentence, less time served by the person in custody confinement under the  
2 sentence before release to extended supervision under sub. (2) and less all time  
3 served in confinement for previous revocations of extended supervision under the  
4 sentence. The ~~revocation~~ court order returning a person to prison under this  
5 paragraph shall provide the person ~~on whose~~ extended supervision was revoked with  
6 credit in accordance with ss. 304.072 and 973.155.

7 **SECTION 159.** 302.113 (9) (ag) of the statutes is created to read:

8 302.113 (9) (ag) In this subsection "reviewing authority" means the division of  
9 hearings and appeals in the department of administration, upon proper notice and  
10 hearing, or the department of corrections, if the person on extended supervision  
11 waives a hearing.

12 **SECTION 160.** 302.113 (9) (at) of the statutes is created to read:

13 302.113 (9) (at) When a person is returned to court under par. (am) after  
14 revocation of extended supervision, the reviewing authority shall make a  
15 recommendation to the court concerning the period of time for which the person  
16 should be returned to prison. The recommended time period may not exceed the time  
17 remaining on the bifurcated sentence, as calculated under par. (am).

18 **SECTION 161.** 302.113 (9) (b) of the statutes is amended to read:

19 302.113 (9) (b) A person who is returned to prison after revocation of extended  
20 supervision shall be incarcerated for the entire period of time specified by the  
21 ~~department of corrections in the case of a waiver or by the division of hearings and~~  
22 ~~appeals in the department of administration in the case of a hearing court~~ under par.  
23 (a) (am). The period of time specified under par. (a) (am) may be extended in  
24 accordance with sub. (3). If a person is returned to prison under par. (am) for a period  
25 of time that is less than the time remaining on the bifurcated sentence, the person

## ASSEMBLY BILL 3

1 shall be released to extended supervision after he or she has served the period of time  
2 specified by the court under par. (am) and any periods of extension imposed in  
3 accordance with sub. (3).

4 **SECTION 162.** 302.113 (9) (c) of the statutes is amended to read:

5 302.113 (9) (c) A person who is subsequently released to extended supervision  
6 after service of the period of time specified by the department of corrections in the  
7 case of a waiver or by the division of hearings and appeals in the department of  
8 administration in the case of a hearing court under par. (a) (am) is subject to all  
9 conditions and rules under sub. subs. (7) and, if applicable, (7m) until the expiration  
10 of the term of remaining extended supervision portion of the bifurcated sentence.  
11 The remaining extended supervision portion of the bifurcated sentence is the total  
12 length of the bifurcated sentence, less the time served by the person in confinement  
13 under the bifurcated sentence before release to extended supervision under sub. (2)  
14 and less all time served in confinement for previous revocations of extended  
15 supervision under the bifurcated sentence.

16 **SECTION 163.** 302.113 (9) (d) of the statutes is created to read:

17 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a  
18 person has served in confinement before release to extended supervision and the  
19 amount of time a person has served in confinement for a revocation of extended  
20 supervision includes any extensions imposed under sub. (3).

21 **SECTION 164.** 302.113 (9) (e) of the statutes is created to read:

22 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of  
23 hearings and appeals in the department of administration, the hearing examiner  
24 may order the taking and allow the use of a videotaped deposition under s. 967.04  
25 (7) to (10).

**ASSEMBLY BILL 3****SECTION 165**

1           **SECTION 165.** 302.113 (9) (f) of the statutes is created to read:

2           302.113 (9) (f) A reviewing authority may consolidate proceedings before it  
3 under par. (am) with other proceedings before that reviewing authority under par.  
4 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the  
5 parole or extended supervision of the same person.

6           **SECTION 166.** 302.113 (9) (g) of the statutes is created to read:

7           302.113 (9) (g) In any case in which there is a hearing before the division of  
8 hearings and appeals in the department of administration concerning whether to  
9 revoke of a person's extended supervision, the person on extended supervision may  
10 seek review of a decision to revoke extended supervision and the department of  
11 corrections may seek review of a decision to not revoke extended supervision. Review  
12 of a decision under this paragraph may be sought only by an action for certiorari.

13           **SECTION 167.** 302.113 (9g) of the statutes is created to read:

14           302.113 (9g) (a) In this subsection, "program review committee" means the  
15 committee at a correctional institution that reviews the security classifications,  
16 institution assignments, and correctional programming assignments of inmates  
17 confined in the institution.

18           (b) An inmate who is serving a bifurcated sentence for a crime other than a  
19 Class B felony may seek modification of the bifurcated sentence in the manner  
20 specified in par. (f) if he or she meets one of the following criteria:

21           1. The inmate is 65 years of age or older and has served at least 5 years of the  
22 term of confinement in prison portion of the bifurcated sentence.

23           2. The inmate is 60 years of age or older and has served at least 10 years of the  
24 term of confinement in prison portion of the bifurcated sentence.



**ASSEMBLY BILL 3**

1 (c) An inmate who meets the criteria under par. (b) may submit a petition to  
2 the program review committee at the correctional institution in which the inmate is  
3 confined requesting a modification of the inmate's bifurcated sentence in the manner  
4 specified in par. (f). If the program review committee determines that the public  
5 interest would be served by a modification of the inmate's bifurcated sentence in the  
6 manner provided under par. (f), the committee shall approve the petition for referral  
7 to the sentencing court and notify the department of its approval. The department  
8 shall then refer the inmate's petition to the sentencing court and request the court  
9 to conduct a hearing on the petition. If the program review committee determines  
10 that the public interest would not be served by a modification of the inmate's  
11 bifurcated sentence in the manner specified in par. (f), the committee shall deny the  
12 inmate's petition.

13 (d) When a court is notified by the department that it is referring to the court  
14 an inmate's petition for modification of the inmate's bifurcated sentence, the court  
15 shall set a hearing to determine whether the public interest would be served by a  
16 modification of the inmate's bifurcated sentence in the manner specified in par. (f).  
17 The inmate and the district attorney have the right to be present at the hearing, and  
18 any victim of the inmate's crime has the right to be present at the hearing and to  
19 provide a statement concerning the modification of the inmate's bifurcated sentence.  
20 The court shall order such notice of the hearing date as it considers adequate to be  
21 given to the department, the inmate, the attorney representing the inmate, if  
22 applicable, and the district attorney. Victim notification shall be provided as  
23 specified under par. (g).

24 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving  
25 by the greater weight of the credible evidence that a modification of the bifurcated

**ASSEMBLY BILL 3****SECTION 167**

1 sentence in the manner specified in par. (f) would serve the public interest. If the  
2 inmate proves that a modification of the bifurcated sentence in the manner specified  
3 in par. (f) would serve the public interest, the court shall modify the inmate's  
4 bifurcated sentence in that manner. If the inmate does not prove that a modification  
5 of the bifurcated sentence in the manner specified in par. (f) would serve the public  
6 interest, the court shall deny the inmate's petition for modification of the bifurcated  
7 sentence.

8 (f) A court may modify an inmate's bifurcated sentence under this section only  
9 as follows:

10 1. The court shall reduce the term of confinement in prison portion of the  
11 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
12 to extended supervision within 30 days after the date on which the court issues its  
13 order modifying the bifurcated sentence.

14 2. The court shall lengthen the term of extended supervision imposed so that  
15 the total length of the bifurcated sentence originally imposed does not change.

16 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

17 2. When a court sets a hearing date under par. (d), the clerk of the circuit court  
18 shall send a notice of hearing to the victim of the crime committed by the inmate, if  
19 the victim has submitted a card under subd. 3. requesting notification. The notice  
20 shall inform the victim that he or she may appear at the hearing scheduled under  
21 par. (d) and shall inform the victim of the manner in which he or she may provide a  
22 statement concerning the modification of the inmate's bifurcated sentence in the  
23 manner provided in par. (f). The clerk of the circuit court shall make a reasonable  
24 attempt to send the notice of hearing to the last-known address of the inmate's  
25 victim, postmarked at least 10 days before the date of the hearing.

**ASSEMBLY BILL 3**

1           3. The director of state courts shall design and prepare cards for a victim to send  
2 to the clerk of the circuit court for the county in which the inmate was convicted and  
3 sentenced. The cards shall have space for a victim to provide his or her name and  
4 address, the name of the applicable inmate, and any other information that the  
5 director of state courts determines is necessary. The director of state courts shall  
6 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court  
7 shall provide the cards, without charge, to victims. Victims may send completed  
8 cards to the clerk of the circuit court for the county in which the inmate was convicted  
9 and sentenced. All court records or portions of records that relate to mailing  
10 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

11           (h) An inmate may appeal a court's decision to deny the inmate's petition for  
12 modification of his or her bifurcated sentence. The state may appeal a court's  
13 decision to grant an inmate's petition for a modification of the inmate's bifurcated  
14 sentence. In an appeal under this paragraph, the appellate court may reverse a  
15 decision granting or denying a petition for modification of a bifurcated sentence only  
16 if it determines that the sentencing court erroneously exercised its discretion in  
17 granting or denying the petition.

18           (i) If the program review committee denies an inmate's petition under par. (c),  
19 the inmate may not file another petition within one year after the date of the program  
20 review committee's denial. If the program review committee approves an inmate's  
21 petition for referral to the sentencing court under par. (c) but the sentencing court  
22 denies the petition, the inmate may not file another petition under par. (c) within one  
23 year after the date of the court's decision.

24           (j) An inmate eligible to seek modification of his or her bifurcated sentence  
25 under this subsection has a right to be represented by counsel in proceedings under

**ASSEMBLY BILL 3****SECTION 167**

1 this subsection. An inmate, or the department on the inmate's behalf, may apply to  
2 the state public defender for determination of indigency and appointment of counsel  
3 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review  
4 committee under par. (c). If an inmate whose petition has been referred to the court  
5 under par. (c) is without counsel, the court shall refer the matter to the state public  
6 defender for determination of indigency and appointment of counsel under s. 977.05  
7 (4) (jm).

8 **SECTION 168.** 302.114 (4) of the statutes is amended to read:

9 302.114 (4) All consecutive sentences imposed for crimes committed on or after  
10 December 31, 1999, shall be computed as one continuous sentence. An inmate  
11 subject to this section shall serve any term of extended supervision after serving all  
12 terms of confinement in prison.

13 **SECTION 169.** 302.114 (5) (f) of the statutes is amended to read:

14 302.114 (5) (f) An inmate may appeal an order denying his or her petition for  
15 release to extended supervision. In an appeal under this paragraph, the appellate  
16 court may reverse an order denying a petition for release to extended supervision  
17 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its  
18 discretion in denying the petition for release to extended supervision.

19 **SECTION 170.** 302.114 (6) (b) of the statutes is amended to read:

20 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for  
21 release to extended supervision under this section, the clerk of the circuit court in  
22 which the petition is filed shall send a copy of the petition and, if a hearing is  
23 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if  
24 the victim has submitted a card under par. (e) requesting notification.

25 **SECTION 171.** 302.114 (6) (c) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she  
2 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,  
3 and shall inform the victim of the manner in which he or she may provide written  
4 statements concerning the inmate's petition for release to extended supervision.

5           **SECTION 172.** 302.114 (8m) of the statutes is created to read:

6           302.114 (8m) (a) Every person released to extended supervision under this  
7 section remains in the legal custody of the department. If the department alleges  
8 that any condition or rule of extended supervision has been violated by the person,  
9 the department may take physical custody of the person for the investigation of the  
10 alleged violation.

11           (b) If a person released to extended supervision under this section signs a  
12 statement admitting a violation of a condition or rule of extended supervision, the  
13 department may, as a sanction for the violation, confine the person for up to 90 days  
14 in a regional detention facility or, with the approval of the sheriff, in a county jail.  
15 If the department confines the person in a county jail under this paragraph, the  
16 department shall reimburse the county for its actual costs in confining the person  
17 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,  
18 the person is not eligible to earn good time credit on any period of confinement  
19 imposed under this subsection.

20           **SECTION 173.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and  
21 amended to read:

22           302.114 (9) (am) If a person released to extended supervision under this section  
23 violates a condition of extended supervision, ~~the division of hearings and appeals in~~  
24 ~~the department of administration, upon proper notice and hearing, or the~~  
25 ~~department of corrections, if the person on extended supervision waives a hearing,~~

**ASSEMBLY BILL 3****SECTION 173**

1 reviewing authority may revoke the extended supervision of the person and return  
2 ~~the person to prison.~~ If the extended supervision of the person is revoked, the person  
3 shall be returned to the circuit court for the county in which the person was convicted  
4 of the offense for which he or she was on extended supervision, and the court shall  
5 order the person to be returned to prison, he or she shall be returned to prison for a  
6 specified period of time, as provided under par. (b) before he or she is eligible for being  
7 released again to extended supervision. The period of time specified under this  
8 paragraph may not be less than 5 years and may be extended in accordance with sub.  
9 (3).

10 **SECTION 174.** 302.114 (9) (ag) of the statutes is created to read:

11 302.114 (9) (ag) In this subsection "reviewing authority" has the meaning given  
12 in s. 302.113 (9) (ag).

13 **SECTION 175.** 302.114 (9) (b) of the statutes is amended to read:

14 302.114 (9) (b) ~~If~~ When a person is returned to ~~prison~~ court under par. (a) ~~(am)~~  
15 after revocation of extended supervision, the ~~department of corrections in the case~~  
16 ~~of a waiver or the division of hearings and appeals in the department of~~  
17 ~~administration in the case of a hearing under par. (a)~~ reviewing authority shall  
18 specify a make a recommendation to the court concerning the period of time for which  
19 the person shall be incarcerated should be returned to prison before being eligible for  
20 release to extended supervision. The period of time ~~specified~~ recommended under  
21 this paragraph may not be less than 5 years ~~and may be extended in accordance with~~  
22 ~~sub. (3).~~

23 **SECTION 176.** 302.114 (9) (bm) of the statutes is amended to read:

24 302.114 (9) (bm) A person who is returned to prison under par. (a) ~~(am)~~  
25 revocation of extended supervision may, upon petition to the sentencing court, be

**ASSEMBLY BILL 3**

1 released to extended supervision after he or she has served the entire period of time  
2 specified ~~in~~ by the court under par. (b) ~~(am)~~, including any periods of extension  
3 imposed under sub. (3). A person may not file a petition under this paragraph earlier  
4 than 90 days before the date on which he or she is eligible to be released to extended  
5 supervision. If a person files a petition for rlease to extended supervision under this  
6 paragraph at any time earlier than 90 days before the date on which he or she is  
7 eligible to be released to extended supervision, the court shall deny the petition  
8 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition  
9 filed under this paragraph.

10 **SECTION 177.** 302.114 (9) (c) of the statutes is amended to read:

11 302.114 (9) (c) A person who is subsequently released to extended supervision  
12 under par. (b) ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the  
13 expiration of the sentence.

14 **SECTION 178.** 302.114 (9) (d) of the statutes is created to read:

15 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of  
16 hearings and appeals in the department of administration, the hearing examiner  
17 may order the taking and allow the use of a videotaped deposition under s. 967.04  
18 (7) to (10).

19 **SECTION 179.** 302.114 (9) (e) of the statutes is created to read:

20 302.114 (9) (e) A reviewing authority may consolidate proceedings before it  
21 under par. (am) with other proceedings before that reviewing authority under par.  
22 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the  
23 parole or extended supervision of the same person.

24 **SECTION 180.** 302.114 (9) (f) of the statutes is created to read:

**ASSEMBLY BILL 3**

1           302.114 (9) (f) In any case in which there is a hearing before the division of  
2 hearings and appeals in the department of administration concerning whether to  
3 revoke a person's extended supervision, the person on extended supervision may  
4 seek review of a decision to revoke extended supervision and the department of  
5 corrections may seek review of a decision to not revoke extended supervision. Review  
6 of a decision under this paragraph may be sought only by an action for certiorari.

7           **SECTION 181.** 302.33 (1) of the statutes is amended to read:

8           302.33 (1) The maintenance of persons who have been sentenced to the state  
9 penal institutions; persons in the custody of the department, except as provided in  
10 sub. (2) and s. ss. 301.048 (7), 302.113 (8m), and 302.114 (8m); persons accused of  
11 crime and committed for trial; persons committed for the nonpayment of fines and  
12 expenses; and persons sentenced to imprisonment therein, while in the county jail,  
13 shall be paid out of the county treasury. No claim may be allowed to any sheriff for  
14 keeping or boarding any person in the county jail unless the person was lawfully  
15 detained therein.

16           **SECTION 182.** 303.065 (1) (b) 1. of the statutes is amended to read:

17           303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence  
18 specified in subd. 2., may be considered for work release only after he or she has  
19 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever  
20 is applicable, or he or she has reached his or her extended supervision eligibility date  
21 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

22           **SECTION 183.** 303.08 (1) (intro.) of the statutes is amended to read:

23           303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment  
24 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under



## ASSEMBLY BILL 3

1 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during  
2 necessary and reasonable hours for any of the following purposes:

3 **SECTION 184.** 303.08 (2) of the statutes is amended to read:

4 303.08 (2) Unless such privilege is expressly granted by the court or, in the case  
5 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),  
6 the department, the prisoner person is sentenced to ordinary confinement. The A  
7 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)  
8 or 302.114 (8m), may petition the court for such privilege at the time of sentence or  
9 thereafter, and in the discretion of the court may renew the prisoner's petition. The  
10 court may withdraw the privilege at any time by order entered with or without notice.

11 **SECTION 185.** 303.08 (5) (intro.) of the statutes is amended to read:

12 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement  
13 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the  
14 wages, salary and unemployment insurance and employment training benefits  
15 received by prisoners shall be disbursed by the sheriff for the following purposes, in  
16 the order stated:

17 **SECTION 186.** 303.08 (6) of the statutes is amended to read:

18 303.08 (6) The department, for a person subject to a confinement sanction  
19 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may  
20 authorize the sheriff to whom the prisoner is committed to arrange with another  
21 sheriff for the employment or employment training of the prisoner in the other's  
22 county, and while so employed or trained to be in the other's custody but in other  
23 respects to be and continue subject to the commitment.

24 **SECTION 187.** 303.08 (12) of the statutes is amended to read:

**ASSEMBLY BILL 3**

1           303.08 (12) In counties having a house of correction, any person violating the  
2 privilege granted under sub. (1) may be transferred by the county jailer to the house  
3 of correction for the remainder of the term of the person's sentence or, if applicable,  
4 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114  
5 (8m).

6           **SECTION 188.** 304.06 (1) (b) of the statutes is amended to read:

7           304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.  
8 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an  
9 inmate of the Wisconsin state prisons or any felon or any person serving at least one  
10 year or more in a county house of correction or a county reforestation camp organized  
11 under s. 303.07, when he or she has served 25% of the sentence imposed for the  
12 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)  
13 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate  
14 serving a life term when he or she has served 20 years, as modified by the formula  
15 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.  
16 The person serving the life term shall be given credit for time served prior to  
17 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary  
18 may grant special action parole releases under s. 304.02. The department or the  
19 parole commission shall not provide any convicted offender or other person  
20 sentenced to the department's custody any parole eligibility or evaluation until the  
21 person has been confined at least 60 days following sentencing.

22           **SECTION 189.** 304.071 (2) of the statutes is amended to read:

23           304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,  
24 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he  
25 or she is not eligible for parole under this section.

## ASSEMBLY BILL 3

1           **SECTION 190.** 304.11 (3) of the statutes is amended to read:

2           304.11 (3) If upon inquiry it further appears to the governor that the convicted  
3           person has violated or failed to comply with any of those conditions, the governor may  
4           issue his or her warrant remanding the person to the institution from which  
5           discharged, and the person shall be confined and treated as though no pardon had  
6           been granted, except that the person loses any applicable good time which he or she  
7           had earned. If the person is returned to prison, the person is subject to the same  
8           limitations as a revoked parolee under s. 302.11 (7). The department shall determine  
9           the period of incarceration under s. 302.11 (7) (a) (am). If the governor determines  
10          the person has not violated or failed to comply with the conditions, the person shall  
11          be discharged subject to the conditional pardon.

12          **SECTION 191.** 341.605 (3) of the statutes is amended to read:

13          341.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~  
14          ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~  
15          guilty of a Class H felony.

16          **SECTION 192.** 342.06 (2) of the statutes is amended to read:

17          342.06 (2) Any person who knowingly makes a false statement in an  
18          application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~  
19          ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

20          **SECTION 193.** 342.065 (4) (b) of the statutes is amended to read:

21          342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~  
22          ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~  
23          ~~or both is guilty of a Class H felony.~~

24          **SECTION 194.** 342.155 (4) (b) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           342.155 (4) (b) Any person who violates this section with intent to defraud may  
2 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months  
3 or both is guilty of Class H felony.

4           **SECTION 195.** 342.156 (6) (b) of the statutes is amended to read:

5           342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~  
6 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~  
7 ~~or both is guilty of a Class H felony.~~

8           **SECTION 196.** 342.30 (3) (a) of the statutes is amended to read:

9           342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~  
10 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~  
11 Class H felony.

12           **SECTION 197.** 342.32 (3) of the statutes is amended to read:

13           342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~  
14 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~  
15 guilty of a Class H felony.

16           **SECTION 198.** 343.31 (1) (i) of the statutes is amended to read:

17           343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under  
18 s. 346.04 (3).

19           **SECTION 199.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

20           343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting  
21 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege  
22 revoked as follows:

23           **SECTION 200.** 344.48 (2) of the statutes is amended to read:

24           344.48 (2) Any person violating this section may be fined not more than \$1,000  
25 \$10,000 or imprisoned for not more than 2 years 9 months or both.

## ASSEMBLY BILL 3

1           **SECTION 201.** 346.04 (2t) of the statutes is created to read:

2           346.04 (2t) No operator of a vehicle, after having received a visible or audible  
3 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall  
4 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as  
5 safety reasonably permits.

6           **SECTION 202.** 346.04 (4) of the statutes is created to read:

7           346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may  
8 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same  
9 incident or occurrence.

10          **SECTION 203.** 346.17 (2t) of the statutes is created to read:

11          346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than  
12 \$10,000 or imprisoned for not more than 9 months or both.

13          **SECTION 204.** 346.17 (3) (a) of the statutes is amended to read:

14          346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.  
15 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~  
16 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

17          **SECTION 205.** 346.17 (3) (b) of the statutes is amended to read:

18          346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),  
19 to another, or causes damage to the property of another, as defined in s. 939.22 (28),  
20 the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be~~  
21 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

22          **SECTION 206.** 346.17 (3) (c) of the statutes is amended to read:

23          346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22  
24 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~  
25 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

**ASSEMBLY BILL 3****SECTION 207**

1           **SECTION 207.** 346.17 (3) (d) of the statutes is amended to read:

2           346.17 (3) (d) If the violation results in the death of another, the person shall  
3 ~~be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not~~  
4 ~~more than 7 years and 6 months~~ is guilty of a Class E felony.

5           **SECTION 208.** 346.175 (1) (a) of the statutes is amended to read:

6           346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a  
7 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for  
8 the violation as provided in this section.

9           **SECTION 209.** 346.175 (1) (b) of the statutes is amended to read:

10           346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a  
11 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this  
12 section if the person operating the vehicle or having the vehicle under his or her  
13 control at the time of the violation has been convicted for the violation under this  
14 section or under s. 346.04 (2t) or (3).

15           **SECTION 210.** 346.175 (4) (b) of the statutes is amended to read:

16           346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by  
17 the authority issuing the citation with the name and address of the person operating  
18 the vehicle or having the vehicle under his or her control at the time of the violation  
19 and sufficient information for the officer to determine that probable cause does not  
20 exist to believe that the owner of the vehicle was operating the vehicle at the time  
21 of the violation, then the owner of the vehicle shall not be liable under this section  
22 or under s. 346.04 (2t) or (3).

23           **SECTION 211.** 346.175 (4) (c) of the statutes is amended to read:

24           346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of  
25 the violation the vehicle was in the possession of a lessee, and the lessor provides a

**ASSEMBLY BILL 3**

1 traffic officer employed by the authority issuing the citation with the information  
2 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under  
3 this section or under s. 346.04 (2t) or (3).

4 **SECTION 212.** 346.175 (4) (d) of the statutes is amended to read:

5 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)  
6 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time  
7 of the violation the vehicle was being operated by or was under the control of any  
8 person on a trial run, and if the dealer provides a traffic officer employed by the  
9 authority issuing the citation with the name, address and operator's license number  
10 of the person operating the vehicle, then that person, and not the dealer, shall be  
11 liable under this section or under s. 346.04 (2t) or (3).

12 **SECTION 213.** 346.175 (5) (intro.) of the statutes is amended to read:

13 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.  
14 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

15 **SECTION 214.** 346.175 (5) (a) of the statutes is amended to read:

16 346.175 (5) (a) A vehicle owner or other person found liable under this section  
17 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor  
18 more than \$1,000.

19 **SECTION 215.** 346.65 (2) (e) of the statutes is amended to read:

20 346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony  
21 and shall be fined not less than \$600 nor more than \$2,000 and imprisoned for not  
22 less than 6 months nor more than 5 years if the number of convictions under ss.  
23 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,  
24 revocations and other convictions counted under s. 343.307 (1), equals 5 or more,

**ASSEMBLY BILL 3****SECTION 215**

1 except that suspensions, revocations or convictions arising out of the same incident  
2 or occurrence shall be counted as one.

3 **SECTION 216.** 346.65 (5) of the statutes is amended to read:

4 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)  
5 ~~shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for~~  
6 ~~not less than 90 days nor more than 2 years and 3 months~~ is guilty of a Class I felony.

7 **SECTION 217.** 346.74 (5) (b) of the statutes is amended to read:

8 346.74 (5) (b) Shall May be fined not less than \$300 ~~nor~~ more than \$5,000  
9 \$10,000 or imprisoned for not less than 10 days ~~nor~~ more than 2 years 9 months or  
10 both if the accident involved injury to a person but the person did not suffer great  
11 bodily harm.

12 **SECTION 218.** 346.74 (5) (c) of the statutes is amended to read:

13 346.74 (5) (c) ~~May be fined not more than \$10,000 or imprisoned not more than~~  
14 ~~3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a person  
15 and the person suffered great bodily harm.

16 **SECTION 219.** 346.74 (5) (d) of the statutes is amended to read:

17 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~  
18 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved  
19 death to a person.

20 **SECTION 220.** 350.11 (2m) of the statutes is amended to read:

21 350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~  
22 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony  
23 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another  
24 person.

25 **SECTION 221.** 351.07 (2) (a) of the statutes is renumbered 351.07 (2).



## ASSEMBLY BILL 3

1           **SECTION 222.** 351.07 (2) (b) of the statutes is repealed.

2           **SECTION 223.** 446.07 of the statutes is amended to read:

3           **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100  
4           nor more than \$500 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or  
5           both.

6           **SECTION 224.** 447.09 of the statutes is amended to read:

7           **447.09 Penalties.** Any person who violates this chapter may be fined not more  
8           than \$1,000 or imprisoned for not more than one year in the county jail or both for  
9           the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more~~  
10          ~~than 3 years or both~~ is guilty of a Class I felony for the 2nd or subsequent conviction  
11          within 5 years.

12          **SECTION 225.** 450.11 (9) (b) of the statutes is amended to read:

13          450.11 (9) (b) Any person who delivers, or who possesses with intent to  
14          manufacture or deliver, a prescription drug in violation of this section ~~may be fined~~  
15          ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~  
16          is guilty of a Class H felony.

17          **SECTION 226.** 450.14 (5) of the statutes is amended to read:

18          450.14 (5) Any person who violates this section ~~may be fined not less than \$100~~  
19          ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~  
20          ~~and 6 months or both~~ is guilty of a Class H felony.

21          **SECTION 227.** 450.15 (2) of the statutes is amended to read:

22          450.15 (2) Any person who violates this section ~~may be fined not less than \$100~~  
23          ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~  
24          ~~and 6 months or both~~ is guilty of a Class H felony.

25          **SECTION 228.** 551.58 (1) of the statutes is amended to read:

**ASSEMBLY BILL 3****SECTION 228**

1           551.58 (1) Any person who wilfully violates any provision of this chapter except  
2 s. 551.54, or any rule under this chapter, or any order of which the person has notice,  
3 or who violates s. 551.54 knowing or having reasonable cause to believe that the  
4 statement made was false or misleading in any material respect, ~~may be fined not~~  
5 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~  
6 guilty of a Class II felony. Each of the acts specified shall constitute a separate  
7 offense and a prosecution or conviction for any one of such offenses shall not bar  
8 prosecution or conviction for any other offense.

9           **SECTION 229.** 552.19 (1) of the statutes is amended to read:

10           552.19 (1) Any person, including a controlling person of an offeror or target  
11 company, who wilfully violates this chapter or any rule under this chapter, or any  
12 order of which the person has notice, ~~may be fined not more than \$5,000 or~~  
13 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~  
14 felony. Each of the acts specified constitutes a separate offense and a prosecution or  
15 conviction for any one of the offenses does not bar prosecution or conviction for any  
16 other offense.

17           **SECTION 230.** 553.52 (1) of the statutes is amended to read:

18           553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of  
19 which the person has notice, or who violates s. 553.41 (1) knowing or having  
20 reasonable cause to believe either that the statement made was false or misleading  
21 in any material respect or that the failure to report a material event under s. 553.31  
22 (1) was false or misleading in any material respect, ~~may be fined not more than~~  
23 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~  
24 Class G felony. Each of the acts specified is a separate offense, and a prosecution or

**ASSEMBLY BILL 3**

1 conviction for any one of those offenses does not bar prosecution or conviction for any  
2 other offense.

3 **SECTION 231.** 553.52 (2) of the statutes is amended to read:

4 553.52 (2) Any person who employs, directly or indirectly, any device, scheme  
5 or artifice to defraud in connection with the offer or sale of any franchise or engages,  
6 directly or indirectly, in any act, practice, or course of business which operates or  
7 would operate as a fraud or deceit upon any person in connection with the offer or  
8 sale of any franchise ~~shall be fined not more than \$5,000 or imprisoned for not more~~  
9 ~~than 7 years and 6 months or both~~ is guilty of a Class G felony.

10 **SECTION 232.** 562.13 (3) of the statutes is amended to read:

11 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~  
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

13 **SECTION 233.** 562.13 (4) of the statutes is amended to read:

14 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~  
15 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
16 ~~or both~~ is guilty of a Class H felony.

17 **SECTION 234.** 565.50 (2) of the statutes is amended to read:

18 565.50 (2) Any person who alters or forges a lottery ticket or share or  
19 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~  
20 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
21 ~~or both~~ is guilty of a Class I felony.

22 **SECTION 235.** 565.50 (3) of the statutes is amended to read:

23 565.50 (3) Any person who possesses an altered or forged lottery ticket or share  
24 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not  
25 more than ~~3 years~~ 9 months or both.

**ASSEMBLY BILL 3**

1           **SECTION 236.** 601.64 (4) of the statutes is amended to read:

2           601.64 (4) **CRIMINAL PENALTY.** Whoever intentionally violates or intentionally  
3 permits any person over whom he or she has authority to violate or intentionally aids  
4 any person in violating any insurance statute or rule of this state, s. 149.13 or  
5 149.144 or any effective order issued under s. 601.41 (4) ~~may is guilty of a Class I~~  
6 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~  
7 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~  
8 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the  
9 meaning expressed under s. 939.23.

10           **SECTION 237.** 641.19 (4) (a) of the statutes is amended to read:

11           641.19 (4) (a) Any person who wilfully violates or fails to comply with any  
12 provision of this chapter or the rules promulgated thereunder or who, knowingly,  
13 makes a false statement, a false representation of a material fact, or who fails to  
14 disclose a material fact in any registration, examination, statement or report  
15 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~  
16 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~  
17 guilty of a Class H felony.

18           **SECTION 238.** 641.19 (4) (b) of the statutes is amended to read:

19           641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully  
20 abstracts or converts to his or her own use or to the use of another, any of the moneys,  
21 funds, securities, premiums, credits, property, or other assets of any employee  
22 welfare fund, or of any fund connected therewith, ~~shall be fined not more than~~  
23 ~~\$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~  
24 Class H felony.

25           **SECTION 239.** 753.061 (2m) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           753.061 (2m) The chief judge of the 1st judicial administrative district is  
2 authorized to designate 4 circuit court branches to primarily handle violent crime  
3 cases that involve a violation of s. 939.63, if a felony is committed while armed, and  
4 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32  
5 (2). If the circuit court branches are designated under this subsection, 2 shall begin  
6 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to  
7 primarily handle violent crime cases on August 1, 1992.

8           **SECTION 240.** 765.30 (1) (intro.) of the statutes is amended to read:

9           765.30 (1) (intro.) The following shall may be fined not less than \$200 nor more  
10 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

11           **SECTION 241.** 765.30 (2) (intro.) of the statutes is amended to read:

12           765.30 (2) (intro.) The following shall may be fined not less than \$100 nor more  
13 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

14           **SECTION 242.** 767.242 (8) of the statutes is amended to read:

15           767.242 (8) PENALTY. Whoever intentionally violates an injunction issued  
16 under sub. (5) (b) 2. c. may be fined ~~not more than \$10,000 or imprisoned for not more~~  
17 ~~than 2 years or both~~ is guilty of a Class I felony.

18           **SECTION 243.** 768.07 of the statutes is amended to read:

19           **768.07 Penalty.** Any person who violates any provision of this chapter may  
20 be fined not less than ~~\$100~~ nor more than ~~\$1,000~~ \$10,000 or imprisoned for not more  
21 than ~~2 years~~ 9 months or both.

22           **SECTION 244.** 783.07 of the statutes is amended to read:

23           **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be  
24 is directed to any public officer, body, board or person, commanding the performance  
25 of any duty specially enjoined by law, ~~if it shall appear to the court that such and the~~

**ASSEMBLY BILL 3****SECTION 244**

1 officer or person or any member of such the body or board has, without just excuse,  
2 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~  
3 ~~exceeding \$5,000, upon every such, the~~ officer, person or member of such the body or  
4 board, ~~or sentence the officer, person or member to imprisonment for not more than~~  
5 ~~7 years and 6 months~~ is guilty of a Class H felony.

6 **SECTION 245.** 801.50 (5) of the statutes is amended to read:

7 801.50 (5) Venue of an action for certiorari to review a probation, extended  
8 supervision or parole revocation, a denial by a program review committee under s.  
9 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of  
10 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an  
11 offense for which the relator was on probation, extended supervision or parole or for  
12 which the relator is currently incarcerated.

13 **SECTION 246.** 801.50 (5c) of the statutes is created to read:

14 801.50 (5c) Venue of an action for certiorari brought by the department of  
15 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke  
16 extended supervision shall be in the county in which the person on extended  
17 supervision was convicted of the offense for which he or she is on extended  
18 supervision.

19 **SECTION 247.** 908.08 (1) of the statutes is amended to read:

20 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under  
21 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),  
22 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the  
23 videotaped oral statement of a child who is available to testify, as provided in this  
24 section.

25 **SECTION 248.** 911.01 (4) (c) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or  
2 rendition; sentencing, or granting or revoking probation, modification of a bifurcated  
3 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and  
4 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to  
5 pretrial release under ch. 969 except where habeas corpus is utilized with respect to  
6 release on bail or as otherwise provided in ch. 969.

7           **SECTION 249.** 938.208 (1) (a) of the statutes is amended to read:

8           938.208 (1) (a) Probable cause exists to believe that the juvenile has committed  
9 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,  
10 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~  
11 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if  
12 committed by an adult.

13           **SECTION 250.** 938.34 (4h) (a) of the statutes is amended to read:

14           938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated  
15 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,  
16 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~  
17 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or  
18 the juvenile is 10 years of age or over and has been adjudicated delinquent for  
19 attempting or committing a violation of s. 940.01 or for committing a violation of  
20 940.02 or 940.05.

21           **SECTION 251.** 938.34 (4m) (b) 1. of the statutes is amended to read:

22           938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be  
23 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),  
24 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)  
25 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

**ASSEMBLY BILL 3****SECTION 252**

1           **SECTION 252.** 938.355 (2d) (b) 3. of the statutes is amended to read:

2           938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),  
3           1999 stats., or s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025  
4           or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,  
5           if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2),  
6           948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that  
7           the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in  
8           substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child  
9           of the parent.

10          **SECTION 253.** 938.355 (4) (b) of the statutes is amended to read:

11          938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile  
12          has been adjudicated delinquent is subject to par. (a), except that the judge may make  
13          an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th  
14          birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)  
15          apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation  
16          of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C  
17          felony if committed by an adult, or until the juvenile reaches 25 years of age, if the  
18          juvenile is adjudicated delinquent for committing an act that would be punishable  
19          as a Class A felony if committed by an adult.

20          **SECTION 254.** 938.78 (3) of the statutes is amended to read:

21          938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.  
22          938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,  
23          or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.  
24          943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,  
25          941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,



**ASSEMBLY BILL 3**

1 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02,  
2 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in  
3 ch. 940 has escaped from a secured correctional facility, child caring institution,  
4 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention  
5 facility or juvenile portion of a county jail, or from the custody of a peace officer or  
6 a guard of such a facility, institution or jail, or has been allowed to leave a secured  
7 correctional facility, child caring institution, secured group home, inpatient facility,  
8 secure detention facility or juvenile portion of a county jail for a specified time period  
9 and is absent from the facility, institution, home or jail for more than 12 hours after  
10 the expiration of the specified period, the department or county department having  
11 supervision over the juvenile may release the juvenile's name and any information  
12 about the juvenile that is necessary for the protection of the public or to secure the  
13 juvenile's return to the facility, institution, home or jail. The department of  
14 corrections shall promulgate rules establishing guidelines for the release of the  
15 juvenile's name or information about the juvenile to the public.

16 **SECTION 255.** 939.22 (21) (d) of the statutes is amended to read:

17 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as  
18 prohibited in s. 940.19 or 940.195.

19 **SECTION 256.** 939.30 (1) of the statutes is amended to read:

20 939.30 (1) Except as provided in sub. (2) and ~~ss. 948.35 and s. 961.455~~, whoever,  
21 with intent that a felony be committed, advises another to commit that crime under  
22 circumstances that indicate unequivocally that he or she has the intent is guilty of  
23 a Class D H felony.

24 **SECTION 257.** 939.30 (2) of the statutes is amended to read:

## ASSEMBLY BILL 3

1           939.30 (2) For a solicitation to commit a crime for which the penalty is life  
2 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit  
3 a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

4           **SECTION 258.** 939.32 (1) (intro.) of the statutes is amended to read:

5           939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime  
6 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~  
7 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~  
8 sub. (1g), except:

9           **SECTION 259.** 939.32 (1) (b) of the statutes is repealed.

10          **SECTION 260.** 939.32 (1) (bm) of the statutes is created to read:

11          939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one  
12 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being  
13 applied, is guilty of a Class A misdemeanor.

14          **SECTION 261.** 939.32 (1g) of the statutes is created to read:

15          939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit  
16 a crime that is punishable under sub. (1) (intro.) is as follows:

17          (a) The maximum fine is one-half of the maximum fine for the completed crime.

18          (b) 1. If neither s. 939.62 (1) nor 961.48 is being applied, the maximum term  
19 of imprisonment is one-half of the maximum term of imprisonment, as increased by  
20 any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the  
21 completed crime.

22          2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of  
23 imprisonment is determined by the following method:

## ASSEMBLY BILL 3

1 a. Multiplying by one-half the maximum term of imprisonment, as increased  
2 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the  
3 completed crime.

4 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

5 **SECTION 262.** 939.32 (1m) of the statutes is created to read:

6 **939.32 (1m) BIFURCATED SENTENCES.** If the court imposes a bifurcated sentence  
7 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.  
8 (1) (intro.), the following requirements apply:

9 (a) *Maximum term of confinement for attempt to commit classified felony.* 1.  
10 Subject to the minimum term of extended supervision required under s. 973.01 (2)  
11 (d), if the crime is a classified felony and neither s. 939.62 (1) nor 961.48 is being  
12 applied, the maximum term of confinement in prison is one-half of the maximum  
13 term of confinement in prison specified in s. 973.01 (2) (b), as increased by any  
14 penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the classified  
15 felony.

16 2. Subject to the minimum term of extended supervision required under s.  
17 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is  
18 being applied, the court shall determine the maximum term of confinement in prison  
19 by the following method:

20 a. Multiplying by one-half the maximum term of confinement in prison  
21 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed  
22 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

23 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

24 (b) *Maximum term of extended supervision for attempt to commit classified*  
25 *felony.* The maximum term of extended supervision for an attempt to commit a

## ASSEMBLY BILL 3

1 classified felony is one-half of the maximum term of extended supervision for the  
2 completed crime under s. 973.01 (2) (d).

3 (c) *Maximum term of confinement for attempt to commit unclassified felony or*  
4 *misdemeanor.* The court shall determine the maximum term of confinement in  
5 prison for an attempt to commit a crime other than a classified felony by applying  
6 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)  
7 (b).

8 **SECTION 263.** 939.32 (2) (title) of the statutes is created to read:

9 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

10 **SECTION 264.** 939.32 (3) (title) of the statutes is created to read:

11 939.32 (3) (title) REQUIREMENTS.

12 **SECTION 265.** 939.50 (1) (intro.) of the statutes is amended to read:

13 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~  
14 ~~felonies~~ Felonies in ~~chs. 939 to 951~~ the statutes are classified as follows:

15 **SECTION 266.** 939.50 (1) (bc) of the statutes is repealed.

16 **SECTION 267.** 939.50 (1) (f) of the statutes is created to read:

17 939.50 (1) (f) Class F felony.

18 **SECTION 268.** 939.50 (1) (g) of the statutes is created to read:

19 939.50 (1) (g) Class G felony.

20 **SECTION 269.** 939.50 (1) (h) of the statutes is created to read:

21 939.50 (1) (h) Class H felony.

22 **SECTION 270.** 939.50 (1) (i) of the statutes is created to read:

23 939.50 (1) (i) Class I felony.

24 **SECTION 271.** 939.50 (2) of the statutes is amended to read:

**ASSEMBLY BILL 3**

1           939.50 (2) A felony is a Class A, B, ~~BC~~, C, D or, E, F, G, H, or I felony when it  
2 is so specified in ~~chs. 939 to 951~~ the statutes.

3           **SECTION 272.** 939.50 (3) (bc) of the statutes is repealed.

4           **SECTION 273.** 939.50 (3) (c) of the statutes is amended to read:

5           939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or  
6 imprisonment not to exceed ~~15~~ 40 years, or both.

7           **SECTION 274.** 939.50 (3) (d) of the statutes is amended to read:

8           939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or  
9 imprisonment not to exceed ~~10~~ 25 years, or both.

10          **SECTION 275.** 939.50 (3) (e) of the statutes is amended to read:

11          939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or  
12 imprisonment not to exceed ~~5~~ 15 years, or both.

13          **SECTION 276.** 939.50 (3) (f) of the statutes is created to read:

14          939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment  
15 not to exceed 12 years and 6 months, or both.

16          **SECTION 277.** 939.50 (3) (g) of the statutes is created to read:

17          939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment  
18 not to exceed 10 years, or both.

19          **SECTION 278.** 939.50 (3) (h) of the statutes is created to read:

20          939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment  
21 not to exceed 6 years, or both.

22          **SECTION 279.** 939.50 (3) (i) of the statutes is created to read:

23          939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment  
24 not to exceed 3 years and 6 months, or both.

25          **SECTION 280.** 939.615 (7) (b) 2. of the statutes is amended to read:

## ASSEMBLY BILL 3

## SECTION 280

1 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class E I felony if the  
2 same conduct that violates par. (a) also constitutes a crime that is a felony.

3 SECTION 281. 939.615 (7) (c) of the statutes is repealed.

4 SECTION 282. 939.62 (1) (a) of the statutes is amended to read:

5 939.62 (1) (a) A maximum term of imprisonment of one year or less may be  
6 increased to not more than ~~3~~ 2 years.

7 SECTION 283. 939.62 (1) (b) of the statutes is amended to read:

8 939.62 (1) (b) A maximum term of imprisonment of more than one year but not  
9 more than 10 years may be increased by not more than 2 years if the prior convictions  
10 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for  
11 a felony.

12 SECTION 284. 939.62 (1) (c) of the statutes is amended to read:

13 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be  
14 increased by not more than 2 years if the prior convictions were for misdemeanors  
15 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

16 SECTION 285. 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

17 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~  
18 is that is a Class A, B, or C felony or, if the felony was committed before the effective  
19 date of this subd. 2m. a. .... [revisor inserts date], that is or was punishable by a  
20 maximum prison term of 30 years or more.

21 SECTION 286. 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

22 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
23 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.  
24 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
25 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

## ASSEMBLY BILL 3

1 ~~(1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),~~  
 2 ~~948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (e) or 948.36.~~

3 SECTION 287. 939.622<sup>✓</sup> of the statutes is repealed.

4 <sup>Fix Component</sup> SECTION 288. 939.623<sup>✓</sup> of the statutes is ~~amended to read:~~ <sup>repealed.</sup>

5 ~~939.623 (2) If a person has one or more prior convictions for a serious sex crime~~  
 6 ~~and subsequently commits a serious sex crime, the court shall impose a bifurcated~~  
 7 ~~sentence the person to under s. 973.01. The term of confinement in prison portion~~  
 8 ~~of a bifurcated sentence imposed under this subsection may not be less than 5 years'~~  
 9 ~~imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,~~  
 10 ~~subject to any applicable penalty enhancement. The court shall may not place the~~  
 11 ~~defendant on probation.~~

12 <sup>Fix Component</sup> SECTION 289. 939.624<sup>✓</sup> (2) of the statutes is ~~amended to read:~~ <sup>repealed.</sup>

13 ~~939.624 (2) If a person has one or more prior convictions for a serious violent~~  
 14 ~~crime or a crime punishable by life imprisonment and subsequently commits a~~  
 15 ~~serious violent crime, the court shall impose a bifurcated sentence the person to~~  
 16 ~~under s. 973.01. The term of confinement in prison portion of a bifurcated sentence~~  
 17 ~~imposed under this subsection may not be less than 5 years' imprisonment 3 years~~  
 18 ~~and 6 months, but otherwise the penalties for the crime apply, subject to any~~  
 19 ~~applicable penalty enhancement. The court shall may not place the defendant on~~  
 20 ~~probation.~~

21 SECTION 290. 939.625 of the statutes is repealed.

22 SECTION 291. 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1)  
 23 (d), (2) and (3), as renumbered, are amended to read:

24 939.63 (1) (d) The maximum term of imprisonment for a felony not specified  
 25 in subd. 2. or 3. par (b) or (c) may be increased by not more than 3 years.

**ASSEMBLY BILL 3**

1           (2) The increased penalty provided in this ~~subsection~~ section does not apply if  
2           possessing, using or threatening to use a dangerous weapon is an essential element  
3           of the crime charged.

4           (3) This ~~subsection~~ section applies only to crimes specified under chs. 939 to  
5           951 and 961.

6           **SECTION 292.** 939.63 (2) of the statutes is repealed.

7           **SECTION 293.** 939.632 (1) (e) 1. of the statutes is amended to read:

8           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1)  
9           (1c), 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,  
10           941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1) or  
11           (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~  
12           (1) (b) or (c) or 948.36.

13           **SECTION 294.** 939.632 (2) of the statutes is amended to read:

14           939.632 (2) If a person commits a violent crime in a school zone, the maximum  
15           period term of imprisonment is increased as follows:

16           (a) If the violent crime is a felony, the maximum period term of imprisonment  
17           is increased by 5 years.

18           (b) If the violent crime is a misdemeanor, the maximum period term of  
19           imprisonment is increased by 3 months and the place of imprisonment is the county  
20           jail.

21           **SECTION 295.** 939.635 of the statutes is repealed.

22           **SECTION 296.** 939.64 of the statutes is repealed.

23           **SECTION 297.** 939.641 of the statutes is repealed.

24           **SECTION 298.** 939.645 (2) of the statutes is amended to read:



**ASSEMBLY BILL 3**

1           939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a  
2 misdemeanor other than a Class A misdemeanor, the revised maximum fine is  
3 \$10,000 and the revised maximum period term of imprisonment is one year in the  
4 county jail.

5           (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,  
6 the penalty increase under this section changes the status of the crime to a felony and  
7 the revised maximum fine is \$10,000 and the revised maximum period term of  
8 imprisonment is 2 years.

9           (c) If the crime committed under sub. (1) is a felony, the maximum fine  
10 prescribed by law for the crime may be increased by not more than \$5,000 and the  
11 maximum period term of imprisonment prescribed by law for the crime may be  
12 increased by not more than 5 years.

13           **SECTION 299.** 939.646 of the statutes is repealed.

14           **SECTION 300.** 939.647 of the statutes is repealed.

15           **SECTION 301.** 939.648 of the statutes is repealed.

16           **SECTION 302.** 939.72 (1) of the statutes is amended to read:

17           939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a  
18 party to a crime which is the objective of the solicitation; or

19           **SECTION 303.** 939.75 (1) of the statutes is amended to read:

20           939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02  
21 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)  
22 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to  
23 (e) and ~~(1b)~~, “unborn child” means any individual of the human species from  
24 fertilization until birth that is gestating inside a woman.

25           **SECTION 304.** 940.02 (2) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 3****SECTION 304**

1           940.02 (2) (intro.) Whoever causes the death of another human being under any  
2 of the following circumstances is guilty of a Class B C felony:

3           **SECTION 305.** 940.03 of the statutes is amended to read:

4           **940.03 Felony murder.** Whoever causes the death of another human being  
5 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)  
6 (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than  
7 20 15 years in excess of the maximum period term of imprisonment provided by law  
8 for that crime or attempt.

9           **SECTION 306.** 940.04 (1) of the statutes is amended to read:

10           940.04 (1) Any person, other than the mother, who intentionally destroys the  
11 life of an unborn child may be fined ~~not more than \$5,000 or imprisoned not more~~  
12 ~~than 3 years or both~~ is guilty of a Class H felony.

13           **SECTION 307.** 940.04 (2) (intro.) of the statutes is amended to read:

14           940.04 (2) (intro.) Any person, other than the mother, who does either of the  
15 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

16           **SECTION 308.** 940.04 (4) of the statutes is amended to read:

17           940.04 (4) Any pregnant woman who intentionally destroys the life of her  
18 unborn quick child or who consents to such destruction by another ~~may be~~  
19 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

20           **SECTION 309.** 940.06 (1) of the statutes is amended to read:

21           940.06 (1) Whoever recklessly causes the death of another human being is  
22 guilty of a Class C D felony.

23           **SECTION 310.** 940.06 (2) of the statutes is amended to read:

24           940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of  
25 a Class C D felony.