

ASSEMBLY BILL 3

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

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

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

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

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

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

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

24 1. Milwaukee County.

25 2. Dane and Rock counties.

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

2 4. Racine and Kenosha counties.

3 5. All other counties.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 ~~(1)~~ ^{auto ref C. (to p. 213, line 23)} SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (27)

13 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
14 commission shall be appointed for the following terms:

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

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

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

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SECTION 9101

Handwritten: (5) Sentencing commission;

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

Handwritten: (to p. 213, line 23)

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

Handwritten: NS ✓
202/9

SECTION 9332. Initial applicability; legislature.

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

SECTION 9359. Initial applicability; other.

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

Handwritten: 940.195 (6)

Handwritten: 939.623, 939.624

Handwritten: 943.01 (23)

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

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2 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4),
3 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
4 767.242 (8), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355
5 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32
6 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
7 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), ~~939.623 (2), 939.624 (2)~~
8 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.),
9 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08
10 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12,
11 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.),
12 940.195 (2), 940.195 (4), 940.195 (5), ~~940.195 (6)~~, 940.20 (1), 940.20 (1m), 940.20 (2),
13 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7)
14 (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.),
15 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b),
16 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b)
17 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b)
18 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30,
19 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2)
20 (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45
21 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21,
22 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g),
23 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2)
24 (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3)
25 (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3.,

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- 1 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2),
- 2 943.01 (2) (intro.), 943.01 (2) (intro.), 943.011 (2) (intro.), 943.012 (intro.), 943.013
- 3 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2m) (b)
- 4 (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10
- 5 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (b), 943.20 (3) (c), 943.20 (3) (d)
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- 7 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208 (2) (b), 943.208 (2) (c),
- 8 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23
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- 10 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b),
- 11 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.),
- 12 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c),
- 13 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4)
- 14 (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (b), 943.50 (4) (c), 943.60
- 15 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70
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- 20 946.10 (intro.), 946.11 (1) (intro.), 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15
- 21 (1), 946.15 (3), 946.31 (1) (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2)
- 22 (intro.), 946.42 (3) (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m)
- 23 (intro.), 946.43 (2m) (a) (intro.), 946.44 (1) (intro.), 946.44 (1g), 946.44 (1m), 946.47
- 24 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1)
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2 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03
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5 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2)
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7 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1)
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10 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41
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12 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41
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14 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f)
15 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1)
16 (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41
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18 (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m)
19 (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d)
20 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2.,
21 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41
22 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m)
23 (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h)
24 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (2)
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 3 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3),
 4 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
 5 (b), 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
 6 (2) (b) 4., 973.01 (2) (b) 5., ^{973.01(5)} 973.03 (3) (e) 1. and 2., ^{973.075 (i)(b) l.m.e., 973.01(2)(d)} 973.09 (2) (b) 1., and 977.06 (2) (b)
 7 of the statutes; the repeal and recreation of sections 944.15 (title), 961.41 (1) (im) and
 8 961.41 (1m) (im) of the statutes; and the creation of sections 49.95 (1) (e) and (f),
 9 125.075 (2) (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32
 10 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
 11 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c),
 12 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h),
 13 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm),
 14 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m)
 15 (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
 16 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01
 17 (2) (d) 1. to 6., ~~and~~ ^{and 973.09(c)} 973.017/ of the statutes first apply to offenses committed on the
 18 effective date of this subsection.

19 (2) RETURNING PERSONS TO PRISON UPON REVOCATION. The treatment of sections
 20 302.113 (9) (a), (at), (b), (c), and (g) and 302.114 (9) (a), (b), (bm), and (f) of the statutes
 21 first applies to persons who are the subjects of extended supervision revocation
 22 proceedings that are commenced by the department of corrections on the effective
 23 date of this subsection.

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SECTION 9359

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

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

SECTION 9432. Effective dates; legislature.

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

SECTION 9459. Effective dates; other.

(1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32

(1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195

(3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605

(4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41

(1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),

961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering

and amendment of sections 49.95 (1), 125.075 (2), 302.113 (9) (a), 302.114 (9) (a), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m)

(cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of the statutes; the amendment of sections 6.18, 11.61 (1) (a),

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940.195
13 (6)

939.623, 939.624

943.01 (2g)

15.01 (2)

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

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

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

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

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1 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2)
2 (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b), 961.41 (3g) (c), 961.41
3 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2),
4 961.437 (4) (a), 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a),
5 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3), 967.04 (9), 968.255
6 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b),
7 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1), 973.01 (2)
8 (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01
9 (2) (b) 5., 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032 (4) (c) 2., 973.09 (2) (b)
10 1., 977.06 (2) (b) and 978.13 (1) (c) of the statutes; the repeal and recreation of sections
11 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im) of the statutes; the creation of
12 sections 49.95 (1) (e) and (f), 125.075 (2) (b), 302.113 (7m), 302.113 (9) (ag), 302.113
13 (9) (at), 302.113 (9) (d), 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.114 (9) (ag),
14 302.114 (9) (d), 302.114 (9) (e), 302.114 (9) (f), 346.04 (2t), 346.04 (4), 346.17 (2t),
15 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50
16 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50
17 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50
18 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2)
19 (a), 948.51 (3) (e), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h)
20 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48
21 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9.,
22 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., 973.017, 973.15
23 (2m) of the statutes; and SECTION 9359 (1), (2), and (3) of this act take effect on the
24 first day of the 7th month beginning after publication.
25

973.01(5), 973.075(1)(b) l.m.e., 973.075(2)(d), 973.075

20.923

15.105(27), 19.42(10)(c), 19.42(13)(n), 20.505(4)(ar), 20.923(4)(b) 7., 973.09(6)(hr)

758.19(8)

23, 24

(6)

(END)

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auto ref

973.01(7m), 973.031, 973.09(6)

9101(1) and (2) and

BILL

Insert 56/7

1 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
2 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
3 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
4 \$100,000 or imprisoned for not more than 7 years and 6 months or both.

5 SECTION 128. 291.97 (2) (c) 1. and 2. of the statutes, as affected by 1997
6 Wisconsin Act 283, are amended to read:

7 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
8 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
9 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
10 or imprisoned for not more than 2 years or both.

11 2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of
12 a Class F felony, except that, notwithstanding the maximum fine specified in s.
13 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
14 or imprisoned for not more than 15 years or both.

15 SECTION 129. 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
18 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
19 or imprisoned for not more than one year in the county jail or both. For a 2nd or
20 subsequent violation, the person shall is guilty of a Class I felony, except that,
21 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
22 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

23 SECTION 130. 301.03 (3) of the statutes is amended to read:

24 301.03 (3) ~~Administer~~ [✓] Subject to sub. (3a), administer parole, extended
25 supervision and probation matters, except that the decision to grant or deny parole

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to inmates shall be made by the parole commission and the decision to revoke probation, extended supervision or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department shall promulgate rules establishing a drug testing program for probationers, parolees and persons placed on extended supervision. The rules shall provide for assessment of fees upon probationers, parolees and persons placed on extended supervision to partially offset the costs of the program.

SECTION 131. 301.03 (3a) of the statutes is created to read:

301.03 (3a) The department shall take steps to promote the increased effectiveness of probation, extended supervision and parole in Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, the department shall, beginning on January 1, 2001, develop a partnership with the community, have strategies for local crime prevention, supervise offenders actively, commit additional resources to enhance supervision and purchase services for offenders, establish day reporting centers and ensure that probation, extended supervision and parole agents, on average, supervise no more than 20 persons on probation, extended supervision or parole.

SECTION 132. 301.035 (2) of the statutes is amended to read:

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

SECTION 133. 301.035 (4) of the statutes is amended to read:

(end ins 56/7)

BILL

INS 61/6

1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
2 applicable.

3 **SECTION 139.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

4 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
5 conduct of each inmate subject to this section, specifying each infraction of the rules.
6 If an inmate subject to this section violates an order under s. 973.031 requiring him
7 or her to participate in a drug treatment program, violates any regulation of the
8 prison or refuses or neglects to perform required or assigned duties, the department
9 may extend the term of confinement in prison portion of the inmate's bifurcated
10 sentence as follows:

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11 **SECTION 140.** 302.113 (7) of the statutes is amended to read:

12 302.113 (7) Any person released to extended supervision under this section is
13 subject to all conditions and rules of extended supervision until the expiration of the
14 term of extended supervision portion of the bifurcated sentence. The department
15 may set conditions of extended supervision in addition to any conditions of extended
16 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
17 the department do not conflict with the court's conditions.

18 **SECTION 141.** 302.113 (7m) of the statutes is created to read:

19 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
20 or the department may petition the sentencing court to modify any conditions of
21 extended supervision set by the court.

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

(end ins 61/6)

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

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

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

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

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

22 **SECTION 142.** 302.113 (8m) of the statutes is created to read:

23 **302.113 (8m)** (a) Every person released to extended supervision under this
24 section remains in the legal custody of the department. If the department alleges
25 that any condition or rule of extended supervision has been violated by the person,

BILL

Insert 70/7

1 (j) An inmate eligible to seek modification of his or her bifurcated sentence
 2 under this subsection has a right to be represented by counsel in proceedings under
 3 this subsection. An inmate, or the department on the inmate's behalf, may apply to
 4 the state public defender for determination of indigency and appointment of counsel
 5 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
 6 committee under par. (c). If an inmate whose petition has been referred to the court
 7 under par. (c) is without counsel, the court shall refer the matter to the state public
 8 defender for determination of indigency and appointment of counsel under s. 977.05
 9 (4) (jm).

10 SECTION 147. 302.114 (3) (a) (intro.) of the statutes is amended to read:

11 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
 12 conduct of each inmate subject to this section, specifying each infraction of the rules.
 13 If any an inmate subject to this section violates an order under s. 973.031 requiring
 14 him or her to participate in a drug treatment program, violates any regulation of the
 15 prison or refuses or neglects to perform required or assigned duties, the department
 16 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
 17 or 2., whichever is applicable, as follows:

18 ~~SECTION 148. 302.114 (5) (f) of the statutes is amended to read:~~

19 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
 20 release to extended supervision. In an appeal under this paragraph, the appellate
 21 court may reverse an order denying a petition for release to extended supervision
 22 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
 23 discretion in denying the petition for release to extended supervision.

24 SECTION 149. 302.114 (6) (b) of the statutes is amended to read:

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(end ins 70/7)

BILL

1 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) (b) (bm) for
2 release to extended supervision under this section, the clerk of the circuit court in
3 which the petition is filed shall send a copy of the petition and, if a hearing is
4 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
5 the victim has submitted a card under par. (e) requesting notification.

6 **SECTION 150.** 302.114 (6) (c) of the statutes is amended to read:

7 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
8 may appear at the hearing under sub. (5) or (9) (b) (bm), if a hearing is scheduled,
9 and shall inform the victim of the manner in which he or she may provide written
10 statements concerning the inmate's petition for release to extended supervision.

11 **SECTION 151.** 302.114 (8m) of the statutes is created to read:

12 302.114 (8m) (a) Every person released to extended supervision under this
13 section remains in the legal custody of the department. If the department alleges
14 that any condition or rule of extended supervision has been violated by the person,
15 the department may take physical custody of the person for the investigation of the
16 alleged violation.

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

BILL

Insert 74/15

1 keeping or boarding any person in the county jail unless the person was lawfully
2 detained therein.

3 **SECTION 155.** 302.43 of the statutes is amended to read:

4 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
5 in the amount of one-fourth of his or her term for good behavior if sentenced to at
6 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
7 for time served prior to sentencing under s. 973.155, including good time under s.
8 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
9 to participate in a drug treatment program, violates any law or any regulation of the
10 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
11 be deprived by the sheriff of good time under this section, except that the sheriff shall
12 not deprive the inmate of more than 2 days good time for any one offense without the
13 approval of the court. An inmate who files an action or special proceeding, including
14 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
15 deprived of the number of days of good time specified in the court order prepared
16 under s. 807.15 (3). *(end ins 74/15)*

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17 **SECTION 156.** 303.065 (1) (b) 1. of the statutes is amended to read:

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

23 **SECTION 157.** 303.08 (1) (intro.) of the statutes is amended to read:

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

BILL**SECTION 157**

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 158.** 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 159.** 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 160.** 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 161.** 303.08 (12) of the statutes is amended to read:

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Insert 87/7

1 SECTION 213. 753.061 (2m) of the statutes is amended to read:

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

9 SECTION 214. 758.19 (8) of the statutes is created to read:

10 758.19 (8) By ~~July 2, 2000~~ ^{the effective date of this subsection ... [revision insert's date]}, the director of state courts shall promulgate rules
 11 that establish a procedure by which a sentencing court may modify a bifurcated
 12 sentence under s. 973.01 (7m) [✓] and that specify the factors that a court may consider
 13 when deciding whether to modify a bifurcated sentence. The rules shall provide that
 14 a court may modify a bifurcated sentence under s. 973.01 (7m) on its own motion, on
 15 a motion of the department of corrections, or on a motion of the person serving the
 16 sentence. The rules shall also provide that a court and the department of corrections
 17 may make a motion to modify a bifurcated sentence at any time and that a person
 18 serving a bifurcated sentence may make a motion to modify the bifurcated sentence
 19 that he or she is serving if at least 12 months have elapsed since the bifurcated
 20 sentence was imposed or since the most recent motion to modify the person's
 21 bifurcated sentence was made. (end ins 87/7)

22 SECTION 215. 765.30 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
 23 Act 283, is amended to read:

24 765.30 (1) (intro.) The following shall ~~may be fined not less than \$200 nor more~~
 25 ~~than \$1,000 \$10,000 or imprisoned for not more than 2 years 9 months or both:~~

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1 **SECTION 216.** 765.30 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 765.30 (2) (intro.) The following ~~shall~~ may be fined not less than \$100 nor more
4 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

5 **SECTION 217.** 768.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 amended to read:

7 **768.07 Penalty.** Any person who violates any provision of this chapter may
8 be fined not less than ~~\$100~~ nor more than ~~\$1,000~~ \$10,000 or imprisoned for not more
9 than ~~2 years~~ 9 months or both.

10 **SECTION 218.** 783.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
11 amended to read:

12 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus ~~shall be~~
13 is directed to any public officer, body, board or person, commanding the performance
14 of any duty specially enjoined by law, ~~if it shall appear to the court that such and the~~
15 officer or person or any member of ~~such the~~ body or board has, without just excuse,
16 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
17 exceeding \$5,000, upon every such, the officer, person or member of ~~such the~~ body or
18 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
19 7 years and 6 months is guilty of a Class H felony.

20 **SECTION 219.** 801.50 (5) of the statutes is amended to read:

21 801.50 (5) Venue of an action for certiorari to review a probation, extended
22 supervision or parole revocation, a denial by a program review committee under s.
23 302.113 (9g) of a petition for modification of a bifurcated sentence or a refusal of
24 parole by certiorari shall be the county in which the relator was last convicted of an

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1/18/20

1 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
2 death of another is guilty of a Class ~~C~~ E felony.

3 SECTION 390. 941.88 (1) (b) 4. of the statutes is amended to read:

4 941.38 (1) (b) 4. ~~Battery, substantial battery or aggravated battery,~~ as
5 prohibited in s. 940.19 or 940.195.

6 SECTION 391. 941.38 (2) of the statutes is amended to read:

7 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
8 activity is guilty of a Class ~~E~~ I felony.

9 SECTION 392. 943.01 (2) (intro.) of the statutes is amended to read:

10 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
11 circumstances is guilty of a Class ~~D I~~ I felony:

12 SECTION 393. 943.01 (2) (d)^X of the statutes is amended to read:

13 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
14 in value by more than \$1,000 \$2,000[✓]. For the purposes of this paragraph, property
15 is reduced in value by the amount which it would cost either to repair or replace it,
16 whichever is less.

17 SECTION 394. 943.01 (2g)^X of the statutes is repealed. *(end ins 118/20)*

18 SECTION 395. 943.011 (2) (intro.) of the statutes is amended to read:

19 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D I~~
20 felony:

21 SECTION 396. 943.012 (intro.) of the statutes is amended to read:

22 **943.012 Criminal damage to or graffiti on religious and other property.**
23 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
24 writes with ink or another substance on or intentionally etches into any physical
25 property of another, without the person's consent and with knowledge of the

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1 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
2 or other substances in candy or other liquid or solid edibles with the intent to cause
3 bodily harm to another person is guilty of a Class ~~E~~ I felony.

4 **SECTION 383.** 941.327 (2) (b) 1. of the statutes is amended to read:

5 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
6 (a) is guilty of a Class ~~E~~ I felony.

7 **SECTION 384.** 941.327 (2) (b) 2. of the statutes is amended to read:

8 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
9 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

10 **SECTION 385.** 941.327 (2) (b) 3. of the statutes is amended to read:

11 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
12 a person violating par. (a) is guilty of a Class ~~C~~ F felony.

13 **SECTION 386.** 941.327 (2) (b) 4. of the statutes is amended to read:

14 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
15 guilty of a Class ~~A~~ C felony.

16 **SECTION 387.** 941.327 (3) of the statutes is amended to read:

17 941.327 (3) Whoever intentionally imparts or conveys false information,
18 knowing the information to be false, concerning an act or attempted act which, if
19 true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

20 **SECTION 388.** 941.37 (3) of the statutes is amended to read:

21 941.37 (3) Any person who intentionally interferes with any emergency
22 medical personnel in the performance of duties relating to an emergency or rescue
23 and who has reasonable grounds to believe that the interference may endanger
24 another's safety is guilty of a Class ~~E~~ I felony.

25 **SECTION 389.** 941.37 (4) of the statutes is amended to read:

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Insert 120/3

1 character of the property, is guilty of a Class ~~E~~ I felony if the property consists of one
2 or more of the following:

3 **SECTION 397.** 943.013 (2) (intro.) of the statutes is amended to read:

4 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
5 to any physical property that belongs to a judge or his or her family member under
6 all of the following circumstances is guilty of a Class ~~D~~ I felony:

7 **SECTION 398.** 943.014 (2) of the statutes is amended to read:

8 943.014 (2) Whoever intentionally demolishes a historic building without a
9 permit issued by a city, village, town or county or without an order issued under s.
10 66.05 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
11 ~~building and the land upon which the building is located immediately prior to~~
12 ~~demolition and may be imprisoned for not more than 9 months~~ is guilty of a Class A
13 misdemeanor.

14 **SECTION 399.** 943.015 (2) (intro.) of the statutes is amended to read:

15 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
16 to any physical property which belongs to a department of revenue official, employe
17 or agent or his or her family member under all of the following circumstances is guilty
18 of a Class ~~D~~ I felony:

19 **SECTION 400.** 943.017 (2) (intro.) of the statutes is amended to read:

20 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
21 circumstances is guilty of a Class ~~D~~ I felony:

22 **SECTION 401.** 943.017 (2) (d)^X of the statutes is amended to read:

23 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
24 in value by more than \$1,000 \$2,000[✓]. For the purposes of this paragraph, property

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1 is reduced in value by the amount which it would cost to repair or replace it or to
2 remove the marking, drawing, writing or etching, whichever is less.

3 ~~SECTION 402. 943.017 (2m) (b) (intro.) of the statutes is amended to read:~~ (end ins 120/3)

4 ~~943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class D~~
5 ~~I felony:~~

6 ~~SECTION 403. 943.02 (1) (intro.) of the statutes is amended to read:~~

7 ~~943.02 (1) (intro.) Whoever does any of the following is guilty of a Class B C~~
8 ~~felony:~~

9 ~~SECTION 404. 943.03 of the statutes is amended to read:~~

10 ~~943.03 Arson of property other than building. Whoever, by means of fire,~~
11 ~~intentionally damages any property (other than a building) of another without the~~
12 ~~person's consent, if the property is of the value of \$100 or more, is guilty of a Class~~
13 ~~E I felony.~~

14 ~~SECTION 405. 943.04 of the statutes is amended to read:~~

15 ~~943.04 Arson with intent to defraud. Whoever, by means of fire, damages~~
16 ~~any property (other than a building) with intent to defraud an insurer of that~~
17 ~~property is guilty of a Class D H felony. Proof that the actor recovered or attempted~~
18 ~~to recover on a policy of insurance by reason of the fire is relevant but not essential~~
19 ~~to establish the actor's intent to defraud the insurer.~~

20 ~~SECTION 406. 943.06 (2) of the statutes is amended to read:~~

21 ~~943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or~~
22 ~~transfers a fire bomb is guilty of a Class E H felony.~~

23 ~~SECTION 407. 943.07 (1) of the statutes is amended to read:~~

24 ~~943.07 (1) Whoever intentionally causes damage or who causes another person~~
25 ~~to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,~~

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insert 12/20

1 tunnel or signal or any railroad property used in providing rail services, which could
2 cause an injury, accident or derailment is guilty of a Class A ~~misdemeanor~~ I felony.

3 **SECTION 408.** 943.07 (2) of the statutes is amended to read:

4 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
5 train, car, caboose or engine is guilty of a Class A ~~misdemeanor~~ I felony.

6 **SECTION 409.** 943.10 (1) (intro.) of the statutes is amended to read:

7 943.10 (1) (intro.) Whoever intentionally enters any of the following places
8 without the consent of the person in lawful possession and with intent to steal or
9 commit a felony in such place is guilty of a Class C ~~F~~ F felony:

10 **SECTION 410.** 943.10 (2) (intro.) of the statutes is amended to read:

11 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
12 circumstances is guilty of a Class B ~~E~~ E felony:

13 **SECTION 411.** 943.12 of the statutes is amended to read:

14 **943.12 Possession of burglarious tools.** Whoever has in personal
15 possession any device or instrumentality intended, designed or adapted for use in
16 breaking into any depository designed for the safekeeping of any valuables or into
17 any building or room, with intent to use such device or instrumentality to break into
18 a depository, building or room, and to steal therefrom, is guilty of a Class E ~~I~~ I felony.

19 **SECTION 412.** 943.20 (3) (a) ^X of the statutes is amended to read:

20 943.20 (3) (a) If the value of the property does not exceed \$1,000 [✓] \$2,000, is
21 guilty of a Class A misdemeanor.

22 **SECTION 413.** 943.20 (3) (b) ^X of the statutes is amended to read:

23 943.20 (3) (b) If the value of the property exceeds \$1,000 [✓] \$2,000 but does not
24 \$2,500 [✓] exceed \$5,000, is guilty of a Class E I felony.

25 ~~**SECTION 414.** 943.20 (3) (bm) of the statutes is created to read:~~

(end ins 12/20)

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1 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
2 \$10,000, is guilty of a Class H felony.

3 **SECTION 415.** 943.20 (3) (c) of the statutes is amended to read:

4 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
5 a Class ~~C~~ G felony.

6 **SECTION 416.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

7 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
8 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

9 **SECTION 417.** 943.20 (3) (d) 1. of the statutes is amended to read:

10 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

11 **SECTION 418.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
12 amended to read:

13 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
14 a corpse; ~~or,~~ is guilty of a Class G felony.

15 **SECTION 419.** 943.20 (3) (d) 3. of the statutes is amended to read:

16 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
17 or left unoccupied because of physical disaster, riot, bombing or the proximity of
18 battle; ~~or,~~

19 **SECTION 420.** 943.20 (3) (d) 4. of the statutes is amended to read:

20 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
21 the proximity of battle has necessitated its removal from a building; ~~or,~~

22 **SECTION 421.** 943.201 (2) of the statutes is amended to read:

23 943.201 (2) Whoever intentionally uses or attempts to use any personal
24 identifying information or personal identification document of an individual to
25 obtain credit, money, goods, services or anything else of value without the

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Inserts 124/9 *WASVA*

1 ~~authorization or consent of the individual and by representing that he or she is the~~
2 ~~individual or is acting with the authorization or consent of the individual is guilty~~
3 ~~of a Class D H felony.~~

4 **SECTION 422.** 943.205 (3) of the statutes is amended to read:

5 ~~943.205 (3) Anyone who violates this section is guilty of a Class E I felony.~~

6 **SECTION 423.** 943.21 (3) (a) of the statutes is amended to read:

7 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
8 beverage, food, lodging, accommodation, transportation or other service is \$1,000
9 \$2,000 or less.

10 **SECTION 424.** 943.21 (3) (b) of the statutes is amended to read:

11 943.21 (3) (b) Is guilty of a Class E I felony when the value of any beverage,
12 food, lodging, accommodation, transportation or other service exceeds \$1,000 \$2,000.

13 **SECTION 425.** 943.23 (1g) of the statutes is amended to read:

14 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
15 or the threat of the use of, force or the weapon against another, intentionally takes
16 any vehicle without the consent of the owner is guilty of a Class B C felony.

17 **SECTION 426.** 943.23 (1m) of the statutes is repealed.

18 **SECTION 427.** 943.23 (1r) of the statutes is repealed.

19 **SECTION 428.** 943.23 (2) of the statutes is amended to read:

20 943.23 (2) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
21 takes and drives any vehicle without the consent of the owner is guilty of a Class D
22 H felony.

23 **SECTION 429.** 943.23 (3) of the statutes is amended to read:

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↓
↓
↓

(end ins 124/9)

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INS 125/20

1 943.23 (3) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
2 drives or operates any vehicle without the consent of the owner is guilty of a Class
3 E I felony.

4 **SECTION 430.** 943.23 (3m) of the statutes is created to read:

5 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
6 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
7 after the vehicle was taken from the possession of the owner. An affirmative defense
8 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
9 who raises this affirmative defense has the burden of proving the defense by a
10 preponderance of the evidence.

11 **SECTION 431.** 943.23 (4m) of the statutes is amended to read:

12 943.23 (4m) Whoever knows that the owner does not consent to the driving or
13 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
14 a person while he or she violates sub. (1g), (1m), (1r), (2) or (3) or (3m) is guilty of a
15 Class A misdemeanor.

16 **SECTION 432.** 943.23 (5) of the statutes is amended to read:

17 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
18 consent of the owner is guilty of a Class E I felony. Whoever intentionally removes
19 any other part or component of a vehicle without the consent of the owner is guilty
20 of a Class A misdemeanor.

21 **SECTION 433.** 943.24 (1) of the statutes is amended to read:

22 943.24 (1) Whoever issues any check or other order for the payment of not more
23 than \$1,000 \$2,000 ^{that} ~~which~~ at the time of issuance, he or she intends shall not be paid
24 is guilty of a Class A misdemeanor.

25 **SECTION 434.** 943.24 (2) of the statutes is amended to read:

(end ins 125/20)

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Insert 128/21 *but*

1 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
2 weapon or such a device or container is guilty of a Class ~~B~~ C felony.

3 **SECTION 450.** 943.34 (1) (a) of the statutes is amended to read:

4 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
5 exceed ~~\$1,000~~ \$2,000.

6 **SECTION 451.** 943.34 (1) (b) of the statutes is amended to read:

7 943.34 (1) (b) A Class ~~E~~ I felony, if the value of the property exceeds \$1,000
8 \$2,000 but ~~does not more than \$2,500~~ exceed \$5,000. *(end ins 128/21)*

9 **SECTION 452.** 943.34 (1) (bm) of the statutes is created to read:

10 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
11 does not exceed \$10,000.

12 **SECTION 453.** 943.34 (1) (c) of the statutes is amended to read:

13 943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds \$2,500
14 \$10,000.

15 **SECTION 454.** 943.38 (1) (intro.) of the statutes is amended to read:

16 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
17 writing or object of any of the following kinds so that it purports to have been made
18 by another, or at another time, or with different provisions, or by authority of one who
19 did not give such authority, is guilty of a Class ~~C~~ H felony:

20 **SECTION 455.** 943.38 (2) of the statutes is amended to read:

21 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
22 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
23 been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

24 **SECTION 456.** 943.39 (intro.) of the statutes is amended to read:

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1 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
2 grand juror, in the performance of his or her functions as such, is guilty of a Class ~~D~~
3 H felony.

4 **SECTION 445.** 943.30 (4) of the statutes is amended to read:

5 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
6 action of any public officer is guilty of a Class ~~D~~ H felony.

7 **SECTION 446.** 943.30 (5) (b) of the statutes is amended to read:

8 943.30 (5) (b) Whoever, orally or by any written or printed communication,
9 maliciously uses, or threatens to use, the patient health care records of another
10 person, with intent thereby to extort money or any pecuniary advantage, or with
11 intent to compel the person so threatened to do any act against the person's will or
12 omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

13 **SECTION 447.** 943.31 of the statutes is amended to read:

14 **943.31 Threats to communicate derogatory information.** Whoever
15 threatens to communicate to anyone information, whether true or false, which would
16 injure the reputation of the threatened person or another unless the threatened
17 person transfers property to a person known not to be entitled to it is guilty of a Class
18 E I felony.

19 **SECTION 448.** 943.32 (1) (intro.) of the statutes is amended to read:

20 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
21 or presence of the owner by either of the following means is guilty of a Class ~~C~~ E
22 felony:

23 **SECTION 449.** 943.32 (2) of the statutes is amended to read:

24 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
25 weapon, a device or container described under s. 941.26 (4) (a) or any article used or

BILL

INS 129/17

1 ~~943.39~~ **Fraudulent writings.** (intro.) Whoever, with intent to injure or
2 defraud, does any of the following is guilty of a Class ~~D~~ H felony:

3 **SECTION 457.** 943.395 (2) (a) [✓] of the statutes is amended to read:

4 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
5 benefit does not exceed ~~\$1,000~~ \$2,000. ✓

6 **SECTION 458.** 943.395 (2) (b) [✓] of the statutes is amended to read:

7 943.395 (2) (b) Is guilty of a Class ~~E~~ I felony if the value of the claim or benefit
8 exceeds ~~\$1,000~~ \$2,000. ✓ (end ins 129/17)

9 ~~**SECTION 459.** 943.40 (intro.) of the statutes is amended to read:~~

10 ~~**943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
11 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:~~

12 ~~**SECTION 460.** 943.41 (8) (b) of the statutes is amended to read:~~

13 ~~943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
14 or (6m) is guilty of a Class ~~E~~ I felony.~~

15 ~~**SECTION 461.** 943.41 (8) (c) of the statutes is amended to read:~~

16 ~~943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
17 if the value of the money, goods, services or property illegally obtained does not
18 exceed ~~\$1,000~~ \$2,000 is guilty of a Class A misdemeanor; if the value of the money,
19 goods, services or property exceeds ~~\$1,000~~ \$2,000 but does not exceed ~~\$2,500~~ \$5,000,
20 in a single transaction or in separate transactions within a period not exceeding 6
21 months, the person is guilty of a Class ~~E~~ I felony; if the value of the money, goods,
22 services or property exceeds \$5,000 but does not exceed \$10,000, in a single
23 transaction or in separate transactions within a period not exceeding 6 months, the
24 person is guilty of a Class H felony; or if the value of the money, goods, services or~~

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1 property exceeds ~~\$2,500~~ \$10,000, in a single transaction or in separate transactions
2 within a period not exceeding 6 months, the person is guilty of a Class C ~~G~~ felony.

3 **SECTION 462.** 943.45 (3) (c) of the statutes is amended to read:

4 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
5 for direct or indirect commercial advantage or private financial gain is guilty of a
6 Class ~~E~~ felony A misdemeanor.

7 **SECTION 463.** 943.45 (3) (d) of the statutes is amended to read:

8 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
9 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
10 ~~D I~~ felony.

11 **SECTION 464.** 943.455 (4) (c) of the statutes is amended to read:

12 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
13 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
14 of a Class ~~E~~ felony A misdemeanor.

15 **SECTION 465.** 943.455 (4) (d) of the statutes is amended to read:

16 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
17 commercial advantage or private financial gain as a 2nd or subsequent offense is
18 guilty of a Class ~~D I~~ felony.

19 **SECTION 466.** 943.46 (4) (c) of the statutes is amended to read:

20 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
21 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
22 of a Class ~~E~~ felony A misdemeanor.

23 **SECTION 467.** 943.46 (4) (d) of the statutes is amended to read:

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inserts 132/2

1 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
2 commercial advantage or private financial gain as a 2nd or subsequent offense is
3 guilty of a Class D I felony.

4 **SECTION 468.** 943.47 (3) (c) of the statutes is amended to read:

5 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
6 for direct or indirect commercial advantage or private financial gain is guilty of a
7 Class E felony A misdemeanor.

8 **SECTION 469.** 943.47 (3) (d) of the statutes is amended to read:

9 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
10 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
11 D I felony.

12 **SECTION 470.** 943.50 (4) (a) ^X of the statutes is amended to read:

13 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
14 exceed \$1,000 \$2,000. ✓

15 **SECTION 471.** 943.50 (4) (b) ^X of the statutes is amended to read:

16 943.50 (4) (b) A Class E I felony, if the value of the merchandise exceeds \$1,000
17 \$2,000 but does not \$2,500 exceed \$5,000. ✓

18 **SECTION 472.** 943.50 (4) (bm) of the statutes is created to read:

19 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
20 but does not exceed \$10,000.

21 **SECTION 473.** 943.50 (4) (c) of the statutes is amended to read:

22 943.50 (4) (c) A Class C C felony, if the value of the merchandise exceeds \$2,500
23 \$10,000.

24 **SECTION 474.** 943.60 (1) of the statutes is amended to read:

132/2
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(end ins 132/2)

BILL**SECTION 474**

1 943.60 (1) Any person who submits for filing, entering or recording any lien,
2 claim of lien, lis pendens, writ of attachment, financing statement or any other
3 instrument relating to a security interest in or title to real or personal property, and
4 who knows or should have known that the contents or any part of the contents of the
5 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

6 **SECTION 475.** 943.61 (5) (b) of the statutes is amended to read:

7 943.61 (5) (b) A Class ~~E~~ I felony, if the value of the library materials exceeds
8 \$1,000 but does not exceed \$2,500.

9 **SECTION 476.** 943.61 (5) (c) of the statutes is amended to read:

10 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds
11 \$2,500.

12 **SECTION 477.** 943.62 (4) (b) of the statutes is amended to read:

13 943.62 (4) (b) A Class ~~E~~ I felony, if the value of the advance payment or required
14 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

15 **SECTION 478.** 943.62 (4) (c) of the statutes is amended to read:

16 943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$2,500.

18 **SECTION 479.** 943.70 (2) (b) 2. of the statutes is amended to read:

19 943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to
20 obtain property.

21 **SECTION 480.** 943.70 (2) (b) 3. of the statutes is amended to read:

22 943.70 (2) (b) 3. A Class ~~D~~ H felony if the damage is greater than ~~\$2,500~~ \$5,000
23 or if it causes an interruption or impairment of governmental operations or public
24 communication, of transportation or of a supply of water, gas or other public service.

25 **SECTION 481.** 943.70 (2) (b) 4. of the statutes is amended to read:

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p. 189 inserts

1 SECTION 761. 973.01 (4) of the statutes is amended to read:

2 973.01 (4) No GOOD TIME, EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
3 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
4 confinement in prison portion of the sentence without reduction for good behavior.
5 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
6 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

7 SECTION 762. 973.01 (5) of the statutes is amended to read:

8 973.01 (5) OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
9 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
10 the term of extended supervision, including drug treatment under s. 973.031. *(end ins 189/15)*

11 SECTION 763. 973.01 (7m) of the statutes is created to read:

12 973.01 (7m) MODIFICATION OF BIFURCATED SENTENCE. A court may at any time
13 modify a bifurcated sentence that the court previously imposed by reducing the term
14 of confinement in prison portion of the sentence and lengthening the term of
15 extended supervision imposed so that the total length of the bifurcated sentence
16 originally imposed does not change. A proceeding to modify a bifurcated sentence
17 under this subsection shall be conducted using the procedure established and the
18 factors specified by the director of state courts under s. 758.19 (8). *(end ins 189/18)*

19 SECTION 764. 973.0135 (1) (b) 2. of the statutes is amended to read:

20 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
21 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., s.
22 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
23 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
24 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
25 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

*ins 189/15
PWF*

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ins 189/18

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1 973.01(2) (c) 2. If more than one of the following penalty enhancement statutes
2 apply to a crime, the court shall apply them in the order listed in calculating the
3 maximum term of imprisonment for that crime:

4 a. Sections 939.621, 939.632, 939.645, 961.46 and 961.49.

5 b. Section 939.63.

6 c. Section 939.62 or 961.48.

7 **SECTION 759.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
8 and amended to read:

9 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)

10 The term of extended supervision that follows the term of confinement in prison may
11 not be less than 25% of the length of the term of confinement in prison imposed under
12 par. (b). and, for a classified felony, may not exceed whichever of the following is
13 applicable:

14 **SECTION 760.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

15 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
16 exceed 20 years.

17 2. For a Class C felony, the term of extended supervision may not exceed 15
18 years.

19 3. For a Class D felony, the term of extended supervision may not exceed 10
20 years.

21 4. For a Class E, F or G felony, the term of extended supervision may not exceed
22 5 years.

23 5. For a Class H felony, the term of extended supervision may not exceed 3
24 years.

25 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

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1 controlled substance included in schedule I or II and that the person knowingly used
2 a public transit vehicle during the violation.

3 (9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME. The aggravating factors
4 listed in this section are not elements of any crime. A prosecutor is not required to
5 charge any aggravating factor or otherwise allege the existence of an aggravating
6 factor in any pleading for a court to consider the aggravating factor when making a
7 sentencing decision.

8 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement
9 under sub. (2) (a) that a court consider sentencing guidelines adopted by the
10 sentencing commission or the criminal penalties study committee does not require
11 a court to make a sentencing decision that is within any range or consistent with a
12 recommendation specified in the guidelines, and there is no right to appeal a court's
13 sentencing decision based on the court's decision to depart in any way from any
14 guideline.

15 (11) REQUIRED FINDINGS OF FACT. The court shall make explicit findings of fact
16 on the record to support each element of its sentencing decision, including its decision
17 as to whether to impose a bifurcated sentence under s. 973.01 or to place a person
18 on probation and its decision as to the length of a bifurcated sentence, including the
19 length of each component of the bifurcated sentence, the amount of a fine, and the
20 length of a term of probation.

21 (12) STANDARD OF REVIEW ON APPEAL. (a) In an appeal from a court's sentencing
22 decision, the appellate court shall reverse the sentencing decision if it determines
23 that the sentencing court erroneously exercised its discretion in making the
24 sentencing decision or there is not substantial evidence in the record to support the
25 sentencing decision.

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(attached)*

NO #

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1 other person legally responsible for the child's welfare in a residential setting; or a
2 person employed by one who is legally responsible for the child's welfare to exercise
3 temporary control or care for the child.

4 (b) When making a sentencing decision concerning a person convicted of a
5 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
6 as an aggravating factor the fact that the person was a person responsible for the
7 welfare of the child who was the victim of the violation.

8 (7) ~~AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.~~
9 When making a sentencing decision concerning a person convicted of a violation of
10 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
11 that, at the time of the violation, there was a minor passenger under 16 years of age
12 or an unborn child in the person's motor vehicle.

13 (8) ~~AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES.~~ (a) *Distribution*
14 *or delivery to prisoners.* 1. In this paragraph, "precinct" means a place where any
15 activity is conducted by a prison, jail or house of correction.

16 2. When making a sentencing decision concerning a person convicted of
17 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
18 fact that the violation involved delivering, distributing or possessing with intent to
19 deliver or distribute a controlled substance or controlled substance analog to a
20 prisoner within the precincts of any prison, jail or house of correction.

21 (b) *Distribution or delivery on public transit vehicles.* When making a
22 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
23 the court shall consider as an aggravating factor the fact that the violation involved
24 delivering, distributing or possessing with intent to deliver or distribute a controlled
25 substance included in schedule I or II or a controlled substance analog of any

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SENATE AMENDMENT 5,
TO 1999 SENATE BILL 357

February 8, 2000 - Offered by Senators GEORGE and CHVALA.

1 ~~At the locations indicated, amend the bill as follows.~~

2 ~~1. Page 277, line 15: delete lines 15 and 16 and substitute:~~

3 ~~(11) STATEMENT OF REASONS FOR SENTENCE. The court shall state in open court~~
4 ~~and on the record the reasons for its imposition of a particular sentence and the~~
5 ~~reasons for each element of its sentencing decision, including its decision.~~ NO P

6 ~~2. Page 277, line 21: after "APPEAL." insert "(a)".~~

7 ~~3. Page 277, line 24: delete lines 24 and 25 and substitute "sentencing~~
8 ~~decision.~~

9 (b) An erroneous exercise of discretion occurs under any of the following
10 circumstances:

11 1. The sentencing court fails to exercise discretion in making its sentencing
12 decision.

INS
196/14 Black
to
INS
195/16

INS
196/25 Black
to
INS
195/16



1 2. The sentencing court fails to explain its reasoning process in making its
2 sentencing decision.

3 3. The sentencing court bases its sentencing decision on clearly irrelevant or
4 improper factors.

5 4. The sentencing court gives too much weight to one factor in the face of other
6 contravening factors in making its sentencing decision.

7 5. The sentencing court imposes a sentence that is so excessive, unusual, or
8 disproportionate to the offense as to shock the public sentiment and violate the
9 judgment of reasonable persons concerning what is right and proper under the
10 circumstances.

11 6. There is not substantial evidence in the record to support the reasons stated
12 on the record under sub. (11) for the imposition of the sentence and the sentencing
13 decision.

14 (c) Paragraph (b) does not preclude an appellate court from finding that a
15 sentencing court erroneously exercised its discretion for reasons other than those
16 specified in par. (b).

~~(END)~~

(end ins 196/25 Black to
ins 195/16)

196/25 (cont'd)
Black

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BILL

Inserts 195/21 & 195/25

1 ~~SECTION 766. 973.03 (3) (e) 1. and 2. of the statutes are amended to read:~~
 2 ~~973.03 (3) (e) 1. A crime which is a Class A or B or C felony.~~
 3 ~~2. A crime which is a Class C, D, E, F or G felony listed in s. 969.08 (10) (b), but~~
 4 ~~not including any crime specified in s. 943.10.~~

5 ~~SECTION 767. 973.03 (3) (e) 3. of the statutes is repealed.~~

6 SECTION 768. 973.031[✓] of the statutes is created to read:

*INS PWF
195/21*

7 **973.031 Court-ordered drug treatment.** Whenever the court imposes a
 8 sentence or places a person on probation for any offense committed on or after July
 9 *the effective date of this section... [revision inserts date]*
 1,2000, the court may order the person to participate in a drug treatment program
 10 as a condition of probation or, in the case of a person sentenced under s. 973.01, while
 11 the person is in prison or as a condition of extended supervision or both. The court
 12 may order the department to pay for the cost of drug treatment under this section
 13 from the appropriation under s. 20.410 (1) (a)[✓] for persons in jail or prison or under
 14 s. 20.410 (1) (b)[✓] for persons on probation or extended supervision.

15 ~~SECTION 769. 973.032 (4) (c) 2 of the statutes is amended to read:~~ *(end ins 195/21)*

16 ~~973.032 (4) (c) 2. The person is sentenced for the escape under s. 946.42 (4) (b)~~
 17 ~~to a sentence of imprisonment concurrent with the sentence to the intensive~~
 18 ~~sanctions program.~~

19 SECTION 770. 973.075 (1) (b) 1m. e.[✓] of the statutes is amended to read:

20 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,000[✓] worth of criminal
21 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

22 SECTION 771. 973.075 (2) (d)[✓] of the statutes is amended to read:

23 973.075 (2) (d) The officer has probable cause to believe that the property was
 24 derived from or realized through a crime or that the property is a vehicle which was
 25 used to transport any property or weapon used or to be used or received in the

*INS PWF
195/25*



BILL

1 commission of any felony, which was used in the commission of a crime relating to
2 a submerged cultural resource in violation of s. 44.47 or which was used to cause
3 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
4 of s. 943.01 (2) (d) or 943.012.

5 **SECTION 772.** 973.09 (2) (b) 1. of the statutes is amended to read:

6 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
7 year nor more than either the statutory maximum term of imprisonment
8 confinement in prison for the crime as specified in s. 973.01 (2) (a) or 3 years,
9 whichever is greater.

10 **SECTION 773.** 973.09 (6) of the statutes is created to read:

11 973.09 (6) The court may require as a condition of probation that the person
12 participate in a drug treatment program under s. 973.031.

13 ~~**SECTION 774.** 973.15 (2) (am) of the statutes is created to read:~~

14 973.15 (2) (am) 1. If a court provides that a bifurcated sentence imposed under
15 s. 973.01 is to run concurrent with or consecutive to a sentence to the Wisconsin state
16 prisons other than another bifurcated sentence imposed under s. 973.01, the court
17 shall do all of the following.

18 a. Order the term of confinement in prison under the bifurcated sentence to be
19 concurrent with or consecutive to the term of confinement in prison required under
20 the nonbifurcated sentence.

21 b. Order the period of parole under the nonbifurcated sentence to be concurrent
22 with or consecutive to the term of extended supervision required under the
23 bifurcated sentence.

24 2. If a court imposes a sentence to the Wisconsin state prisons that is not a
25 bifurcated sentence imposed under s. 973.01 and provides that the nonbifurcated

MS
PWF 195/25 (cont'd)

(end ins 195/25)

BILL

W. Scott Dixon

1 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
2 (9g) before a program review committee and the sentencing court, if the state public
3 defender determines the case should be pursued.

4 **SECTION 777.** 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

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

10 **SECTION 778.** 978.13 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
11 9, is amended to read:

12 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
13 fringe benefit costs of clerk positions in the district attorney's office necessary for the
14 prosecution of violent crime cases primarily involving felony violations under s.
15 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
16 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32 (2). The state treasurer shall
17 pay the amount authorized under this paragraph to the county treasurer pursuant
18 to a voucher submitted by the district attorney to the secretary of administration
19 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
20 may not exceed \$94,400 in the 1999-2000 fiscal year and \$97,200 in the 2000-01
21 fiscal year.

22 **SECTION 779.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

23 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
24 The committee shall submit a report of its findings and recommendations to the
25 legislature in the manner provided under section 13.172 (2) of the statutes and to the

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202/9
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1 governor. The report shall include any proposed legislation that is necessary to
2 implement the recommendations made by the committee in its report.

3 SECTION 780. 1997 Wisconsin Act 283, section 454 (2) is amended to read:

4 [1997 Wisconsin Act 283] Section 454 (2) ATTORNEY PROJECT POSITION. The
5 authorized FTE positions for the department of administration are increased by 1.0
6 GPR attorney project position, to be funded from the appropriation under section
7 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
8 penalties study committee established under subsection (1), for the period ending on
9 April 30, 1999 June 30, 2000.

10 SECTION 9101. ~~Nonstatutory provisions; administration.~~

11 (1) ~~DISTRICT ATTORNEY POSITION REALLOCATIONS.~~

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ref A
to →
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208/5

12 (a) *Increased allocations.* Of the authorized FTE GPR assistant district
13 attorney positions for the department of administration funded from the
14 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
15 allocated to the prosecutorial unit of Taylor County is increased by 0.2 position.

16 (b) *Decreased allocations.* Of the authorized FTE GPR assistant district
17 attorney positions for the department of administration funded from the
18 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
19 allocated to the prosecutorial unit of Rusk County is decreased by 0.2 position.

20 SECTION 9111. ~~Nonstatutory provisions; corrections.~~

21 (1) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
22 department of corrections shall develop a plan to implement section 301.03 (3a) of
23 the statutes, as created by this act, which it shall submit to the joint committee on
24 finance no later than May 1, 2000. No later than July 1, 2000, the department shall
25 begin reducing caseloads for probation, extended supervision, and parole agents in

the first day of the 3rd month
the first day of the 5th month
beginning after the

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Brown, Dane, Kenosha, Milwaukee, Racine, and Rock counties who supervise more than 20 persons on probation, extended supervision, or parole.

SECTION 9158. Nonstatutory provisions; other.

(1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (26)

(c) 1. of the statutes, as created by this act, the initial members of the sentencing commission shall be appointed for the following terms:

(a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as created by this act, one of whom is not employed by any unit of federal, state or local government and one circuit judge, for terms expiring on January 1, 2001.

(b) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as created by this act, one of whom is not employed by any unit of federal, state or local government, one district attorney and one circuit judge, for terms expiring on January 1, 2002.

(c) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as created by this act, one representative of crime victims and one attorney in private practice, for terms expiring on January 1, 2003.

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

(3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing commission created under section 973.30 of the statutes, as created by this act, are appointed, the criminal penalties study committee shall provide information to lawyers, judges, the legislature and the public regarding this act.

SECTION 9201. Appropriation changes; administration.

BILL

INS
202/9 cont

and the dollar amount is increased by \$1,068,600 for fiscal year 2002-03

1 (1) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under

2 section 20.005 (3) of the statutes for the appropriation to the department of

3 administration under section 20.475 (1) (d) of the statutes, as affected by the acts of

4 1999, the dollar amount is increased by ~~\$998,200~~ ^{\$1,068,600} for fiscal year ~~2000-01~~ ²⁰⁰¹⁻⁰² to increase

5 the authorized FTE positions for the department of administration by 20.75 GPR

6 positions on ^{the effective date of this subsection} ~~July 1, 2000~~ for assistant district attorney positions as follows: 0.25

7 position for Adams County; 1.0 position for Burnett County; 0.25 position for

8 Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County;

9 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for

10 LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon

11 County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5

12 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage

13 County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve

14 Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions

15 for Winnebago County. (end ins 202/9)

16 (2) CRIMINAL PENALTIES STUDY COMMITTEE. In the schedule under section 20.005

17 (3) of the statutes for the appropriation to the department of administration under

18 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount

19 is increased by \$112,500 for fiscal year 1999-00 to fund the activities of the criminal

20 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

SECTION 9350. Initial applicability; transportation.

22 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)

23 of the statutes first applies to offenses committed on the effective date of this

24 subsection.

BILL

(Insert 208/5)

1 SECTION 9400. **Effective dates; general.** Except as provided in SECTIONS
2 9401 to 9458 of this act, this act takes effect on the day after publication.

3 SECTION 9401. **Effective dates; administration.**

4 (1) DISTRICT ATTORNEY POSITION REALLOCATIONS. SECTION 9101 (1) of this act
5 takes effect on January 1, 2001. (2)

(4) ← auto ref
A (from
INS 202/9)

6 SECTION 9450. **Effective dates; transportation.**

7 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
8 of the statutes and SECTION 9350 (1) of this act take effect on whichever of the
9 following dates is later:

10 (a) The day after publication.

11 (b) May 1, 2001, or the date stated in the notice published by the secretary of
12 transportation in the Wisconsin Administrative Register under section 85.515 of the
13 statutes, whichever is earlier.

(END)

(end ins 208/5)

38966
% 29.56 = fringe
10675,501 =

1047,550
600 x 1.02 = 1068552 ⇒ 1068600

(R) (S) District attorney appropriation increase.
auto ref B (from
Section 9201 (1) of this act INS
202/9)
takes effect on the day after
publication of the 2001-03
biennial budget act.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

50004
LRB-1428/1dn
MGD/jld/km

January 9, 2001

update date

As a result, methamphetamine will be treated in the same way that it would have been

The Senate's version, recommended by the [unclear] is contained in

Legislation
with that

Missy:

substitute amendment

of the legislation recommended by the

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

substitute amendment

Second, the bill makes minor changes in a few of the provisions in ~~AB-465~~ SB-357 to make them clearer or more workable. See, e.g., ss. 302.11 (7) (ag), 302.113 (9) (ag), and 302.114 (9) (ag) (defining "reviewing authority" to simplify language in provisions relating to parole and extended supervision (ES) revocation hearings). Third, the bill includes a new effective date. ~~(See item 2 below.) Fourth, the bill makes minor changes to ensure that current law provisions designed to apply only to indeterminate or bifurcated sentences do not apply to another type of sentence. See, e.g., s. 302.045 (3) (clarifying that parole eligibility under the challenge incarceration program only extends to persons serving indeterminate sentences). Fifth, there are a number of provisions that required renumbering or new cross-references as a result of either legislation enacted last session or other changes within the bill itself.~~

substitute amendment

Fourth

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

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

(In all likelihood, if SB-357 had been enacted instead of AB-465, Act 48's reconciliation provisions would have been amended to produce the same result.)

the assembly's version of the CPSC legislation

Fifth

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

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

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

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

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

4. Please review the amount listed in the appropriation for s. 20,505 (4) (dr) to see if it is appropriate. (The figure is one-third of the amount that was listed for fiscal year 1999-2000 in AB-465 and is premised on the bill being enacted at the beginning of the legislative session.) In addition, please note that s. 16.47 (2) provides that, before the passage of the budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2) is a rule of legislative procedure; thus, the legislature determines the extent to which

~~IN~~

[Handwritten initials]

help part

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

Both SB-357 and

would have been required to "

5. AB-465 required that the enhancers for repeat offenders (ss. 939.62 and 961.48) be applied after all other enhancers and that the enhancer for use of a dangerous weapon (s. 939.63) be applied after all but the repeat offender enhancers. Nevertheless, AB-465 did not specify the order in which the other surviving penalty enhancers are to be applied. Under the bill, the court shall apply them in the order listed, but the intent of that language was for the enhancers listed in s. 973.01 (2) (c) 2. a. to be applied before the subd. 2. b. enhancer, which in turn would be applied before the subd. 2. c. enhancers. As far as I recall, the CPSC did not consider the order in which the subd. 2. a. enhancers are to be applied or the possibility that the order in which those enhancers are to be applied might matter. Consequently, they are simply listed in numerical order.

neither bill specified

either

Instead

substitute amendment

were (in SB-357) and are (in this)

both

and AB-465

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

and 2001 Assembly Bill 3

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

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

That arises under this Act

6. There is also one other unresolved question relating to penalty enhancers. Under s. 939.32 (1) (bm), an attempt to commit a Class I felony is penalized as a Class A misdemeanor, unless a penalty enhancer — other than one of the enhancers for repeat offenders — applies. I have been unable to determine whether the CPSC intended to create a repeat offender exception to the general penalty enhancer exception or whether that resulted from an oversight in drafting. I have contacted Prof. Hammer

regarding this, but I ^{did not} ~~have yet to~~ receive a response from him. ~~Will let you know if~~
~~do~~

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

If bud. is delayed.
will need \$
for stat com.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0004/1dn
MGD:jld.pg

January 21, 2001

Andy:

1. This substitute amendment differs in a number of ways from the Senate's version, contained in 1999 Senate Bill 357 (SB-357), as amended, of the legislation recommended by the Criminal Penalties Study Committee (CPSC). First, using recommendations provided at the end of the 1999-2000 legislative session by Professor Thomas Hammer (the reporter for the CPSC and chair of its code reclassification subcommittee), this substitute amendment classifies felonies that were created during that session under the A-I classification scheme. (If you would like me to provide you a list of those crimes and a description of how they are treated in this substitute amendment, please let me know.) At the same time, the substitute amendment repeals certain provisions enacted in 1999 Wisconsin Act 48 relating to the controlled substance methamphetamine. As a result, methamphetamine will be treated in the same way that it would have been under reconciliation provisions contained in Act 48, had the Assembly's version of the CPSC legislation (AB-465) been enacted last session. (In all likelihood, if SB-357 had been enacted instead of AB-465, Act 48's reconciliation provisions would have been amended to produce the same result.)

Second, the substitute amendment makes minor changes in a few of the provisions in SB-357 to make them clearer or more workable. *See, e.g.*, ss. 302.11 (7) (ag), 302.113 (9) (ag), and 302.114 (9) (ag) (defining "reviewing authority" to simplify language in provisions relating to parole and extended supervision (ES) revocation hearings). Third, the substitute amendment makes minor changes to ensure that current law provisions designed to apply only to indeterminate or bifurcated sentences do not apply to another type of sentence. *See, e.g.*, s. 302.045 (3) (clarifying that parole eligibility under the challenge incarceration program only extends to persons serving indeterminate sentences). Fourth, there are a number of provisions that required renumbering or new cross-references as a result of either legislation enacted last session or other changes within the substitute amendment itself.

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

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

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

2. Please note that s. 16.47 (2) provides that, before the passage of the budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2) is a rule of legislative procedure; thus, the legislature determines the extent to which it is enforced.)

3. Both SB-357 and AB-465 required that the enhancers for repeat offenders (ss. 939.62 and 961.48) be applied after all other enhancers and that the enhancer for use of a dangerous weapon (s. 939.63) be applied after all but the repeat offender enhancers. Nevertheless, neither bill specified the order in which the other surviving penalty enhancers are to be applied. Under either bill, the court would have been required to "apply them in the order listed," but the intent of that language was for the enhancers listed in s. 973.01 (2) (c) 2. a. to be applied before the subd. 2. b. enhancer, which in turn would be applied before the subd. 2. c. enhancers. As far as I recall, the CPSC did not consider the order in which the subd. 2. a. enhancers are to be applied or the possibility that the order in which those enhancers are to be applied might matter. Instead, they were (in both SB-357 and AB-465) and are (in this substitute amendment and 2001 Assembly Bill 3) simply listed in numerical order.

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

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

crime enhancer first converts it into a two-year felony. Under s. 939.632 (2) (a), the maximum period of imprisonment is then increased to seven years.

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

4. There is also one other unresolved question relating to penalty enhancers that arises under this substitute amendment and 2001 Assembly Bill 3. Under s. 939.32 (1) (bm), an attempt to commit a Class I felony is penalized as a Class A misdemeanor, unless a penalty enhancer — other than one of the enhancers for repeat offenders — applies. I have been unable to determine whether the CPSC intended to create a repeat offender exception to the general penalty enhancer exception or whether that resulted from an oversight in drafting. I contacted Prof. Hammer regarding this, but I did not receive a response from him.

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