

ENGROSSED 2001 ASSEMBLY BILL 3

February 15, 2001 – Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT** *to repeal* 13.525 (5m), 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50
2 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2), 939.635, 939.64, 939.641,
3 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.25 (1b),
4 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 946.42 (4),
5 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4),
6 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
7 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6.,
8 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g)
9 (a) 2., 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3),
10 961.465, 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2.
11 and 973.03 (3) (e) 3.; **to renumber** 351.07 (2) (a); **to renumber and amend**
12 49.95 (1), 125.075 (2), 302.11 (7) (a), 302.113 (9) (a), 302.114 (9) (a), 939.63 (1),
13 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1.,
14 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 971.17 (1), 973.01 (2) (b) 6.,

ENGROSSED ASSEMBLY BILL 3

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

ENGROSSED ASSEMBLY BILL 3

1 302.114 (3) (a) (intro.), 302.114 (4), 302.114 (5) (f), 302.114 (6) (b), 302.114 (6) (c),
2 302.114 (9) (b), 302.114 (9) (bm), 302.114 (9) (c), 302.33 (1), 302.43, 303.065 (1)
3 (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6), 303.08 (12),
4 304.06 (1) (b), 304.071 (2), 304.11 (3), 341.605 (3), 342.06 (2), 342.065 (4) (b),
5 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31 (1) (i), 343.31
6 (3) (d) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3)
7 (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4)
8 (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b),
9 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14
10 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13
11 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m),
12 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07, 801.50 (5),
13 908.08 (1), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1.,
14 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30
15 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d),
16 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c),
17 939.62 (2m) (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.623 (2), 939.624 (2), 939.632
18 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.),
19 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07,
20 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11
21 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5),
22 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195 (6), 940.20 (1),
23 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b),
24 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.),
25 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.),

ENGROSSED ASSEMBLY BILL 3

1 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1),
2 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285
3 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m.,
4 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1),
5 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.),
6 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45
7 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.),
8 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
9 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295
10 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2)
11 (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2.,
12 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38
13 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2) (intro.),
14 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2)
15 (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
16 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3)
17 (b), 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20
18 (3) (d) 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c)
19 (intro.), 943.208 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3)
20 (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25
21 (1), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4),
22 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1)
23 (intro.), 943.32 (2), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2),
24 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c),
25 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46

ENGROSSED ASSEMBLY BILL 3

1 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (b), 943.50 (4)
2 (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c), 943.70
3 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b) 3.,
4 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16
5 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2),
6 944.34 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
7 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1)
8 (intro.), 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31
9 (1) (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42
10 (3) (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m) (intro.),
11 946.43 (2m) (a) (intro.), 946.44 (1) (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1)
12 (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1)
13 (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69
14 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1),
15 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2),
16 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3)
17 (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1)
18 (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.),
19 948.07 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12
20 (intro.), 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.),
21 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3)
22 (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c),
23 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62
24 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41
25 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm)

ENGROSSED ASSEMBLY BILL 3

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

ENGROSSED ASSEMBLY BILL 3

1 (im); **to create** 13.525, 15.105 (27), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr),
2 20.505 (4) (mr), 20.923 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2)
3 (b), 227.01 (13) (sm), 230.08 (2) (L) 6., 230.08 (2) (of), 302.11 (7) (ag), 302.11 (7)
4 (e), 302.113 (7m), 302.113 (8m), 302.113 (9) (ag), 302.113 (9) (at), 302.113 (9) (d),
5 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.113 (9g), 302.114 (8m),
6 302.114 (9) (ag), 302.114 (9) (d), 302.114 (9) (e), 302.114 (9) (f), 346.04 (2t),
7 346.04 (4), 346.17 (2t), 801.50 (5c), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m),
8 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
9 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09
10 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d),
11 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3)
12 (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41
13 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1)
14 (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
15 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2.,
16 973.01 (2) (d) 1. to 6., 973.017, 973.031, 973.09 (6), 973.15 (2m), 973.30 and
17 977.05 (4) (jm) of the statutes; and **to affect** 1997 Wisconsin Act 283, section
18 454 (1) (f); **relating to:** classification and elements of felony offenses and
19 certain misdemeanor offenses; criminal sentences and commitments;
20 modification of a bifurcated sentence in certain cases; revocation of extended

ENGROSSED ASSEMBLY BILL 3

- 1 supervision; the creation of a sentencing commission and temporary sentencing
2 guidelines; making an appropriation; and providing penalties.

Analysis by the Legislative Reference Bureau***Engrossment information:***

The text of Engrossed 2001 Assembly Bill 3 consists of the bill, as affected by the following documents adopted in the assembly on February 1, 2001: Assembly Amendments 2, 3, 4, 5, and 6.

Content of Engrossed 2001 Assembly Bill 3:***Felony penalties***

Under current law, crimes punishable by imprisonment of more than one year are felonies. Virtually every felony created in the criminal code is put in one of six classes (Class A, B, BC, C, D, or E), and each class has a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For other classified felonies committed before December 31, 1999, the maximum terms of imprisonment are as follows:

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

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

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

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

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (see below, ***The structure of felony sentences***, item 2). The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, as a result of the changes made by 1997 Wisconsin Act 283, an

ENGROSSED ASSEMBLY BILL 3

unclassified crime punishable by a maximum term of imprisonment of one year, if the crime was committed before December 31, 1999, is punishable by a maximum of two years of imprisonment, if the crime is committed on or after December 31, 1999. Similarly, an unclassified crime punishable by a maximum term of imprisonment of five years if committed before December 31, 1999, is punishable by a term of imprisonment of seven years and six months if committed on or after December 31, 1999. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

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

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

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

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

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

3. *Felony murder.* Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony

ENGROSSED ASSEMBLY BILL 3

murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 15 years.

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

5. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

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

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

7. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and armor-piercing bullet while committing another crime, or violating conditions

ENGROSSED ASSEMBLY BILL 3

of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to sentences that are to run consecutive to or concurrent with to each other (see below, *The structure of felony sentences*, item 3–D).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin, or ancestry (the “hate crime” enhancer), committing certain violent crimes against an elder person, and committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant’s status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

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

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

The structure of felony sentences (other than life sentences)

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

ENGROSSED ASSEMBLY BILL 3

circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

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

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

C) The bill allows a sentencing judge to order an offender to participate in drug treatment either during his or her term of confinement or as a condition of extended supervision, and the bill allows the judge to order DOC to pay for the drug treatment. If a prison inmate ordered to participate in drug treatment as part of his or her sentence fails to participate, DOC may increase the confinement portion of the inmate's sentence. A person who is serving a term of extended supervision may be returned to prison if he violates a drug treatment condition. If a person serving a jail sentence violates a drug treatment order, the sheriff may reduce the person's good time credit.

D) The bill specifies how certain combinations of sentences are to be served if the court imposes one sentence to run concurrent with or consecutive to the other sentence. Under these provisions, if a person is to serve consecutive sentences, and the person is eligible for release to extended supervision under one of the sentences and eligible for release to parole under another, the person is required to serve the term of extended supervision from the former sentence before serving the parole portion of the latter sentence. In addition, the bill specifies that, if a person is serving concurrent terms of extended supervision and extended supervision is revoked in both cases, or if the person is serving a term of extended supervision while on parole and both extended supervision and parole are revoked, the person is to serve

ENGROSSED ASSEMBLY BILL 3

concurrently any periods of confinement required under the sentences as a result of revocation.

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

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

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

H) The bill creates a procedure by which certain older prisoners, or prisoners suffering from terminal conditions, who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence. The procedure is available to prisoners who are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence, to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence, and to prisoners who have a terminal condition and are expected to live no more than six months. In addition, the bill directs the joint review committee on criminal penalties (joint review committee) (see below, ***Joint review committee on criminal penalties***) to develop and report recommendations for legislation that will allow a judge to modify the bifurcated sentence of a prisoner who is not eligible to petition for sentence modification based on age or terminal condition.

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

If the court decides that the public interest would be served by such a modification, the court must modify the sentence by: 1) reducing the term of confinement in prison portion of the sentence to a number that provides for the release of the prisoner to extended supervision; and 2) increasing the term of

ENGROSSED ASSEMBLY BILL 3

extended supervision of the prisoner by the same number, so that the total length of the bifurcated sentence does not change.

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

Sentences of life imprisonment

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

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

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his

ENGROSSED ASSEMBLY BILL 3

or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 18 voting members and three nonvoting members, all of whom serve three year terms. Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after the effective date of the changes made in this bill regarding felony classifications (see below, ***Effective date***). The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, and the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature, and the supreme court. The duties of the commission end on December 31, 2006.

Joint review committee on criminal penalties

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

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

ENGROSSED ASSEMBLY BILL 3

1 on November, (year)

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

11 Signed
12 Address(Present address)
13(City)(State)

14 Subscribed and sworn to before me this day of (year)
15(Notary Public, or other officer authorized to administer oaths.)
16(County)

17 My Commission expires

18 MAIL BALLOT TO:

19 NAME

20 ADDRESS

21 CITY STATE ZIP CODE

22 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
23 under this section may be fined not more than \$1,000 or imprisoned for not more than
24 6 months, or both. Whoever intentionally votes more than once in an election may

ENGROSSED ASSEMBLY BILL 3

1 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
2 or both.

3(Municipal Clerk)

4(Municipality)

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

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

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

11 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
12 or 11.38 where is guilty of a Class I felony if the intentional violation does not involve
13 a specific figure, or where if the intentional violation concerns a figure which exceeds
14 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
15 ~~more than 4 years and 6 months or both.~~

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

17 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
18 (a), (e), (f), (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned~~
19 ~~for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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

21 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
22 offers or promises to give his or her vote or influence in favor of or against any
23 measure or proposition pending or proposed to be introduced, in the legislature in
24 consideration or upon condition that any other person elected to the same legislature
25 will give or will promise or agree to give his or her vote or influence in favor of or

ENGROSSED ASSEMBLY BILL 3

1 against any other measure or proposition pending or proposed to be introduced in
2 such legislature, or who gives, offers or promises to give his or her vote or influence
3 for or against any measure on condition that any other member will give his or her
4 vote or influence in favor of any change in any other bill pending or proposed to be
5 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
6 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
7 is guilty of a Class I felony.

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

9 **13.06 Executive favor.** Any member of the legislature who gives, offers or
10 promises to give his or her vote or influence in favor of or against any measure or
11 proposition pending or proposed to be introduced in the legislature, or that has
12 already been passed by either house of the legislature, in consideration of or on
13 condition that the governor approve, disapprove, veto or sign, or agree to approve,
14 disapprove, veto or sign, any other measure or proposition pending or proposed to be
15 introduced in the legislature or that has already been passed by the legislature, or
16 either house thereof, or in consideration or upon condition that the governor
17 nominate for appointment or appoint or remove any person to or from any office or
18 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
19 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
20 of a Class I felony.

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

22 **13.525 Joint review committee on criminal penalties. (1) CREATION.**
23 There is created a joint review committee on criminal penalties composed of the
24 following members:

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

21 **(5) REVIEW OF LEGISLATION RELATING TO CRIMES.** (a) If any bill that is introduced
22 in either house of the legislature proposes to create a new crime or revise a penalty
23 for an existing crime and the bill is referred to a standing committee of the house in
24 which it is introduced, the chairperson may request the joint review committee to
25 prepare a report on the bill under par. (b). If the bill is not referred to a standing

ENGROSSED ASSEMBLY BILL 3

1 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
2 the presiding officer of the senate, if the bill is introduced in the senate, may request
3 the joint review committee to prepare a report on the bill under par. (b).

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

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

10 2. The consistency of penalties proposed in the bill with existing criminal
11 penalties.

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

14 4. Whether acts prohibited under the bill are prohibited under existing
15 criminal statutes.

16 (c) The chief clerk shall print a report prepared by the committee under par.
17 (b) as an appendix to the bill and attach it thereto as are amendments. The
18 reproduction shall be in lieu of inclusion in the daily journal of the house in which
19 the proposal is introduced.

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

ENGROSSED ASSEMBLY BILL 3

1 **(5m)** RECOMMENDATIONS REGARDING SENTENCE MODIFICATIONS. (a) No later than
2 the first day of the 6th month beginning after the effective date of this paragraph
3 [revisor inserts date], the committee shall submit a report to the legislature, in the
4 manner provided under s. 13.172 (2), and to the governor containing
5 recommendations regarding standards and procedures to be used by a court to
6 modify a bifurcated sentence. The report shall include any proposed legislation that
7 is necessary to implement the recommendations made by the committee in its report.

8 (b) Any proposed legislation included in the report under par. (a) shall provide
9 that a bifurcated sentence that a court previously imposed may be modified only by
10 reducing the term of confinement in prison portion of the sentence and lengthening
11 the term of extended supervision imposed so that the total length of the bifurcated
12 sentence originally imposed does not change.

13 **(6)** COMMITTEE POWERS AND PROCEDURES. The committee may hold hearings as
14 needed to elicit information for making a report under sub. (5) (b) or (5m) (a) or for
15 developing proposed legislation under sub. (5m) (a). The committee shall meet at the
16 call of its cochairpersons. All actions of the committee require the approval of a
17 majority of all of its members.

18 **SECTION 7m.** 13.525 (5m) of the statutes, as created by 2001 Wisconsin Act
19 (this act), is repealed.

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

21 13.69 **(6m)** Any principal, lobbyist or other individual acting on behalf of a
22 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
23 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
24 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
25 felony.

ENGROSSED ASSEMBLY BILL 3

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

2 15.01 (2) “Commission” means a 3–member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the Wisconsin waterways commission which shall consist of
5 5 members, the parole commission which shall consist of 6 members and the Fox
6 River management commission which shall consist of 7 members. A Wisconsin group
7 created for participation in a continuing interstate body, or the interstate body itself,
8 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
9 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
10 but is not a commission for purposes of s. 15.06. The sentencing commission created
11 under s. 15.105 (27) shall be known as a “commission” but is not a commission for
12 purposes of s. 15.06 (1) to (4m), (7), and (9).

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

14 15.105 (27) SENTENCING COMMISSION. (a) *Creation; membership.* There is
15 created a sentencing commission that is attached to the department of
16 administration under s. 15.03 and that shall consist of the following members:

- 17 1. The attorney general or his or her designee.
- 18 2. The state public defender or his or her designee.
- 19 3. Seven members, at least 2 of whom are not employed by any unit of federal,
20 state, or local government, appointed by the governor.
- 21 4. One majority party member and one minority party member from each house
22 of the legislature, appointed as are the members of standing committees in their
23 respective houses.
- 24 6. Two circuit judges, appointed by the supreme court.

ENGROSSED ASSEMBLY BILL 3

1 7. One representative of crime victims and one district attorney, each appointed
2 by the attorney general.

3 8. One attorney in private practice engaged primarily in the practice of criminal
4 defense, appointed by the criminal law section of the State Bar of Wisconsin.

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

8 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
9 3. and 6. to 8. shall serve 3-year terms and are eligible for reappointment.

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 20.923 **(6)** (hr) Sentencing commission: deputy director.

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

3 23.33 **(13)** (cg) *Penalties related to causing death or injury; interference with*
4 *signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than~~
5 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
6 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
7 person.

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

9 26.14 **(8)** Any person who intentionally sets fire to the land of another or to a
10 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~
11 ~~and 6 months or both~~ is guilty of a Class H felony.

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

13 29.971 **(1)** (c) ~~For~~ A person having fish in his or her possession in violation of
14 this chapter ~~and is guilty of a Class I felony if the value of the fish under par. (d)~~
15 ~~exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than~~
16 ~~3 years or both.~~

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

18 29.971 **(1m)** (c) ~~For~~ A person possessing clams in violation of s. 29.537, is guilty
19 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
20 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

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

22 29.971 **(11m)** (a) For shooting, shooting at, killing, taking, catching or
23 possessing a bear without a valid Class A bear license, or for possessing a bear which
24 does not have a carcass tag attached or possessing a bear during the closed season,
25 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not

ENGROSSED ASSEMBLY BILL 3

1 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
2 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any
3 subsequent violation, and, in addition, the court shall revoke all hunting approvals
4 issued to the person under this chapter and shall prohibit the issuance of any new
5 hunting approval under this chapter to the person for 3 years.

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

7 29.971 **(11p)** (a) For entering the den of a hibernating black bear and harming
8 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~
9 years 9 months or both.

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

11 30.80 **(2g)** (b) Shall be fined not ~~less than \$300 nor~~ more than \$5,000 \$10,000
12 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
13 injury to a person but the person did not suffer great bodily harm.

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

15 30.80 **(2g)** (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
16 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
17 person and the person suffered great bodily harm.

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

19 30.80 **(2g)** (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
20 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
21 death to a person.

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

23 30.80 **(3m)** Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
24 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
25 a Class H felony.

ENGROSSED ASSEMBLY BILL 3

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

2 36.25 **(6)** (d) Any officer, agent, clerk or employee of the survey or department
3 of revenue who makes known to any person except the officers of the survey or
4 department of revenue, in any manner, any information given to such person in the
5 discharge of such person's duties under par. (c), which information was given to such
6 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
7 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
8 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
9 the use for assessment purposes of any information obtained under this subsection.

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

11 47.03 **(3)** (d) Any person who violates this subsection shall be fined not more
12 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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

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

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

23 48.415 **(9m)** (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
24 a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
25 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other

ENGROSSED ASSEMBLY BILL 3

1 state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or
2 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
3 or 948.08 if committed in this state.

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

5 48.417 **(1)** (d) A court of competent jurisdiction has found that the parent has
6 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)
7 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
8 violation of the law of any other state or federal law, if that violation would be a
9 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
10 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
11 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
12 defined in s. 939.22 (38), to the child or another child of the parent.

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

14 48.57 **(3p)** (g) 2. The person has had imposed on him or her a penalty specified
15 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
16 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
17 state or federal law under circumstances under which the person would be subject
18 to a penalty specified in any of those sections if convicted in this state.

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

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

ENGROSSED ASSEMBLY BILL 3

1 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
2 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
3 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
4 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

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

6 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), ~~(3)~~,
7 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

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

9 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,
10 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
11 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

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

13 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), ~~(3)~~,
14 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
15 is a felony, if committed not more than 5 years before the date of the investigation
16 under sub. (2) (am).

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

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

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

22 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
23 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
24 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
25 felony.

ENGROSSED ASSEMBLY BILL 3

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

2 49.127 **(8)** (c) For any offense under this section, if the value of the food coupons
3 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
4 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

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

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

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

11 49.141 **(7)** (b) A person, other than a person under par. (a), who is convicted of
12 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
13 ~~2 years~~ 9 months or both.

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 49.141 **(9)** (b) Whoever offers or pays any remuneration in cash or in-kind to
2 any person to induce the person to refer an individual to a person for the furnishing
3 or arranging for the furnishing of any item or service for which payment may be made
4 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
5 for or recommend purchasing, leasing, or ordering any good, facility, service or item
6 for which payment may be made in whole or in part under any provision of Wisconsin
7 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
8 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
9 ~~imprisoned for not more than 7 years and 6 months or both.~~

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

11 49.141 **(10)** (b) A person who violates this subsection is guilty of a Class H
12 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
13 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
14 ~~years and 6 months or both.~~

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

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

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

23 49.195 **(3n)** (r) No employer may discharge or otherwise discriminate with
24 respect to the terms and conditions of employment against any employee by reason
25 of the fact that his or her earnings have been subject to levy for any one levy or

ENGROSSED ASSEMBLY BILL 3

1 because of compliance with any provision of this subsection. Any person who violates
2 this paragraph may be fined not more than \$1,000 or imprisoned for not more than
3 ~~2 years or both~~ is guilty of a Class I felony.

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
2 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
3 or covertly, in cash or in kind to any person to induce such person to refer an
4 individual to a person for the furnishing or arranging for the furnishing of any item
5 or service for which payment may be made in whole or in part under a medical
6 assistance program, or to purchase, lease, order, or arrange for or recommend
7 purchasing, leasing, or ordering any good, facility, service or item for which payment
8 may be made in whole or in part under a medical assistance program, is guilty of a
9 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50
10 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~
11 ~~than 7 years and 6 months or both.~~

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

4 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,
5 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
6 person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years~~
7 ~~and 6 months or both.~~

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

10 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
11 this chapter, whether for himself or herself or for some other person, wilfully makes
12 any false representations ~~may, if~~ is subject to the following penalties:

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

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

18 (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,
19 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not
20 more than ~~7 years and 6~~ 9 months or both; ~~and if,~~

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

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

ENGROSSED ASSEMBLY BILL 3

1 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
2 \$10,000, the person is guilty of a Class H felony.

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

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

6 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.19 (3), 1999 stats.,
7 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
8 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),
9 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States
10 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.
11 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3),
12 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
13 (a) if committed in this state.

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

15 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
16 knowing the information contained therein to be false ~~may be fined not more than~~
17 \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a
18 Class H felony.

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

20 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
21 information contained therein to be false ~~may be fined not more than \$5,000 or~~
22 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
23 felony.

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

ENGROSSED ASSEMBLY BILL 3

1 66.1207 (1) (b) Any person who secures or assists in securing dwelling
2 accommodations under s. 66.1205 by intentionally making false representations in
3 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
4 which the person would not otherwise be entitled ~~shall be fined not more than~~
5 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

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

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

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

13 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~
14 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
15 I felony:

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

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

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

22 71.83 (2) (b) *Felony.* 1. ‘False income tax return; fraud.’ Any person, other than
23 a corporation or limited liability company, who renders a false or fraudulent income
24 tax return with intent to defeat or evade any assessment required by this chapter
25 ~~shall be~~ is guilty of a Class H felony and may be fined not more than \$10,000 or

ENGROSSED ASSEMBLY BILL 3

1 ~~imprisoned for not more than 7 years and 6 months or both, together with~~ assessed
2 the cost of prosecution. In this subdivision, “return” includes a separate return filed
3 by a spouse with respect to a taxable year for which a joint return is filed under s.
4 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
5 the spouses with respect to a taxable year for which a separate return is filed under
6 s. 71.03 (2) (m) after the filing of that joint return.

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

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

20 4. ‘Fraudulent claim for credit.’ The A claimant who files a claim for credit
21 under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was
22 filed with fraudulent intent and any person who ~~assisted,~~ with fraudulent intent,
23 assists in the preparation or filing of the false or excessive claim or supplied
24 information upon which the false or excessive claim was prepared, ~~with fraudulent~~
25 ~~intent,~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or~~

ENGROSSED ASSEMBLY BILL 3

1 imprisoned for not more than 7 years and 6 months or both, together with assessed
2 the cost of prosecution.

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

4 86.192 (4) Any person who violates this section ~~shall be fined not more than~~
5 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
6 if the injury, defacement or removal causes the death of a person.

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

8 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~
9 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
10 guilty of a Class H felony.

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

12 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
13 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
14 guilty of a Class H felony.

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

16 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
17 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
18 I felony. A person intentionally violates this section if the violation occurs after the
19 department or a district attorney has notified the person by certified mail that the
20 person is in violation of this section.

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

22 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
23 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
24 9 months or both. Each day of violation constitutes a separate offense.

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

ENGROSSED ASSEMBLY BILL 3

1 100.26 ~~(2)~~ Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
2 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
3 ~~6 months or both~~ is guilty of a Class I felony.

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

5 100.26 ~~(5)~~ Any person violating s. 100.06 or any order or regulation of the
6 department thereunder, or s. 100.18 (9), shall may be fined not less than ~~\$100 nor~~
7 ~~more than \$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.
8 Each day of violation constitutes a separate offense.

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

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

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

16 101.143 ~~(10)~~ (b) Any owner or operator, person owning a home oil tank system
17 or service provider who intentionally destroys a document that is relevant to a claim
18 for reimbursement under this section ~~may be fined not more than \$10,000 or~~
19 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

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

21 101.9204 ~~(2)~~ Any person who knowingly makes a false statement in an
22 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
23 ~~for not more than 5 years or both~~ is guilty of a Class H felony.

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

ENGROSSED ASSEMBLY BILL 3

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

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

6 102.835 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
7 removing, depositing or concealing any property upon which a levy is authorized
8 under this section with intent to evade or defeat the assessment or collection of any
9 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
10 ~~6 months or both,~~ is guilty of a Class I felony and shall be liable to the state for the
11 costs of prosecution.

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

13 102.835 **(18)** RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
14 employer may discharge or otherwise discriminate with respect to the terms and
15 conditions of employment against any employee by reason of the fact that his or her
16 earnings have been subject to levy for any one levy or because of compliance with any
17 provision of this section. Whoever wilfully violates this subsection may be fined not
18 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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

20 102.85 **(3)** An employer who violates an order to cease operations under s.
21 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
22 ~~years or both~~ is guilty of a Class I felony.

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

24 108.225 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
25 removing, depositing or concealing any property upon which a levy is authorized

ENGROSSED ASSEMBLY BILL 3

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

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

6 108.225 **(18)** RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
7 employer may discharge or otherwise discriminate with respect to the terms and
8 conditions of employment against any employee by reason of the fact that his or her
9 earnings have been subject to levy for any one levy or because of compliance with any
10 provision of this section. Whoever wilfully violates this subsection may be fined not
11 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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

13 110.07 **(5)** (a) In this subsection, “bulletproof garment” ~~has the meaning given~~
14 ~~in s. 939.64 (1) means a vest or other garment designed, redesigned, or adapted to~~
15 prevent bullets from penetrating through the garment.

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

17 114.20 **(18)** (c) Any person who knowingly makes a false statement in any
18 application or in any other document required to be filed with the department, or who
19 knowingly foregoes the submission of any application, document, or any registration
20 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
21 ~~than 7 years and 6 months or both is guilty of a Class H felony.~~

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

23 115.31 **(2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall
24 revoke a license granted by the state superintendent, without a hearing, if the
25 licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, except ss.

ENGROSSED ASSEMBLY BILL 3

1 940.08 and 940.205, for a violation that occurs on or after September 12, 1991, or any
2 Class E, F, G, or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a
3 violation that occurs on or after the effective date of this subsection [revisor inserts
4 date].

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

6 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
7 may not grant a license, for 6 years following the date of the conviction, to any person
8 who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, except
9 ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a
10 violation that occurs on or after September 12, 1991, ~~for 6 years following the date~~
11 ~~of the conviction, and~~ or any Class E, F, G, or H felony under ch. 940 or 948, except
12 ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this
13 paragraph [revisor inserts date]. The state superintendent may grant the license
14 only if the person establishes by clear and convincing evidence that he or she is
15 entitled to the license.

16 **SECTION 84.** 125.075 (2) of the statutes is renumbered 125.075 (2) (a) and
17 amended to read:

18 125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000~~
19 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
20 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

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

22 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
23 underage person dies.

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

ENGROSSED ASSEMBLY BILL 3

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

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

5 125.105 **(2)** (b) Whoever violates sub. (1) to commit, or abet the commission of,
6 a crime may be fined not more than \$10,000 or imprisoned for not more than 7 years
7 and 6 months or both is guilty of a Class H felony.

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

9 125.66 **(3)** Any person manufacturing or rectifying intoxicating liquor without
10 holding appropriate permits under this chapter, or any person who sells such liquor,
11 shall be fined not more than \$10,000 or imprisoned for not more than 15 years or
12 both. ~~Second or subsequent convictions shall be punished by both the fine and~~
13 imprisonment is guilty of a Class F felony.

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

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

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

19 125.68 **(12)** (c) Any person causing the death of another human being through
20 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
21 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
22 for not more than 15 years is guilty of a Class E felony.

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

24 132.20 **(2)** Any person who, with intent to deceive, traffics or attempts to traffic
25 in this state in a counterfeit mark or in any goods or service bearing or provided

ENGROSSED ASSEMBLY BILL 3**SECTION 91**

1 under a counterfeit mark shall is guilty of a Class H felony, except that,
2 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
3 individual, he or she may be fined not more than \$250,000 or imprisoned for not more
4 than 7 years and 6 months or both, or, and if the person is not an individual, the
5 person may be fined not more than \$1,000,000.

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

7 133.03 (1) Every contract, combination in the form of trust or otherwise, or
8 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any
9 contract or engages in any combination or conspiracy in restraint of trade or
10 commerce is guilty of a Class H felony, except that, notwithstanding the maximum
11 fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if
12 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
13 ~~imprisoned for not more than 7 years and 6 months or both.~~

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

15 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
16 combines or conspires with any other person or persons to monopolize any part of
17 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
18 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
19 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
20 ~~or imprisoned for not more than 7 years and 6 months or both.~~

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

22 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
23 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
24 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
25 9 months or both.

ENGROSSED ASSEMBLY BILL 3

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

2 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
3 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
4 brokerage or deposit company, corporation or institution, or of any person, company
5 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
6 business in any way, or any person engaged in such business in whole or in part, who
7 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
8 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
9 bills of exchange, bank checks or other commercial paper for safekeeping or for
10 collection, when he or she knows or has good reason to know that such bank, company
11 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
12 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
13 ~~not more than \$10,000~~ is guilty of a Class F felony.

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

15 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
16 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
17 ~~months or both~~ is guilty of a Class H felony:

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

19 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
20 without entering the same in a register as required by this section ~~shall be fined not~~
21 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
22 guilty of a Class H felony.

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

24 **134.58 Use of unauthorized persons as officers.** Any person who,
25 individually, in concert with another or as agent or officer of any firm, joint-stock

ENGROSSED ASSEMBLY BILL 3

1 company or corporation, uses, employs, aids or assists in employing any body of
2 armed persons to act as militia, police or peace officers for the protection of persons
3 or property or for the suppression of strikes, not being authorized by the laws of this
4 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
5 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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

7 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
8 any stamp or procures or causes the same to be done, or who knowingly utters,
9 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
10 affixes the same to any package or container of cigarettes, or who possesses with the
11 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
12 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
13 ~~years~~ is guilty of a Class G felony.

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

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

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

19 139.44 (2) Any person who makes or signs any false or fraudulent report or who
20 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
21 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than \$1,000 nor
22 ~~more than \$5,000~~ \$10,000 or imprisoned for not less than 90 days nor more than 2
23 years 9 months or both.

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

ENGROSSED ASSEMBLY BILL 3

1 139.44 ~~(8)~~ (c) If the number of cigarettes exceeds 36,000, a ~~fine of not more than~~
2 \$10,000 or imprisonment for not more than 3 years or both the person is guilty of a
3 Class I felony.

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

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

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

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

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

16 139.95 **(3)** Any person who falsely or fraudulently makes, alters or counterfeits
17 any stamp or procures or causes the same to be done or who knowingly utters,
18 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
19 affixes a counterfeit stamp to a schedule I controlled substance, a schedule II
20 controlled substance or ketamine or flunitrazepam or who possesses a schedule I
21 controlled substance, a schedule II controlled substance or ketamine or
22 flunitrazepam to which a false, altered or counterfeit stamp is affixed ~~may be fined~~
23 ~~not more than \$10,000 or imprisoned for not less than one year nor more than 15~~
24 ~~years or both~~ is guilty of a Class F felony.

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

ENGROSSED ASSEMBLY BILL 3

1 146.345 **(3)** Any person who violates this section is guilty of a Class H felony,
2 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
3 person may be fined not more than \$50,000 or imprisoned for not more than 7 years
4 and 6 months or both.

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

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

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

10 146.60 **(9)** (am) For a 2nd or subsequent violation under par. (ag), a person ~~shall~~
11 ~~may be fined not less than \$1,000 nor~~ more than \$50,000 or imprisoned for not more
12 than ~~2 years~~ 9 months or both.

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

14 146.70 **(10)** (a) Any person who intentionally dials the telephone number “911”
15 to report an emergency, knowing that the fact situation which he or she reports does
16 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
17 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
18 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
19 felony for any other offense committed within 4 years after the first offense.

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

21 154.15 **(2)** Any person who, with the intent to cause a withholding or
22 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
23 the declarant, illegally falsifies or forges the declaration of another or conceals a
24 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
25 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~

ENGROSSED ASSEMBLY BILL 3

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

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

4 154.29 (2) Any person who, with the intent to cause the withholding or
5 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
6 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
7 under s. 154.21 of a do-not-resuscitate order or any responsible person who
8 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
9 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
10 felony.

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

12 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
13 release of a hazardous substance covered under 42 USC 11004 as required under sub.
14 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following
15 penalties:

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
2 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
3 ~~than 15 years or both~~ is guilty of a Class G felony.

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

5 175.20 (3) Any person who violates any of the provisions of this section shall
6 may be fined not less than ~~\$25~~ ~~nor~~ more than \$1,000 and \$10,000 or may be
7 imprisoned for not less than ~~30 days~~ ~~nor~~ more than 2 years 9 months or both. In
8 addition, the court may revoke the license or licenses of the person or persons
9 convicted.

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

11 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
12 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

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

14 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
15 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
16 felony.

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

18 **185.825 Penalty for false document.** Whoever causes a document to be
19 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
20 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
21 Class I felony.

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

23 201.09 (2) Every director, president, secretary or other official or agent of any
24 public service corporation, who shall practice fraud or knowingly make any false
25 statement to secure a certificate of authority to issue any security, or issue under a

ENGROSSED ASSEMBLY BILL 3

1 certificate so obtained and with knowledge of such fraud, or false statement, or
2 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall
3 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
4 ~~15 years or both~~ is guilty of a Class I felony.

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

6 **214.93 False statements.** A person may not knowingly make, cause, or allow
7 another person to make or cause to be made, a false statement, under oath if required
8 by this chapter or on any report or statement required by the division or by this
9 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
10 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

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

12 215.02 **(6)** (b) If any person mentioned in par. (a) discloses the name of any
13 debtor of any association or any information about the private account or
14 transactions of such association, discloses any fact obtained in the course of any
15 examination of any association, or discloses examination or other confidential
16 information obtained from any state or federal regulatory authority, including an
17 authority of this state or another state, for financial institutions, mortgage bankers,
18 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
19 I felony and shall forfeit his or her office or position ~~and may be fined not less than~~
20 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
21 ~~3 years or both.~~

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

23 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
24 director, employee or agent of any association who steals, abstracts, or wilfully
25 misapplies any property of the association, whether owned by it or held in trust, or

ENGROSSED ASSEMBLY BILL 3

1 who, without authority, issues or puts forth any certificate of savings accounts,
2 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
3 in any book, record, report or statement of the association with intent to injure or
4 defraud the association or any person or corporation, or to deceive any officer or
5 director of the association, or any other person, or any agent appointed to examine
6 the affairs of such association, or any person who, with like intent, aids or abets any
7 officer, director, employee or agent in the violation of this section, ~~shall be imprisoned~~
8 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

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

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

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

22 218.21 **(7)** Any person who knowingly makes a false statement in an
23 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
24 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
25 Class H felony.

ENGROSSED ASSEMBLY BILL 3

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

2 220.06 **(2)** If any employee in the division or any member of the banking review
3 board or any employee thereof discloses the name of any debtor of any bank or
4 licensee, or anything relative to the private account or transactions of such bank or
5 licensee, or any fact obtained in the course of any examination of any bank or
6 licensee, except as herein provided, that person is guilty of a Class I felony and shall
7 be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~
8 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~
9 ~~than 3 years or both.~~

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

11 221.0625 **(2)** PENALTY. (intro.) An officer or director of a bank who, in violation
12 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
13 ~~not more than 15 years~~ is guilty of a Class F felony:

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

15 221.0636 **(2)** PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
16 ~~not more than 30 years~~ is guilty of a Class H felony.

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

18 221.0637 **(2)** PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
19 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
20 felony.

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

22 221.1004 **(2)** PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
23 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
24 ~~than 15 years or both~~ is guilty of a Class F felony.

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

ENGROSSED ASSEMBLY BILL 3

1 227.01 **(13)** (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

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

3 230.08 **(2)** (L) 6. Sentencing commission.

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

5 230.08 **(2)** (of) The executive director of the sentencing commission.

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

7 253.06 **(4)** (b) A person who violates any provision of this subsection may be
8 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~
9 ~~of a Class I felony for the first offense and may be fined not more than \$10,000 or~~
10 ~~imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H~~
11 ~~felony for the 2nd or subsequent offense.~~

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

13 285.87 **(2)** (b) If the conviction under par. (a) is for a violation committed after
14 another conviction under par. (a), the person shall is guilty of a Class I felony, except
15 ~~that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may~~
16 ~~be fined not more than \$50,000 per day of violation or imprisoned for not more than~~
17 ~~3 years or both.~~

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

19 291.97 **(2)** (b) (intro.) Any person who wilfully does any of the following shall
20 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
21 ~~in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than~~
22 ~~\$100,000 or imprisoned for not more than 7 years and 6 months or both:~~

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

24 291.97 **(2)** (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
25 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified

ENGROSSED ASSEMBLY BILL 3

1 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
2 or imprisoned for not more than 2 years or both.

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

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

8 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
9 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
10 or imprisoned for not more than one year in the county jail or both. For a 2nd or
11 subsequent violation, the person shall is guilty of a Class I felony, except that,
12 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
13 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

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

15 301.035 (2) Assign hearing examiners from the division to preside over
16 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
17 (2) and ch. 304.

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

19 301.035 (4) Supervise employees in the conduct of the activities of the division
20 and be the administrative reviewing authority for decisions of the division under ss.
21 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
22 ch. 304.

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

24 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
25 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,

ENGROSSED ASSEMBLY BILL 3

1 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 ~~(3)~~, (4) or (5), 940.195
2 ~~(3)~~, (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)
3 (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45
4 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
5 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.43,
6 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or
7 948.30.

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

9 301.26 **(4)** (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
10 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
11 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
12 correctional facilities, secured child caring institutions, alternate care providers,
13 aftercare supervision providers and corrective sanctions supervision providers for
14 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
15 or over who has been placed in a secured correctional facility based on a delinquent
16 act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or
17 s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
18 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2),
19 948.02 (1), 948.025, (1), or 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any
20 juvenile 10 years of age or over who has been placed in a secured correctional facility
21 or secured child caring institution for attempting or committing a violation of s.
22 940.01 or for committing a violation of s. 940.02 or 940.05.

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

24 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person may be fined not
25 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class

ENGROSSED ASSEMBLY BILL 3

1 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
2 if, prior to committing the offense, the person has at any time been convicted of
3 knowingly failing to comply with any requirement to provide information under
4 subs. (2) to (4).

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

2 302.11 **(1g)** (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),
3 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,
4 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
5 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),
6 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,
7 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

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

9 302.11 **(1p)** An inmate serving a term subject to s. 961.49 (2), 1999 stats., for
10 a crime committed before December 31, 1999, is entitled to mandatory release,
11 except the inmate may not be released before he or she has complied with s. 961.49
12 (2), 1999 stats.

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

14 302.11 **(1z)** An inmate who is sentenced to a term of confinement in prison
15 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not
16 entitled under this section to mandatory release on parole ~~under this section that~~
17 sentence.

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

19 302.11 **(3)** All consecutive sentences imposed for crimes committed before
20 December 31, 1999, shall be computed as one continuous sentence.

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

23 302.11 **(7) (am)** ~~The division of hearings and appeals in the department of~~
24 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
25 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released

ENGROSSED ASSEMBLY BILL 3

1 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the
2 remainder of the sentence for a violation of the conditions of parole. The remainder
3 of the sentence is the entire sentence, less time served in custody prior to parole. The
4 revocation order shall provide the parolee with credit in accordance with ss. 304.072
5 and 973.155.

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

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

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

11 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
12 parole shall be incarcerated for the entire period of time determined by the
13 ~~department of corrections in the case of a waiver or the division of hearings and~~
14 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
15 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
16 to mandatory release under sub. (1) or presumptive mandatory release under sub.
17 (1g). The period of time determined under par. (a) (am) may be extended in
18 accordance with subs. (1q) and (2).

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

7 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
8 section is entitled to release to extended supervision after he or she has served the
9 term of confinement in prison portion of the sentence imposed under s. 973.01, as
10 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
11 applicable.

12 **SECTION 153m.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

13 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
14 conduct of each inmate subject to this section, specifying each infraction of the rules.
15 If an inmate subject to this section violates an order under s. 973.031 requiring him
16 or her to participate in a drug treatment program. violates any regulation of the
17 prison or refuses or neglects to perform required or assigned duties, the department
18 may extend the term of confinement in prison portion of the inmate's bifurcated
19 sentence as follows:

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

21 302.113 (4) All consecutive sentences imposed for crimes committed on or after
22 December 31, 1999. shall be computed as one continuous sentence. The person shall
23 serve any term of extended supervision after serving all terms of confinement in
24 prison.

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

ENGROSSED ASSEMBLY BILL 3

1 302.113 (7) Any person released to extended supervision under this section is
2 subject to all conditions and rules of extended supervision until the expiration of the
3 term of extended supervision portion of the bifurcated sentence. The department
4 may set conditions of extended supervision in addition to any conditions of extended
5 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
6 the department do not conflict with the court's conditions.

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

8 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
9 or the department may petition the sentencing court to modify any conditions of
10 extended supervision set by the court.

11 (b) If the department files a petition under this subsection, it shall serve a copy
12 of the petition on the person who is the subject of the petition and, if the person is
13 represented by an attorney, on the person's attorney. If a person who is subject to this
14 section or his or her attorney files a petition under this subsection, the person or his
15 or her attorney shall serve a copy of the petition on the department. The court shall
16 serve a copy of a petition filed under this section on the district attorney. The court
17 may direct the clerk of the court to provide notice of the petition to a victim of a crime
18 committed by the person who is the subject of the petition.

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

23 (d) A person subject to this section or the department may appeal an order
24 entered by the court under this subsection. The appellate court may reverse the

ENGROSSED ASSEMBLY BILL 3

1 order only if it determines that the sentencing court erroneously exercised its
2 discretion in granting or denying the petition.

3 (e) 1. An inmate may not petition the court to modify the conditions of extended
4 supervision earlier than one year before the date of the inmate's scheduled date of
5 release to extended supervision or more than once before the inmate's release to
6 extended supervision.

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

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

13 302.113 **(8m)** (a) Every person released to extended supervision under this
14 section remains in the legal custody of the department. If the department alleges
15 that any condition or rule of extended supervision has been violated by the person,
16 the department may take physical custody of the person for the investigation of the
17 alleged violation.

18 (b) If a person released to extended supervision under this section signs a
19 statement admitting a violation of a condition or rule of extended supervision, the
20 department may, as a sanction for the violation, confine the person for up to 90 days
21 in a regional detention facility or, with the approval of the sheriff, in a county jail.
22 If the department confines the person in a county jail under this paragraph, the
23 department shall reimburse the county for its actual costs in confining the person
24 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,

ENGROSSED ASSEMBLY BILL 3

1 the person is not eligible to earn good time credit on any period of confinement
2 imposed under this subsection.

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

5 302.113 (9) (am) If a person released to extended supervision under this section
6 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
7 ~~the department of administration, upon proper notice and hearing, or the~~
8 ~~department of corrections, if the person on extended supervision waives a hearing,~~
9 reviewing authority may revoke the extended supervision of the person and return
10 the person to prison. If the extended supervision of the person is revoked, the person
11 shall be returned to the circuit court for the county in which the person was convicted
12 of the offense for which he or she was on extended supervision, and the court shall
13 order the person to be returned to prison, he or she shall be returned to prison for any
14 specified period of time that does not exceed the time remaining on the bifurcated
15 sentence. The time remaining on the bifurcated sentence is the total length of the
16 bifurcated sentence, less time served by the person in custody confinement under the
17 sentence before release to extended supervision under sub. (2) and less all time
18 served in confinement for previous revocations of extended supervision under the
19 sentence. The ~~revocation~~ court order returning a person to prison under this
20 paragraph shall provide the person on whose extended supervision was revoked with
21 credit in accordance with ss. 304.072 and 973.155.

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

23 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
24 hearings and appeals in the department of administration, upon proper notice and

ENGROSSED ASSEMBLY BILL 3

1 hearing, or the department of corrections, if the person on extended supervision
2 waives a hearing.

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

4 302.113 (9) (at) When a person is returned to court under par. (am) after
5 revocation of extended supervision, the reviewing authority shall make a
6 recommendation to the court concerning the period of time for which the person
7 should be returned to prison. The recommended time period may not exceed the time
8 remaining on the bifurcated sentence, as calculated under par. (am).

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

10 302.113 (9) (b) A person who is returned to prison after revocation of extended
11 supervision shall be incarcerated for the entire period of time specified by the
12 department of corrections in the case of a waiver or by the division of hearings and
13 appeals in the department of administration in the case of a hearing court under par.
14 (a) (am). The period of time specified under par. (a) (am) may be extended in
15 accordance with sub. (3). If a person is returned to prison under par. (am) for a period
16 of time that is less than the time remaining on the bifurcated sentence, the person
17 shall be released to extended supervision after he or she has served the period of time
18 specified by the court under par. (am) and any periods of extension imposed in
19 accordance with sub. (3).

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

21 302.113 (9) (c) A person who is subsequently released to extended supervision
22 after service of the period of time specified by the department of corrections in the
23 case of a waiver or by the division of hearings and appeals in the department of
24 administration in the case of a hearing court under par. (a) (am) is subject to all
25 conditions and rules under sub. subs. (7) and, if applicable, (7m) until the expiration

ENGROSSED ASSEMBLY BILL 3

1 of the ~~term of~~ remaining extended supervision portion of the bifurcated sentence.
2 The remaining extended supervision portion of the bifurcated sentence is the total
3 length of the bifurcated sentence, less the time served by the person in confinement
4 under the bifurcated sentence before release to extended supervision under sub. (2)
5 and less all time served in confinement for previous revocations of extended
6 supervision under the bifurcated sentence.

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

8 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a
9 person has served in confinement before release to extended supervision and the
10 amount of time a person has served in confinement for a revocation of extended
11 supervision includes any extensions imposed under sub. (3).

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

13 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
14 hearings and appeals in the department of administration, the hearing examiner
15 may order the taking and allow the use of a videotaped deposition under s. 967.04
16 (7) to (10).

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

18 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
19 under par. (am) with other proceedings before that reviewing authority under par.
20 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
21 parole or extended supervision of the same person.

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

23 302.113 (9) (g) In any case in which there is a hearing before the division of
24 hearings and appeals in the department of administration concerning whether to
25 revoke of a person's extended supervision, the person on extended supervision may

ENGROSSED ASSEMBLY BILL 3

1 seek review of a decision to revoke extended supervision and the department of
2 corrections may seek review of a decision to not revoke extended supervision. Review
3 of a decision under this paragraph may be sought only by an action for certiorari.

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

5 302.113 **(9g)** (a) In this subsection:

6 1. “Program review committee” means the committee at a correctional
7 institution that reviews the security classifications, institution assignments, and
8 correctional programming assignments of inmates confined in the institution.

9 2. “Terminal condition” means an incurable condition afflicting a person,
10 caused by injury, disease, or illness, as a result of which the person has a medical
11 prognosis that his or her life expectancy is 6 months or less, even with available
12 life-sustaining treatment provided in accordance with the prevailing standard of
13 medical care.

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

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

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

21 3. The inmate has a terminal condition.

22 (c) An inmate who meets the criteria under par. (b) may submit a petition to
23 the program review committee at the correctional institution in which the inmate is
24 confined requesting a modification of the inmate’s bifurcated sentence in the manner
25 specified in par. (f). If the inmate alleges in the petition that he or she has a terminal

ENGROSSED ASSEMBLY BILL 3

1 condition, the inmate shall attach to the petition affidavits from 2 physicians setting
2 forth a diagnosis that the inmate has a terminal condition.

3 (cm) If, after receiving a petition under par. (c), the program review committee
4 determines that the public interest would be served by a modification of the inmate's
5 bifurcated sentence in the manner provided under par. (f), the committee shall
6 approve the petition for referral to the sentencing court and notify the department
7 of its approval. The department shall then refer the inmate's petition to the
8 sentencing court and request the court to conduct a hearing on the petition. If the
9 program review committee determines that the public interest would not be served
10 by a modification of the inmate's bifurcated sentence in the manner specified in par.
11 (f), the committee shall deny the inmate's petition.

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

23 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
24 by the greater weight of the credible evidence that a modification of the bifurcated
25 sentence in the manner specified in par. (f) would serve the public interest. If the

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

8 **SECTION 167m.** 302.114 (3) (a) (intro.) of the statutes is amended to read:

9 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
10 conduct of each inmate subject to this section, specifying each infraction of the rules.
11 If any an inmate subject to this section violates an order under s. 973.031 requiring
12 him or her to participate in a drug treatment program, violates any regulation of the
13 prison or refuses or neglects to perform required or assigned duties, the department
14 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
15 or 2., whichever is applicable, as follows:

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

17 302.114 (4) All consecutive sentences imposed for crimes committed on or after
18 December 31, 1999, shall be computed as one continuous sentence. An inmate
19 subject to this section shall serve any term of extended supervision after serving all
20 terms of confinement in prison.

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

22 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
23 release to extended supervision. In an appeal under this paragraph, the appellate
24 court may reverse an order denying a petition for release to extended supervision

ENGROSSED ASSEMBLY BILL 3

1 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
2 discretion in denying the petition for release to extended supervision.

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

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

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

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

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

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

20 (b) If a person released to extended supervision under this section signs a
21 statement admitting a violation of a condition or rule of extended supervision, the
22 department may, as a sanction for the violation, confine the person for up to 90 days
23 in a regional detention facility or, with the approval of the sheriff, in a county jail.
24 If the department confines the person in a county jail under this paragraph, the
25 department shall reimburse the county for its actual costs in confining the person

ENGROSSED ASSEMBLY BILL 3

1 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
2 the person is not eligible to earn good time credit on any period of confinement
3 imposed under this subsection.

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

6 302.114 (9) (am) If a person released to extended supervision under this section
7 violates a condition of extended supervision, the ~~division of hearings and appeals in~~
8 ~~the department of administration, upon proper notice and hearing, or the~~
9 ~~department of corrections, if the person on extended supervision waives a hearing,~~
10 reviewing authority may revoke the extended supervision of the person and return
11 ~~the person to prison. If the extended supervision of the person is revoked, the person~~
12 shall be returned to the circuit court for the county in which the person was convicted
13 of the offense for which he or she was on extended supervision, and the court shall
14 order the person to be returned to prison, he or she shall be returned to prison for a
15 specified period of time, as provided under par. (b) before he or she is eligible for being
16 released again to extended supervision. The period of time specified under this
17 paragraph may not be less than 5 years and may be extended in accordance with sub.
18 (3).

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

20 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
21 in s. 302.113 (9) (ag).

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

23 302.114 (9) (b) ~~If~~ When a person is returned to ~~prison~~ court under par. (a) ~~(am)~~
24 after revocation of extended supervision, the ~~department of corrections in the case~~
25 ~~of a waiver or the division of hearings and appeals in the department of~~

ENGROSSED ASSEMBLY BILL 3

1 ~~administration in the case of a hearing under par. (a) reviewing authority shall~~
2 ~~specify a~~ make a recommendation to the court concerning the period of time for which
3 ~~the person shall be incarcerated~~ should be returned to prison before being eligible for
4 release to extended supervision. The period of time ~~specified~~ recommended under
5 this paragraph may not be less than 5 years ~~and may be extended in accordance with~~
6 ~~sub. (3).~~

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

8 302.114 **(9)** (bm) A person who is returned to prison under par. ~~(a)~~ (am) after
9 revocation of extended supervision may, upon petition to the sentencing court, be
10 released to extended supervision after he or she has served the entire period of time
11 specified ~~in~~ by the court under par. ~~(b)~~ (am), including any periods of extension
12 imposed under sub. (3). A person may not file a petition under this paragraph earlier
13 than 90 days before the date on which he or she is eligible to be released to extended
14 supervision. If a person files a petition for release to extended supervision under this
15 paragraph at any time earlier than 90 days before the date on which he or she is
16 eligible to be released to extended supervision, the court shall deny the petition
17 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
18 filed under this paragraph.

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

20 302.114 **(9)** (c) A person who is subsequently released to extended supervision
21 under par. ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the
22 expiration of the sentence.

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

24 302.114 **(9)** (d) If a hearing is to be held under par. (am) before the division of
25 hearings and appeals in the department of administration, the hearing examiner

ENGROSSED ASSEMBLY BILL 3

1 may order the taking and allow the use of a videotaped deposition under s. 967.04
2 (7) to (10).

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

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

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

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

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

16 302.33 (1) The maintenance of persons who have been sentenced to the state
17 penal institutions; persons in the custody of the department, except as provided in
18 sub. (2) and s. ss. 301.048 (7), 302.113 (8m), and 302.114 (8m); persons accused of
19 crime and committed for trial; persons committed for the nonpayment of fines and
20 expenses; and persons sentenced to imprisonment therein, while in the county jail,
21 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
22 keeping or boarding any person in the county jail unless the person was lawfully
23 detained therein.

24 **SECTION 181m.** 302.43 of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
2 in the amount of one-fourth of his or her term for good behavior if sentenced to at
3 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
4 for time served prior to sentencing under s. 973.155, including good time under s.
5 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
6 to participate in a drug treatment program, violates any law or any regulation of the
7 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
8 be deprived by the sheriff of good time under this section, except that the sheriff shall
9 not deprive the inmate of more than 2 days good time for any one offense without the
10 approval of the court. An inmate who files an action or special proceeding, including
11 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
12 deprived of the number of days of good time specified in the court order prepared
13 under s. 807.15 (3).

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

15 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
16 specified in subd. 2., may be considered for work release only after he or she has
17 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
18 is applicable, or he or she has reached his or her extended supervision eligibility date
19 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

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

21 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
22 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
23 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
24 necessary and reasonable hours for any of the following purposes:

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

ENGROSSED ASSEMBLY BILL 3

1 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
2 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
3 the department, the prisoner person is sentenced to ordinary confinement. The A
4 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
5 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
6 thereafter, and in the discretion of the court may renew the prisoner's petition. The
7 court may withdraw the privilege at any time by order entered with or without notice.

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

9 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
10 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
11 wages, salary and unemployment insurance and employment training benefits
12 received by prisoners shall be disbursed by the sheriff for the following purposes, in
13 the order stated:

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

15 303.08 (6) The department, for a person subject to a confinement sanction
16 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
17 authorize the sheriff to whom the prisoner is committed to arrange with another
18 sheriff for the employment or employment training of the prisoner in the other's
19 county, and while so employed or trained to be in the other's custody but in other
20 respects to be and continue subject to the commitment.

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

22 303.08 (12) In counties having a house of correction, any person violating the
23 privilege granted under sub. (1) may be transferred by the county jailer to the house
24 of correction for the remainder of the term of the person's sentence or, if applicable,

ENGROSSED ASSEMBLY BILL 3

1 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
2 (8m).

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

4 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
5 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
6 inmate of the Wisconsin state prisons or any felon or any person serving at least one
7 year or more in a county house of correction or a county reforestation camp organized
8 under s. 303.07, when he or she has served 25% of the sentence imposed for the
9 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
10 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
11 serving a life term when he or she has served 20 years, as modified by the formula
12 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
13 The person serving the life term shall be given credit for time served prior to
14 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
15 may grant special action parole releases under s. 304.02. The department or the
16 parole commission shall not provide any convicted offender or other person
17 sentenced to the department's custody any parole eligibility or evaluation until the
18 person has been confined at least 60 days following sentencing.

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

20 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
21 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
22 or she is not eligible for parole under this section.

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

24 304.11 (3) If upon inquiry it further appears to the governor that the convicted
25 person has violated or failed to comply with any of those conditions, the governor may

ENGROSSED ASSEMBLY BILL 3

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

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

10 341.605 **(3)** Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
11 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
12 guilty of a Class H felony.

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

14 342.06 **(2)** Any person who knowingly makes a false statement in an
15 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
16 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

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

18 342.065 **(4)** (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
19 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
20 ~~or both is guilty of a Class H felony.~~

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

22 342.155 **(4)** (b) Any person who violates this section with intent to defraud may
23 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
24 or both is guilty of Class H felony.

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

ENGROSSED ASSEMBLY BILL 3

1 342.156 **(6)** (b) Any person who violates this section with intent to defraud may
2 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
3 or both is guilty of a Class H felony.

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

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

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

9 342.32 **(3)** Whoever violates sub. (1) or (2) may be fined not more than \$5,000
10 or imprisoned for not more than 7 years and 6 months, or both, for each violation is
11 guilty of a Class H felony.

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

13 343.31 **(1)** (i) Knowingly fleeing or attempting to elude a traffic officer under
14 s. 346.04 (3).

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

16 343.31 **(3)** (d) (intro.) Any person convicted of knowingly fleeing or attempting
17 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
18 revoked as follows:

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

20 344.48 **(2)** Any person violating this section may be fined not more than \$1,000
21 \$10,000 or imprisoned for not more than 2 years 9 months or both.

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

23 346.04 **(2t)** No operator of a vehicle, after having received a visible or audible
24 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall

ENGROSSED ASSEMBLY BILL 3

1 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
2 safety reasonably permits.

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

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

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

8 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
9 \$10,000 or imprisoned for not more than 9 months or both.

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

11 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
12 346.04 (3) shall be fined not less than \$600 nor more than \$10,000 and may be
13 imprisoned for not more than 3 years is guilty of a Class I felony.

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

15 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
16 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
17 the person shall be fined not less than \$1,000 nor more than \$10,000 and may be
18 imprisoned for not more than 3 years is guilty of a Class H felony.

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

20 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
21 (14), to another, the person shall be fined not less than \$1,100 nor more than \$10,000
22 and may be imprisoned for not more than 3 years is guilty of a Class F felony.

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

ENGROSSED ASSEMBLY BILL 3

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

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

5 346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
6 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
7 the violation as provided in this section.

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

9 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
10 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
11 section if the person operating the vehicle or having the vehicle under his or her
12 control at the time of the violation has been convicted for the violation under this
13 section or under s. 346.04 (2t) or (3).

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

15 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
16 the authority issuing the citation with the name and address of the person operating
17 the vehicle or having the vehicle under his or her control at the time of the violation
18 and sufficient information for the officer to determine that probable cause does not
19 exist to believe that the owner of the vehicle was operating the vehicle at the time
20 of the violation, then the owner of the vehicle shall not be liable under this section
21 or under s. 346.04 (2t) or (3).

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

23 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
24 the violation the vehicle was in the possession of a lessee, and the lessor provides a
25 traffic officer employed by the authority issuing the citation with the information

ENGROSSED ASSEMBLY BILL 3

1 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
2 this section or under s. 346.04 (2t) or (3).

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

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

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

12 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
13 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

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

15 346.175 (5) (a) A vehicle owner or other person found liable under this section
16 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
17 more than \$1,000.

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

19 346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony
20 and shall be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not
21 less than 6 months ~~nor more than 5 years~~ if the number of convictions under ss.
22 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,
23 revocations and other convictions counted under s. 343.307 (1), equals 5 or more,
24 except that suspensions, revocations or convictions arising out of the same incident
25 or occurrence shall be counted as one.

ENGROSSED ASSEMBLY BILL 3

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

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

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

6 346.74 (5) (b) Shall May be fined not less than \$300 nor more than \$5,000
7 \$10,000 or imprisoned for not less than 10 days nor more than 2 years 9 months or
8 both if the accident involved injury to a person but the person did not suffer great
9 bodily harm.

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

11 346.74 (5) (c) ~~May be fined not more than \$10,000 or imprisoned not more than~~
12 ~~3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a person
13 and the person suffered great bodily harm.

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

15 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~
16 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
17 death to a person.

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

19 350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~
20 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
21 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
22 person.

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100
2 nor more than \$500 \$10,000 or imprisoned for not more than 2 years 9 months or
3 both.

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

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

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

11 450.11 (9) (b) Any person who delivers, or who possesses with intent to
12 manufacture or deliver, a prescription drug in violation of this section may be fined
13 not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both
14 is guilty of a Class H felony.

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

16 450.14 (5) Any person who violates this section may be fined not less than \$100
17 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years
18 and 6 months or both is guilty of a Class H felony.

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

20 450.15 (2) Any person who violates this section may be fined not less than \$100
21 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years
22 and 6 months or both is guilty of a Class H felony.

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

24 551.58 (1) Any person who wilfully violates any provision of this chapter except
25 s. 551.54, or any rule under this chapter, or any order of which the person has notice,

ENGROSSED ASSEMBLY BILL 3

1 or who violates s. 551.54 knowing or having reasonable cause to believe that the
2 statement made was false or misleading in any material respect, ~~may be fined not~~
3 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
4 guilty of a Class H felony. Each of the acts specified shall constitute a separate
5 offense and a prosecution or conviction for any one of such offenses shall not bar
6 prosecution or conviction for any other offense.

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

8 552.19 (1) Any person, including a controlling person of an offeror or target
9 company, who wilfully violates this chapter or any rule under this chapter, or any
10 order of which the person has notice, ~~may be fined not more than \$5,000 or~~
11 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
12 felony. Each of the acts specified constitutes a separate offense and a prosecution or
13 conviction for any one of the offenses does not bar prosecution or conviction for any
14 other offense.

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

16 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
17 which the person has notice, or who violates s. 553.41 (1) knowing or having
18 reasonable cause to believe either that the statement made was false or misleading
19 in any material respect or that the failure to report a material event under s. 553.31
20 (1) was false or misleading in any material respect, ~~may be fined not more than~~
21 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
22 Class G felony. Each of the acts specified is a separate offense, and a prosecution or
23 conviction for any one of those offenses does not bar prosecution or conviction for any
24 other offense.

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

ENGROSSED ASSEMBLY BILL 3

1 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
2 or artifice to defraud in connection with the offer or sale of any franchise or engages,
3 directly or indirectly, in any act, practice, or course of business which operates or
4 would operate as a fraud or deceit upon any person in connection with the offer or
5 sale of any franchise shall be ~~fined not more than \$5,000 or imprisoned for not more~~
6 ~~than 7 years and 6 months or both~~ is guilty of a Class G felony.

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

8 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~
9 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

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

11 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~
12 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
13 ~~or both~~ is guilty of a Class H felony.

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

15 565.50 (2) Any person who alters or forges a lottery ticket or share or
16 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~
17 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
18 ~~or both~~ is guilty of a Class I felony.

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

20 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
21 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
22 more than ~~3 years~~ 9 months or both.

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

24 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
25 permits any person over whom he or she has authority to violate or intentionally aids

ENGROSSED ASSEMBLY BILL 3

1 any person in violating any insurance statute or rule of this state, s. 149.13 or
2 149.144 or any effective order issued under s. 601.41 (4) may is guilty of a Class I
3 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
4 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
5 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the
6 meaning expressed under s. 939.23.

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

8 641.19 **(4)** (a) Any person who wilfully violates or fails to comply with any
9 provision of this chapter or the rules promulgated thereunder or who, knowingly,
10 makes a false statement, a false representation of a material fact, or who fails to
11 disclose a material fact in any registration, examination, statement or report
12 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
13 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
14 guilty of a Class H felony.

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

16 641.19 **(4)** (b) Any person who embezzles, steals, or unlawfully and wilfully
17 abstracts or converts to his or her own use or to the use of another, any of the moneys,
18 funds, securities, premiums, credits, property, or other assets of any employee
19 welfare fund, or of any fund connected therewith, ~~shall be fined not more than~~
20 ~~\$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
21 Class H felony.

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

23 753.061 **(2m)** The chief judge of the 1st judicial administrative district is
24 authorized to designate 4 circuit court branches to primarily handle violent crime
25 cases that involve a violation of s. 939.63, if a felony is committed while armed, and

ENGROSSED ASSEMBLY BILL 3

1 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32
2 (2). If the circuit court branches are designated under this subsection, 2 shall begin
3 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
4 primarily handle violent crime cases on August 1, 1992.

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

6 765.30 (1) (intro.) The following shall may be fined not less than ~~\$200 nor~~ more
7 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

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

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

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

12 767.242 (8) PENALTY. Whoever intentionally violates an injunction issued
13 under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more~~
14 ~~than 2 years or both~~ is guilty of a Class I felony.

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

16 **768.07 Penalty.** Any person who violates any provision of this chapter may
17 be fined not less than ~~\$100 nor~~ more than ~~\$1,000~~ \$10,000 or imprisoned for not more
18 than ~~2 years~~ 9 months or both.

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

20 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
21 is directed to any public officer, body, board or person, commanding the performance
22 of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the
23 officer or person or any member of such the body or board has, without just excuse,
24 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
25 ~~exceeding \$5,000, upon every such,~~ the officer, person or member of such the body or

ENGROSSED ASSEMBLY BILL 3

1 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
2 7 years and 6 months is guilty of a Class H felony.

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

4 801.50 (5) Venue of an action for certiorari to review a probation, extended
5 supervision or parole revocation, a denial by a program review committee under s.
6 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of
7 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an
8 offense for which the relator was on probation, extended supervision or parole or for
9 which the relator is currently incarcerated.

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

11 801.50 (5c) Venue of an action for certiorari brought by the department of
12 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
13 extended supervision shall be in the county in which the person on extended
14 supervision was convicted of the offense for which he or she is on extended
15 supervision.

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

17 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
18 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
19 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
20 videotaped oral statement of a child who is available to testify, as provided in this
21 section.

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

23 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
24 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated
25 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and

ENGROSSED ASSEMBLY BILL 3

1 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to
2 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
3 release on bail or as otherwise provided in ch. 969.

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

5 938.208 **(1)** (a) Probable cause exists to believe that the juvenile has committed
6 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
7 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
8 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
9 committed by an adult.

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

11 938.34 **(4h)** (a) The juvenile is 14 years of age or over and has been adjudicated
12 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
13 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
14 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or
15 the juvenile is 10 years of age or over and has been adjudicated delinquent for
16 attempting or committing a violation of s. 940.01 or for committing a violation of
17 940.02 or 940.05.

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

19 938.34 **(4m)** (b) 1. The juvenile has committed a delinquent act that would be
20 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
21 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
22 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

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

24 938.355 **(2d)** (b) 3. That the parent has committed a violation of s. 940.19 (3),
25 1999 stats., or s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025

ENGROSSED ASSEMBLY BILL 3

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

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

8 938.355 **(4)** (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
9 has been adjudicated delinquent is subject to par. (a), except that the judge may make
10 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th
11 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
12 apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation
13 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
14 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
15 juvenile is adjudicated delinquent for committing an act that would be punishable
16 as a Class A felony if committed by an adult.

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

18 938.78 **(3)** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
19 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
20 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
21 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
22 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
23 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r),~~ 943.32 (2), 948.02,
24 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
25 ch. 940 has escaped from a secured correctional facility, child caring institution,

ENGROSSED ASSEMBLY BILL 3

1 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
2 facility or juvenile portion of a county jail, or from the custody of a peace officer or
3 a guard of such a facility, institution or jail, or has been allowed to leave a secured
4 correctional facility, child caring institution, secured group home, inpatient facility,
5 secure detention facility or juvenile portion of a county jail for a specified time period
6 and is absent from the facility, institution, home or jail for more than 12 hours after
7 the expiration of the specified period, the department or county department having
8 supervision over the juvenile may release the juvenile's name and any information
9 about the juvenile that is necessary for the protection of the public or to secure the
10 juvenile's return to the facility, institution, home or jail. The department of
11 corrections shall promulgate rules establishing guidelines for the release of the
12 juvenile's name or information about the juvenile to the public.

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

14 939.22 **(21)** (d) Battery, ~~substantial battery or aggravated battery~~, as
15 prohibited in s. 940.19 or 940.195.

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

17 939.30 **(1)** Except as provided in sub. (2) and ~~ss. 948.35 and s.~~ 961.455, whoever,
18 with intent that a felony be committed, advises another to commit that crime under
19 circumstances that indicate unequivocally that he or she has the intent is guilty of
20 a Class ~~D~~ H felony.

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

22 939.30 **(2)** For a solicitation to commit a crime for which the penalty is life
23 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit
24 a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

7 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
8 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
9 applied, is guilty of a Class A misdemeanor.

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

11 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
12 a crime that is punishable under sub. (1) (intro.) is as follows:

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

11 2. Subject to the minimum term of extended supervision required under s.
12 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is
13 being applied, the court shall determine the maximum term of confinement in prison
14 by the following method:

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

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

19 (b) *Maximum term of extended supervision for attempt to commit classified*
20 *felony.* The maximum term of extended supervision for an attempt to commit a
21 classified felony is one-half of the maximum term of extended supervision for the
22 completed crime under s. 973.01 (2) (d).

23 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
24 *misdemeanor.* The court shall determine the maximum term of confinement in
25 prison for an attempt to commit a crime other than a classified felony by applying

ENGROSSED ASSEMBLY BILL 3

1 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
2 (b).

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

4 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

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

6 939.32 (3) (title) REQUIREMENTS.

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

8 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~
9 ~~felonies~~ Felonies in chs. 939 to 951 the statutes are classified as follows:

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

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

12 939.50 (1) (f) Class F felony.

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

14 939.50 (1) (g) Class G felony.

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

16 939.50 (1) (h) Class H felony.

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

18 939.50 (1) (i) Class I felony.

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

20 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~or~~ E, F, G, H, or I felony when it
21 is so specified in ~~chs. 939 to 951~~ the statutes.

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

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

24 939.50 (3) (c) For a Class C felony, a fine not to exceed \$10,000 \$100,000 or
25 imprisonment not to exceed ~~15~~ 40 years, or both.

ENGROSSED ASSEMBLY BILL 3

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

2 939.50 (3) (d) For a Class D felony, a fine not to exceed \$10,000 \$100,000 or
3 imprisonment not to exceed ~~10~~ 25 years, or both.

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

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

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

8 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
9 not to exceed 12 years and 6 months, or both.

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

11 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
12 not to exceed 10 years, or both.

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

14 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
15 not to exceed 6 years, or both.

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

17 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
18 not to exceed 3 years and 6 months, or both.

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

20 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the
21 same conduct that violates par. (a) also constitutes a crime that is a felony.

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

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

24 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
25 increased to not more than ~~3~~ 2 years.

ENGROSSED ASSEMBLY BILL 3

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

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

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

7 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
8 increased by not more than 2 years if the prior convictions were for misdemeanors
9 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

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

11 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
12 is that is a Class A, B, or C felony or, if the felony was committed before the effective
13 date of this subd. 2m. a. [revisor inserts date], that is or was punishable by a
14 maximum prison term of 30 years or more.

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

16 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
17 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
18 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
19 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
20 (1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
21 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

22 **SECTION 287.** 939.622 of the statutes is repealed.

23 **SECTION 288.** 939.623 (2) of the statutes is amended to read:

24 939.623 (2) If a person has one or more prior convictions for a serious sex crime
25 and subsequently commits a serious sex crime, the court shall impose a bifurcated

ENGROSSED ASSEMBLY BILL 3

1 sentence ~~the person to~~ under s. 973.01. The term of confinement in prison portion
2 of a bifurcated sentence imposed under this subsection may not be less than 5 years'
3 imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
4 subject to any applicable penalty enhancement. The court ~~shall~~ may not place the
5 defendant on probation.

6 **SECTION 289.** 939.624 (2) of the statutes is amended to read:

7 939.624 (2) If a person has one or more prior convictions for a serious violent
8 crime or a crime punishable by life imprisonment and subsequently commits a
9 serious violent crime, the court shall impose a bifurcated sentence ~~the person to~~
10 under s. 973.01. The term of confinement in prison portion of a bifurcated sentence
11 imposed under this subsection may not be less than 5 years' imprisonment 3 years
12 and 6 months, but otherwise the penalties for the crime apply, subject to any
13 applicable penalty enhancement. The court ~~shall~~ may not place the defendant on
14 probation.

15 **SECTION 290.** 939.625 of the statutes is repealed.

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

18 939.63 (1) (d) The maximum term of imprisonment for a felony not specified
19 in ~~subd. 2. or 3. par (b) or (c)~~ may be increased by not more than 3 years.

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

23 (3) This subsection section applies only to crimes specified under chs. 939 to
24 951 and 961.

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

8 939.632 **(2)** If a person commits a violent crime in a school zone, the maximum
9 period term of imprisonment is increased as follows:

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

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

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

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

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

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

19 939.645 **(2)** (a) If the crime committed under sub. (1) is ordinarily a
20 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
21 \$10,000 and the revised maximum period term of imprisonment is one year in the
22 county jail.

23 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
24 the penalty increase under this section changes the status of the crime to a felony and

ENGROSSED ASSEMBLY BILL 3

1 the revised maximum fine is \$10,000 and the revised maximum period term of
2 imprisonment is 2 years.

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

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

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

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

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

11 939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
12 party to a crime which is the objective of the solicitation; or

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

14 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
15 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
16 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
17 (e) ~~and (1b)~~, “unborn child” means any individual of the human species from
18 fertilization until birth that is gestating inside a woman.

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

20 940.02 (2) (intro.) Whoever causes the death of another human being under any
21 of the following circumstances is guilty of a Class B C felony:

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

23 **940.03 Felony murder.** Whoever causes the death of another human being
24 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
25 (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than

ENGROSSED ASSEMBLY BILL 3

1 ~~20~~ 15 years in excess of the maximum period term of imprisonment provided by law
2 for that crime or attempt.

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

4 940.04 **(1)** Any person, other than the mother, who intentionally destroys the
5 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
6 ~~than 3 years or both~~ is guilty of a Class H felony.

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

8 940.04 **(2)** (intro.) Any person, other than the mother, who does either of the
9 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

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

11 940.04 **(4)** Any pregnant woman who intentionally destroys the life of her
12 unborn quick child or who consents to such destruction by another ~~may be~~
13 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

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

15 940.06 **(1)** Whoever recklessly causes the death of another human being is
16 guilty of a Class ~~C~~ D felony.

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

18 940.06 **(2)** Whoever recklessly causes the death of an unborn child is guilty of
19 a Class ~~C~~ D felony.

20 **SECTION 311.** 940.07 of the statutes is amended to read:

21 **940.07 Homicide resulting from negligent control of vicious animal.**
22 Whoever knowing the vicious propensities of any animal intentionally allows it to go
23 at large or keeps it without ordinary care, if such animal, while so at large or not
24 confined, kills any human being who has taken all the precautions which the
25 circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 312.** 940.08 (1) of the statutes is amended to read:

2 940.08 (1) Whoever causes the death of another human being by the negligent
3 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
4 D G felony.

5 **SECTION 313.** 940.08 (2) of the statutes is amended to read:

6 940.08 (2) Whoever causes the death of an unborn child by the negligent
7 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class D
8 G felony.

9 **SECTION 314.** 940.09 (1) (intro.) of the statutes is amended to read:

10 940.09 (1) (intro.) Any person who does any of the following is guilty of a Class
11 B felony may be penalized as provided in sub. (1c):

12 **SECTION 315.** 940.09 (1b) of the statutes is repealed.

13 **SECTION 316.** 940.09 (1c) of the statutes is created to read:

14 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
15 guilty of a Class D felony.

16 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
17 one or more prior convictions, suspensions, or revocations, as counted under s.
18 343.307 (2).

19 **SECTION 317.** 940.10 (1) of the statutes is amended to read:

20 940.10 (1) Whoever causes the death of another human being by the negligent
21 operation or handling of a vehicle is guilty of a Class E G felony.

22 **SECTION 318.** 940.10 (2) of the statutes is amended to read:

23 940.10 (2) Whoever causes the death of an unborn child by the negligent
24 operation or handling of a vehicle is guilty of a Class E G felony.

25 **SECTION 319.** 940.11 (1) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
2 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
3 guilty of a Class C F felony.

4 **SECTION 320.** 940.11 (2) of the statutes is amended to read:

5 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
6 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class D G
7 felony.

8 **SECTION 321.** 940.12 of the statutes is amended to read:

9 **940.12 Assisting suicide.** Whoever with intent that another take his or her
10 own life assists such person to commit suicide is guilty of a Class D H felony.

11 **SECTION 322.** 940.15 (2) of the statutes is amended to read:

12 940.15 (2) Whoever intentionally performs an abortion after the fetus or
13 unborn child reaches viability, as determined by reasonable medical judgment of the
14 woman's attending physician, is guilty of a Class E I felony.

15 **SECTION 323.** 940.15 (5) of the statutes is amended to read:

16 940.15 (5) Whoever intentionally performs an abortion and who is not a
17 physician is guilty of a Class E I felony.

18 **SECTION 324.** 940.15 (6) of the statutes is amended to read:

19 940.15 (6) Any physician who intentionally performs an abortion under sub.
20 (3) shall use that method of abortion which, of those he or she knows to be available,
21 is in his or her medical judgment most likely to preserve the life and health of the
22 fetus or unborn child. Nothing in this subsection requires a physician performing
23 an abortion to employ a method of abortion which, in his or her medical judgment
24 based on the particular facts of the case before him or her, would increase the risk
25 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 325.** 940.19 (2) of the statutes is amended to read:

2 940.19 (2) Whoever causes substantial bodily harm to another by an act done
3 with intent to cause bodily harm to that person or another is guilty of a Class E I
4 felony.

5 **SECTION 326.** 940.19 (3) of the statutes is repealed.

6 **SECTION 327.** 940.19 (4) of the statutes is amended to read:

7 940.19 (4) Whoever causes great bodily harm to another by an act done with
8 intent to cause bodily harm to that person or another is guilty of a Class D H felony.

9 **SECTION 328.** 940.19 (5) of the statutes is amended to read:

10 940.19 (5) Whoever causes great bodily harm to another by an act done with
11 intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person
12 or another is guilty of a Class C E felony.

13 **SECTION 329.** 940.19 (6) (intro.) of the statutes is amended to read:

14 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
15 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
16 felony. A rebuttable presumption of conduct creating a substantial risk of great
17 bodily harm arises:

18 **SECTION 330.** 940.195 (2) of the statutes is amended to read:

19 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
20 act done with intent to cause bodily harm to that unborn child, to the woman who is
21 pregnant with that unborn child or another is guilty of a Class E I felony.

22 **SECTION 331.** 940.195 (3) of the statutes is repealed.

23 **SECTION 332.** 940.195 (4) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
2 done with intent to cause bodily harm to that unborn child, to the woman who is
3 pregnant with that unborn child or another is guilty of a Class ~~D~~ H felony.

4 **SECTION 333.** 940.195 (5) of the statutes is amended to read:

5 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
6 done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that
7 unborn child, to the woman who is pregnant with that unborn child or another is
8 guilty of a Class ~~C~~ E felony.

9 **SECTION 334.** 940.195 (6) of the statutes is amended to read:

10 940.195 (6) Whoever intentionally causes bodily harm to an unborn child by
11 conduct that creates a substantial risk of great bodily harm is guilty of a Class ~~D~~ H
12 felony.

13 **SECTION 335.** 940.20 (1) of the statutes is amended to read:

14 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
15 other state, county or municipal detention facility who intentionally causes bodily
16 harm to an officer, employee, visitor or another inmate of such prison or institution,
17 without his or her consent, is guilty of a Class ~~D~~ H felony.

18 **SECTION 336.** 940.20 (1m) of the statutes is amended to read:

19 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
20 person who is subject to an injunction under s. 813.12 or a tribal injunction filed
21 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
22 sought the injunction by an act done without the consent of the petitioner is guilty
23 of a Class ~~E~~ I felony.

ENGROSSED ASSEMBLY BILL 3

1 (b) Any person who is subject to an injunction under s. 813.125 and who
2 intentionally causes bodily harm to the petitioner who sought the injunction by an
3 act done without the consent of the petitioner is guilty of a Class E I felony.

4 **SECTION 337.** 940.20 (2) of the statutes is amended to read:

5 **940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS.** Whoever
6 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
7 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
8 person knows or has reason to know that the victim is a law enforcement officer or
9 fire fighter, by an act done without the consent of the person so injured, is guilty of
10 a Class D H felony.

11 **SECTION 338.** 940.20 (2m) (b) of the statutes is amended to read:

12 **940.20 (2m) (b)** Whoever intentionally causes bodily harm to a probation,
13 extended supervision and parole agent or an aftercare agent, acting in an official
14 capacity and the person knows or has reason to know that the victim is a probation,
15 extended supervision and parole agent or an aftercare agent, by an act done without
16 the consent of the person so injured, is guilty of a Class D H felony.

17 **SECTION 339.** 940.20 (3) of the statutes is amended to read:

18 **940.20 (3) BATTERY TO JURORS.** Whoever intentionally causes bodily harm to a
19 person who he or she knows or has reason to know is or was a grand or petit juror,
20 and by reason of any verdict or indictment assented to by the person, without the
21 consent of the person injured, is guilty of a Class D H felony.

22 **SECTION 340.** 940.20 (4) of the statutes is amended to read:

23 **940.20 (4) BATTERY TO PUBLIC OFFICERS.** Whoever intentionally causes bodily
24 harm to a public officer in order to influence the action of such officer or as a result

ENGROSSED ASSEMBLY BILL 3

1 of any action taken within an official capacity, without the consent of the person
2 injured, is guilty of a Class E I felony.

3 **SECTION 341.** 940.20 (5) (b) of the statutes is amended to read:

4 940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college
5 district or school district officer or employee acting in that capacity, and the person
6 knows or has reason to know that the victim is a technical college district or school
7 district officer or employee, without the consent of the person so injured, is guilty of
8 a Class E I felony.

9 **SECTION 342.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

10 940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another
11 under any of the following circumstances is guilty of a Class E I felony:

12 **SECTION 343.** 940.20 (7) (b) of the statutes is amended to read:

13 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency
14 department worker, an emergency medical technician, a first responder or an
15 ambulance driver who is acting in an official capacity and who the person knows or
16 has reason to know is an emergency department worker, an emergency medical
17 technician, a first responder or an ambulance driver, by an act done without the
18 consent of the person so injured, is guilty of a Class D H felony.

19 **SECTION 344.** 940.201 (2) (intro.) of the statutes is amended to read:

20 940.201 (2) (intro.) Whoever does any of the following is guilty of a Class D H
21 felony:

22 **SECTION 345.** 940.203 (2) (intro.) of the statutes is amended to read:

23 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
24 cause bodily harm to the person or family member of any judge under all of the
25 following circumstances is guilty of a Class D H felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 346.** 940.205 (2) (intro.) of the statutes is amended to read:

2 940.205 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
3 cause bodily harm to the person or family member of any department of revenue
4 official, employee or agent under all of the following circumstances is guilty of a Class
5 D H felony:

6 **SECTION 347.** 940.207 (2) (intro.) of the statutes is amended to read:

7 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
8 cause bodily harm to the person or family member of any department of commerce
9 or department of workforce development official, employee or agent under all of the
10 following circumstances is guilty of a Class D H felony:

11 **SECTION 348.** 940.21 of the statutes is amended to read:

12 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
13 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
14 guilty of a Class B C felony.

15 **SECTION 349.** 940.22 (2) of the statutes is amended to read:

16 940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
17 or herself out to be a therapist and who intentionally has sexual contact with a
18 patient or client during any ongoing therapist–patient or therapist–client
19 relationship, regardless of whether it occurs during any treatment, consultation,
20 interview or examination, is guilty of a Class E F felony. Consent is not an issue in
21 an action under this subsection.

22 **SECTION 350.** 940.225 (2) (intro.) of the statutes is amended to read:

23 940.225 (2) **SECOND DEGREE SEXUAL ASSAULT.** (intro.) Whoever does any of the
24 following is guilty of a Class BC C felony:

25 **SECTION 351.** 940.225 (3) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 940.225 **(3)** THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse
2 with a person without the consent of that person is guilty of a Class D G felony.
3 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
4 without the consent of that person is guilty of a Class D G felony.

5 **SECTION 352.** 940.23 (1) (a) of the statutes is amended to read:

6 940.23 **(1)** (a) Whoever recklessly causes great bodily harm to another human
7 being under circumstances which show utter disregard for human life is guilty of a
8 Class C D felony.

9 **SECTION 353.** 940.23 (1) (b) of the statutes is amended to read:

10 940.23 **(1)** (b) Whoever recklessly causes great bodily harm to an unborn child
11 under circumstances that show utter disregard for the life of that unborn child, the
12 woman who is pregnant with that unborn child or another is guilty of a Class C D
13 felony.

14 **SECTION 354.** 940.23 (2) (a) of the statutes is amended to read:

15 940.23 **(2)** (a) Whoever recklessly causes great bodily harm to another human
16 being is guilty of a Class D F felony.

17 **SECTION 355.** 940.23 (2) (b) of the statutes is amended to read:

18 940.23 **(2)** (b) Whoever recklessly causes great bodily harm to an unborn child
19 is guilty of a Class D F felony.

20 **SECTION 356.** 940.24 (1) of the statutes is amended to read:

21 940.24 **(1)** Whoever causes bodily harm to another by the negligent operation
22 or handling of a dangerous weapon, explosives or fire is guilty of a Class E I felony.

23 **SECTION 357.** 940.24 (2) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
2 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class E
3 I felony.

4 **SECTION 358.** 940.25 (1) (intro.) of the statutes is amended to read:

5 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
6 D F felony:

7 **SECTION 359.** 940.25 (1b) of the statutes is repealed.

8 **SECTION 360.** 940.285 (2) (b) 1g. of the statutes is amended to read:

9 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
10 that cause death is guilty of a Class B C felony. Any person violating par. (a) 3. under
11 circumstances that cause death is guilty of a Class D felony.

12 **SECTION 361.** 940.285 (2) (b) 1m. of the statutes is amended to read:

13 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
14 cause great bodily harm is guilty of a Class C F felony.

15 **SECTION 362.** 940.285 (2) (b) 1r. of the statutes is amended to read:

16 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
17 likely to cause great bodily harm is guilty of a Class D G felony. Any person violating
18 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
19 guilty of a Class I felony.

20 **SECTION 363.** 940.285 (2) (b) 2. of the statutes is amended to read:

21 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
22 cause ~~or are likely to cause~~ bodily harm is guilty of a Class E H felony. Any person
23 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
24 of a Class I felony.

25 **SECTION 364.** 940.285 (2) (b) 3. of the statutes is repealed.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 365.** 940.29 of the statutes is amended to read:

2 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
3 employed in a penal or correctional institution or other place of confinement who
4 abuses, neglects or ill-treats any person confined in or a resident of any such
5 institution or place or who knowingly permits another person to do so is guilty of a
6 Class ~~E~~ I felony.

7 **SECTION 366.** 940.295 (3) (b) 1g. of the statutes is amended to read:

8 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
9 that cause death to a vulnerable person is guilty of a Class ~~B~~ C felony. Any person
10 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
11 guilty of a Class D felony.

12 **SECTION 367.** 940.295 (3) (b) 1m. of the statutes is amended to read:

13 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
14 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

15 **SECTION 368.** 940.295 (3) (b) 1r. of the statutes is amended to read:

16 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
17 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
18 of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are
19 likely to cause great bodily harm is guilty of a Class G felony.

20 **SECTION 369.** 940.295 (3) (b) 2. of the statutes is amended to read:

21 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
22 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
23 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
24 of a Class I felony.

25 **SECTION 370.** 940.295 (3) (b) 3. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 940.295 **(3)** (b) 3. Except as provided in subd. 1m., any person violating par. (a)
2 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is
3 guilty of a Class ~~E~~ H felony. Any person violating par. (a) 2. or 3. under circumstances
4 that are likely to cause great bodily harm is guilty of a Class I felony.

5 **SECTION 371.** 940.30 of the statutes is amended to read:

6 **940.30 False imprisonment.** Whoever intentionally confines or restrains
7 another without the person's consent and with knowledge that he or she has no
8 lawful authority to do so is guilty of a Class ~~E~~ H felony.

9 **SECTION 372.** 940.305 (1) of the statutes is amended to read:

10 940.305 **(1)** Except as provided in sub. (2), whoever by force or threat of
11 imminent force seizes, confines or restrains a person without the person's consent
12 and with the intent to use the person as a hostage in order to influence a person to
13 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
14 B felony.

15 **SECTION 373.** 940.305 (2) of the statutes is amended to read:

16 940.305 **(2)** Whoever commits a violation specified under sub. (1) is guilty of
17 a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held as
18 a hostage is released without bodily harm.

19 **SECTION 374.** 940.31 (1) (intro.) of the statutes is amended to read:

20 940.31 **(1)** (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
21 felony:

22 **SECTION 375.** 940.31 (2) (a) of the statutes is amended to read:

23 940.31 **(2)** (a) Except as provided in par. (b), whoever violates sub. (1) with
24 intent to cause another to transfer property in order to obtain the release of the victim
25 is guilty of a Class ~~A~~ B felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 376.** 940.31 (2) (b) of the statutes is amended to read:

2 940.31 **(2)** (b) Whoever violates sub. (1) with intent to cause another to transfer
3 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
4 the victim is released without permanent physical injury prior to the time the first
5 witness is sworn at the trial.

6 **SECTION 377.** 940.32 (2) (intro.) of the statutes is amended to read:

7 940.32 **(2)** (intro.) Whoever meets all of the following criteria is guilty of a Class
8 ~~A misdemeanor~~ I felony:

9 **SECTION 378.** 940.32 (2m) of the statutes is amended to read:

10 940.32 **(2m)** Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
11 intentionally gains access to a record in electronic format that contains personally
12 identifiable information regarding the victim in order to facilitate the violation
13 under sub. (2).

14 **SECTION 379.** 940.32 (3) (intro.) of the statutes is amended to read:

15 940.32 **(3)** (intro.) Whoever violates sub. (2) under any of the following
16 circumstances is guilty of a Class ~~E~~ H felony:

17 **SECTION 380.** 940.32 (3m) (intro.) of the statutes is amended to read:

18 940.32 **(3m)** (intro.) Whoever violates sub. (3) under all of the following
19 circumstances is guilty of a Class ~~D~~ G felony:

20 **SECTION 381.** 940.43 (intro.) of the statutes is amended to read:

21 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
22 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

23 **SECTION 382.** 940.45 (intro.) of the statutes is amended to read:

24 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
25 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 383.** 941.11 (intro.) of the statutes is amended to read:

2 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
3 following is guilty of a Class D H felony:

4 **SECTION 384.** 941.12 (1) of the statutes is amended to read:

5 **941.12 (1)** Whoever intentionally interferes with the proper functioning of a
6 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
7 a Class E I felony.

8 **SECTION 385.** 941.20 (2) (intro.) of the statutes is amended to read:

9 **941.20 (2)** (intro.) Whoever does any of the following is guilty of a Class E G
10 felony:

11 **SECTION 386.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

12 **941.20 (3) (a)** (intro.) Whoever intentionally discharges a firearm from a
13 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot
14 that is open to the public under any of the following circumstances is guilty of a Class
15 E F felony:

16 **SECTION 387.** 941.21 of the statutes is amended to read:

17 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
18 officer who is acting in his or her official capacity by taking a dangerous weapon or
19 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer
20 without his or her consent is guilty of a Class E H felony. This section applies to any
21 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)
22 (a) that the officer is carrying or that is in an area within the officer's immediate
23 presence.

24 **SECTION 388.** 941.235 (1) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 941.235 (1) Any person who goes armed with a firearm in any building owned
2 or leased by the state or any political subdivision of the state is guilty of a Class B
3 A misdemeanor.

4 **SECTION 389.** 941.26 (2) (a) of the statutes is amended to read:

5 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

6 **SECTION 390.** 941.26 (2) (b) of the statutes is amended to read:

7 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

8 **SECTION 391.** 941.26 (2) (e) of the statutes is amended to read:

9 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
10 commercial transportation of the bomb, grenade, projectile, shell or container under
11 sub. (1) (b) is guilty of a Class E H felony.

12 **SECTION 392.** 941.26 (2) (f) of the statutes is amended to read:

13 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
14 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily
15 discomfort to a person who the actor knows, or has reason to know, is a peace officer
16 who is acting in an official capacity is guilty of a Class D H felony.

17 **SECTION 393.** 941.26 (2) (g) of the statutes is amended to read:

18 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
19 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
20 of another crime to cause bodily harm or bodily discomfort to another or who
21 threatens to use the bomb, grenade, projectile, shell or container during his or her
22 commission of another crime to incapacitate another person is guilty of a Class E H
23 felony.

24 **SECTION 394.** 941.26 (4) (d) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 941.26 **(4)** (d) Whoever intentionally uses a device or container described under
2 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
3 or has reason to know, is a peace officer who is acting in an official capacity is guilty
4 of a Class ~~D~~ H felony.

5 **SECTION 395.** 941.26 (4) (e) of the statutes is amended to read:

6 941.26 **(4)** (e) Whoever uses a device or container described under par. (a)
7 during his or her commission of another crime to cause bodily harm or bodily
8 discomfort to another or who threatens to use the device or container during his or
9 her commission of another crime to incapacitate another person is guilty of a Class
10 ~~E~~ H felony.

11 **SECTION 396.** 941.28 (3) of the statutes is amended to read:

12 941.28 **(3)** Any person violating this section is guilty of a Class ~~E~~ H felony.

13 **SECTION 397.** 941.29 (2) (intro.) of the statutes is amended to read:

14 941.29 **(2)** (intro.) A person specified in sub. (1) is guilty of a Class ~~E~~ G felony
15 if he or she possesses a firearm under any of the following circumstances:

16 **SECTION 398.** 941.29 (2m) of the statutes is repealed.

17 **SECTION 399.** 941.295 (1) of the statutes is amended to read:

18 941.295 **(1)** Whoever sells, transports, manufactures, possesses or goes armed
19 with any electric weapon is guilty of a Class ~~E~~ H felony.

20 **SECTION 400.** 941.296 (2) (intro.) of the statutes is amended to read:

21 941.296 **(2)** (intro.) Whoever uses or possesses a handgun during the
22 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class ~~E~~ H felony
23 under any of the following circumstances.

24 **SECTION 401.** 941.296 (3) of the statutes is repealed.

25 **SECTION 402.** 941.298 (2) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 941.298 **(2)** Whoever sells, delivers or possesses a firearm silencer is guilty of
2 a Class E H felony.

3 **SECTION 403.** 941.30 (1) of the statutes is amended to read:

4 941.30 **(1)** **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly
5 endangers another's safety under circumstances which show utter disregard for
6 human life is guilty of a Class D F felony.

7 **SECTION 404.** 941.30 (2) of the statutes is amended to read:

8 941.30 **(2)** **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever
9 recklessly endangers another's safety is guilty of a Class E G felony.

10 **SECTION 405.** 941.31 (1) of the statutes is amended to read:

11 941.31 **(1)** Whoever makes, buys, transports, possesses, or transfers any
12 explosive compound or offers to do the same, either with intent to use such explosive
13 to commit a crime or knowing that another intends to use it to commit a crime, is
14 guilty of a Class C F felony.

15 **SECTION 406.** 941.31 (2) (b) of the statutes is amended to read:

16 941.31 **(2)** (b) Whoever makes, buys, sells, transports, possesses, uses or
17 transfers any improvised explosive device, or possesses materials or components
18 with intent to assemble any improvised explosive device, is guilty of a Class E H
19 felony.

20 **SECTION 407.** 941.315 (3) (intro.) of the statutes is amended to read:

21 941.315 **(3)** (intro.) Whoever does any of the following is guilty of a Class D H
22 felony:

23 **SECTION 408.** 941.32 of the statutes is amended to read:

24 **941.32 Administering dangerous or stupefying drug.** Whoever
25 administers to another or causes another to take any poisonous, stupefying,

ENGROSSED ASSEMBLY BILL 3

1 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the
2 commission of a crime is guilty of a Class ~~C~~ E felony.

3 **SECTION 409.** 941.325 of the statutes is amended to read:

4 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
5 or other substances in candy or other liquid or solid edibles with the intent to cause
6 bodily harm to another person is guilty of a Class ~~E~~ I felony.

7 **SECTION 410.** 941.327 (2) (b) 1. of the statutes is amended to read:

8 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
9 (a) is guilty of a Class ~~E~~ I felony.

10 **SECTION 411.** 941.327 (2) (b) 2. of the statutes is amended to read:

11 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
12 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

13 **SECTION 412.** 941.327 (2) (b) 3. of the statutes is amended to read:

14 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
15 a person violating par. (a) is guilty of a Class ~~C~~ E felony.

16 **SECTION 413.** 941.327 (2) (b) 4. of the statutes is amended to read:

17 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
18 guilty of a Class ~~A~~ C felony.

19 **SECTION 414.** 941.327 (3) of the statutes is amended to read:

20 941.327 (3) Whoever intentionally imparts or conveys false information,
21 knowing the information to be false, concerning an act or attempted act which, if
22 true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

23 **SECTION 415.** 941.37 (3) of the statutes is amended to read:

24 941.37 (3) Any person who intentionally interferes with any emergency
25 medical personnel in the performance of duties relating to an emergency or rescue

ENGROSSED ASSEMBLY BILL 3

1 and who has reasonable grounds to believe that the interference may endanger
2 another's safety is guilty of a Class E I felony.

3 **SECTION 416.** 941.37 (4) of the statutes is amended to read:

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

6 **SECTION 417.** 941.38 (1) (b) 4. of the statutes is amended to read:

7 941.38 **(1)** (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
8 prohibited in s. 940.19 or 940.195.

9 **SECTION 418.** 941.38 (2) of the statutes is amended to read:

10 941.38 **(2)** Whoever intentionally solicits a child to participate in criminal gang
11 activity is guilty of a Class E I felony.

12 **SECTION 419.** 943.01 (2) (intro.) of the statutes is amended to read:

13 943.01 **(2)** (intro.) Any person violating sub. (1) under any of the following
14 circumstances is guilty of a Class D I felony:

15 **SECTION 420.** 943.01 (2g) (intro.) of the statutes is amended to read:

16 943.01 **(2g)** (intro.) Any person violating sub. (1) under all of the following
17 circumstances is guilty of a Class E I felony:

18 **SECTION 421.** 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 422.** 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

ENGROSSED ASSEMBLY BILL 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 423.** 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 424.** 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 66.0413 ~~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 425.** 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, employee
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 426.** 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 427.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

23 943.017 **(2m)** (b) (intro.) Whoever does any of the following is guilty of a Class ~~D~~
24 I felony:

25 **SECTION 428.** 943.02 (1) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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

3 **SECTION 429.** 943.03 of the statutes is amended to read:

4 **943.03 Arson of property other than building.** Whoever, by means of fire,
5 intentionally damages any property of another without the person's consent, if the
6 property is not a building and has a value of \$100 or more, is guilty of a Class E I
7 felony.

8 **SECTION 430.** 943.04 of the statutes is amended to read:

9 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
10 any property, other than a building, with intent to defraud an insurer of that property
11 is guilty of a Class D H felony. Proof that the actor recovered or attempted to recover
12 on a policy of insurance by reason of the fire is relevant but not essential to establish
13 the actor's intent to defraud the insurer.

14 **SECTION 431.** 943.06 (2) of the statutes is amended to read:

15 943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or
16 transfers a fire bomb is guilty of a Class E H felony.

17 **SECTION 432.** 943.07 (1) of the statutes is amended to read:

18 943.07 (1) Whoever intentionally causes damage or who causes another person
19 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,
20 tunnel or signal or any railroad property used in providing rail services, which could
21 cause an injury, accident or derailment is guilty of a Class A ~~misdemeanor~~ I felony.

22 **SECTION 433.** 943.07 (2) of the statutes is amended to read:

23 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
24 train, car, caboose or engine is guilty of a Class A ~~misdemeanor~~ I felony.

25 **SECTION 434.** 943.10 (1) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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

4 **SECTION 435.** 943.10 (2) (intro.) of the statutes is amended to read:

5 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
6 circumstances is guilty of a Class B E felony:

7 **SECTION 436.** 943.12 of the statutes is amended to read:

8 **943.12 Possession of burglarious tools.** Whoever has in personal
9 possession any device or instrumentality intended, designed or adapted for use in
10 breaking into any depository designed for the safekeeping of any valuables or into
11 any building or room, with intent to use such device or instrumentality to break into
12 a depository, building or room, and to steal therefrom, is guilty of a Class E I felony.

13 **SECTION 437.** 943.20 (3) (b) of the statutes is amended to read:

14 943.20 (3) (b) If the value of the property exceeds \$1,000 but does not \$2,500
15 exceed \$5,000, is guilty of a Class E I felony.

16 **SECTION 438.** 943.20 (3) (bm) of the statutes is created to read:

17 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
18 \$10,000, is guilty of a Class H felony.

19 **SECTION 439.** 943.20 (3) (c) of the statutes is amended to read:

20 943.20 (3) (c) If the value of the property exceeds \$2,500 \$10,000, is guilty of
21 a Class C G felony.

22 **SECTION 440.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

23 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
24 any of the following circumstances ~~exist~~ exists, is guilty of a Class D H felony:

25 **SECTION 441.** 943.20 (3) (d) 1. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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

2 **SECTION 442.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
3 amended to read:

4 943.20 (3) (e) The If the property is taken from the person of another or from
5 a corpse; ~~or,~~ is guilty of a Class G felony.

6 **SECTION 443.** 943.20 (3) (d) 3. of the statutes is amended to read:

7 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
8 or left unoccupied because of physical disaster, riot, bombing or the proximity of
9 battle; ~~or,~~

10 **SECTION 444.** 943.20 (3) (d) 4. of the statutes is amended to read:

11 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
12 the proximity of battle has necessitated its removal from a building; ~~or,~~

13 **SECTION 445.** 943.201 (2) of the statutes is amended to read:

14 943.201 (2) Whoever intentionally uses or attempts to use any personal
15 identifying information or personal identification document of an individual to
16 obtain credit, money, goods, services or anything else of value without the
17 authorization or consent of the individual and by representing that he or she is the
18 individual or is acting with the authorization or consent of the individual is guilty
19 of a Class ~~D~~ H felony.

20 **SECTION 446.** 943.205 (3) of the statutes is amended to read:

21 943.205 (3) Anyone who violates this section is guilty of a Class ~~E~~ I felony.

22 **SECTION 447.** 943.207 (3m) (b) (intro.) of the statutes is amended to read:

23 943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class ~~D~~ I
24 felony under any of the following circumstances:

25 **SECTION 448.** 943.207 (3m) (c) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 943.207 **(3m)** (c) (intro.) Whoever violates this section is guilty of a Class C H
2 felony under any of the following circumstances:

3 **SECTION 449.** 943.208 (2) (b) of the statutes is amended to read:

4 943.208 **(2)** (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
5 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
6 fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual
7 recordings in violation of sub. (1) during a 180–day period, and the value of the
8 recordings exceeds \$2,500.

9 **SECTION 450.** 943.208 (2) (c) of the statutes is amended to read:

10 943.208 **(2)** (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
11 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
12 at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in
13 violation of sub. (1) during a 180–day period or if the violation occurs after the person
14 has been convicted under this section.

15 **SECTION 451.** 943.209 (2) (b) of the statutes is amended to read:

16 943.209 **(2)** (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
17 person advertises, offers for sale or rent, sells, rents, transports or possesses fewer
18 than 100 recordings in violation of sub. (1) during a 180–day period, and the value
19 of the recordings exceeds \$2,500.

20 **SECTION 452.** 943.209 (2) (c) of the statutes is amended to read:

21 943.209 **(2)** (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
22 person advertises, offers for sale or rent, sells, rents, transports or possesses at least
23 100 recordings in violation of sub. (1) during a 180–day period or if the violation
24 occurs after the person has been convicted under this section.

25 **SECTION 453.** 943.21 (3) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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

3 **SECTION 454.** 943.23 (1g) of the statutes is amended to read:

4 943.23 **(1g)** Whoever, while possessing a dangerous weapon and by the use of,
5 or the threat of the use of, force or the weapon against another, intentionally takes
6 any vehicle without the consent of the owner is guilty of a Class ~~B~~ C felony.

7 **SECTION 455.** 943.23 (1m) of the statutes is repealed.

8 **SECTION 456.** 943.23 (1r) of the statutes is repealed.

9 **SECTION 457.** 943.23 (2) of the statutes is amended to read:

10 943.23 **(2)** ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
11 takes and drives any vehicle without the consent of the owner is guilty of a Class ~~D~~
12 H felony.

13 **SECTION 458.** 943.23 (3) of the statutes is amended to read:

14 943.23 **(3)** ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
15 drives or operates any vehicle without the consent of the owner is guilty of a Class
16 ~~E~~ I felony.

17 **SECTION 459.** 943.23 (3m) of the statutes is created to read:

18 943.23 **(3m)** It is an affirmative defense to a prosecution for a violation of sub.
19 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
20 after the vehicle was taken from the possession of the owner. An affirmative defense
21 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
22 who raises this affirmative defense has the burden of proving the defense by a
23 preponderance of the evidence.

24 **SECTION 460.** 943.23 (4m) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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

5 **SECTION 461.** 943.23 (5) of the statutes is amended to read:

6 943.23 **(5)** Whoever intentionally removes a major part of a vehicle without the
7 consent of the owner is guilty of a Class ~~E~~ I felony. Whoever intentionally removes
8 any other part or component of a vehicle without the consent of the owner is guilty
9 of a Class A misdemeanor.

10 **SECTION 462.** 943.24 (2) of the statutes is amended to read:

11 943.24 **(2)** Whoever issues any single check or other order for the payment of
12 more than \$1,000 or whoever within a 15-day period issues more than one check or
13 other order amounting in the aggregate to more than \$1,000 which, at the time of
14 issuance, the person intends shall not be paid is guilty of a Class ~~E~~ I felony.

15 **SECTION 463.** 943.25 (1) of the statutes is amended to read:

16 943.25 **(1)** Whoever, with intent to defraud, conveys real property which he or
17 she knows is encumbered, without informing the grantee of the existence of the
18 encumbrance is guilty of a Class ~~E~~ I felony.

19 **SECTION 464.** 943.25 (2) (intro.) of the statutes is amended to read:

20 943.25 **(2)** (intro.) Whoever, with intent to defraud, does any of the following
21 is guilty of a Class ~~E~~ I felony:

22 **SECTION 465.** 943.26 (2) of the statutes is amended to read:

23 943.26 **(2)** If the security is impaired by more than \$1,000, the mortgagor or
24 vendee is guilty of a Class ~~E~~ I felony.

25 **SECTION 466.** 943.27 of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 **943.27 Possession of records of certain usurious loans.** Any person who
2 knowingly possesses any writing representing or constituting a record of a charge of,
3 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
4 upon \$100 for one year computed upon the declining principal balance of the loan,
5 use or forbearance of money, goods or things in action or upon the loan, use or sale
6 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
7 E I felony.

8 **SECTION 467.** 943.28 (2) of the statutes is amended to read:

9 **943.28 (2)** Whoever makes any extortionate extension of credit, or conspires to
10 do so, if one or more of the parties to the conspiracy does an act to effect its object,
11 is guilty of a Class C F felony.

12 **SECTION 468.** 943.28 (3) of the statutes is amended to read:

13 **943.28 (3)** Whoever advances money or property, whether as a gift, as a loan,
14 as an investment, pursuant to a partnership or profit-sharing agreement, or
15 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
16 Class C F felony.

17 **SECTION 469.** 943.28 (4) of the statutes is amended to read:

18 **943.28 (4)** Whoever knowingly participates in any way in the use of any
19 extortionate means to collect or attempt to collect any extension of credit, or to punish
20 any person for the nonrepayment thereof, is guilty of a Class C F felony.

21 **SECTION 470.** 943.30 (1) of the statutes is amended to read:

22 **943.30 (1)** Whoever, either verbally or by any written or printed
23 communication, maliciously threatens to accuse or accuses another of any crime or
24 offense, or threatens or commits any injury to the person, property, business,
25 profession, calling or trade, or the profits and income of any business, profession,

ENGROSSED ASSEMBLY BILL 3

1 calling or trade of another, with intent thereby to extort money or any pecuniary
2 advantage whatever, or with intent to compel the person so threatened to do any act
3 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

4 **SECTION 471.** 943.30 (2) of the statutes is amended to read:

5 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
6 commerce or business or the movement of any article or commodity in commerce or
7 business is guilty of a Class D H felony.

8 **SECTION 472.** 943.30 (3) of the statutes is amended to read:

9 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
10 grand juror, in the performance of his or her functions as such, is guilty of a Class D
11 H felony.

12 **SECTION 473.** 943.30 (4) of the statutes is amended to read:

13 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
14 action of any public officer is guilty of a Class D H felony.

15 **SECTION 474.** 943.30 (5) (b) of the statutes is amended to read:

16 943.30 (5) (b) Whoever, orally or by any written or printed communication,
17 maliciously uses, or threatens to use, the patient health care records of another
18 person, with intent thereby to extort money or any pecuniary advantage, or with
19 intent to compel the person so threatened to do any act against the person's will or
20 omit to do any lawful act, is guilty of a Class D H felony.

21 **SECTION 475.** 943.31 of the statutes is amended to read:

22 **943.31 Threats to communicate derogatory information.** Whoever
23 threatens to communicate to anyone information, whether true or false, which would
24 injure the reputation of the threatened person or another unless the threatened

ENGROSSED ASSEMBLY BILL 3

1 person transfers property to a person known not to be entitled to it is guilty of a Class
2 E I felony.

3 **SECTION 476.** 943.32 (1) (intro.) of the statutes is amended to read:

4 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
5 or presence of the owner by either of the following means is guilty of a Class C E
6 felony:

7 **SECTION 477.** 943.32 (2) of the statutes is amended to read:

8 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
9 weapon, a device or container described under s. 941.26 (4) (a) or any article used or
10 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
11 weapon or such a device or container is guilty of a Class B C felony.

12 **SECTION 478.** 943.34 (1) (b) of the statutes is amended to read:

13 943.34 (1) (b) A Class E I felony, if the value of the property exceeds \$1,000 but
14 does not more than \$2,500 exceed \$5,000.

15 **SECTION 479.** 943.34 (1) (bm) of the statutes is created to read:

16 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
17 does not exceed \$10,000.

18 **SECTION 480.** 943.34 (1) (c) of the statutes is amended to read:

19 943.34 (1) (c) A Class C G felony, if the value of the property exceeds ~~\$2,500~~
20 \$10,000.

21 **SECTION 481.** 943.38 (1) (intro.) of the statutes is amended to read:

22 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
23 writing or object of any of the following kinds so that it purports to have been made
24 by another, or at another time, or with different provisions, or by authority of one who
25 did not give such authority, is guilty of a Class C H felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 482.** 943.38 (2) of the statutes is amended to read:

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

5 **SECTION 483.** 943.39 (intro.) of the statutes is amended to read:

6 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
7 defraud, does any of the following is guilty of a Class D H felony:

8 **SECTION 484.** 943.395 (2) (b) of the statutes is amended to read:

9 **943.395 (2) (b)** Is guilty of a Class E I felony if the value of the claim or benefit
10 exceeds \$1,000.

11 **SECTION 485.** 943.40 (intro.) of the statutes is amended to read:

12 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
13 intent to defraud does either of the following is guilty of a Class D H felony:

14 **SECTION 486.** 943.41 (8) (b) of the statutes is amended to read:

15 **943.41 (8) (b)** Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
16 or (6m) is guilty of a Class E I felony.

17 **SECTION 487.** 943.41 (8) (c) of the statutes is amended to read:

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

ENGROSSED ASSEMBLY BILL 3

1 of a Class H felony; or if the value of the money, goods, services or property exceeds
2 \$2,500 \$10,000, in a single transaction or in separate transactions within a period
3 not exceeding 6 months, the person is guilty of a Class € G felony.

4 **SECTION 488.** 943.45 (3) (c) of the statutes is amended to read:

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

8 **SECTION 489.** 943.45 (3) (d) of the statutes is amended to read:

9 943.45 (3) (d) Any person who violates sub. (1) 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 490.** 943.455 (4) (c) of the statutes is amended to read:

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

16 **SECTION 491.** 943.455 (4) (d) of the statutes is amended to read:

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

20 **SECTION 492.** 943.46 (4) (c) of the statutes is amended to read:

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

24 **SECTION 493.** 943.46 (4) (d) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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 494.** 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 495.** 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 496.** 943.49 (2) (b) 2. of the statutes is amended to read:

13 943.49 **(2)** (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~ I felony if
14 the violation occurs after the person has been convicted under this subsection.

15 **SECTION 497.** 943.50 (4) (b) 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 but does not ~~\$2,500~~ exceed \$5,000.

18 **SECTION 498.** 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 499.** 943.50 (4) (c) of the statutes is amended to read:

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

24 **SECTION 500.** 943.60 (1) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

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 501.** 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 502.** 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 503.** 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 504.** 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 505.** 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 506.** 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 or if
23 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 507.** 943.70 (2) (b) 4. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
2 unreasonable risk of death or great bodily harm to another.

3 **SECTION 508.** 943.70 (3) (b) 2. of the statutes is amended to read:

4 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
5 obtain property.

6 **SECTION 509.** 943.70 (3) (b) 3. of the statutes is amended to read:

7 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
8 system, computer network, equipment or supplies is greater than \$2,500.

9 **SECTION 510.** 943.70 (3) (b) 4. of the statutes is amended to read:

10 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
11 unreasonable risk of death or great bodily harm to another.

12 **SECTION 511.** 943.75 (2) of the statutes is amended to read:

13 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
14 for companionship or protection of persons or property, recreation, exhibition, or
15 educational purposes, acting without the consent of the owner or custodian of the
16 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
17 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
18 by a person is a Class E I felony.

19 **SECTION 512.** 943.75 (2m) of the statutes is amended to read:

20 943.75 (2m) Whoever intentionally releases an animal that is lawfully
21 confined for scientific, farming, restocking, research or commercial purposes, acting
22 without the consent of the owner or custodian of the animal, is guilty of a Class C H
23 felony.

24 **SECTION 513.** 944.05 (1) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class E I
2 felony:

3 **SECTION 514.** 944.06 of the statutes is amended to read:

4 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
5 a person he or she knows is a blood relative and such relative is in fact related in a
6 degree within which the marriage of the parties is prohibited by the law of this state
7 is guilty of a Class C F felony.

8 **SECTION 515.** 944.15 (title) of the statutes is repealed and recreated to read:

9 **944.15 (title) Public fornication.**

10 **SECTION 516.** 944.16 (intro.) of the statutes is amended to read:

11 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
12 Class E I felony:

13 **SECTION 517.** 944.205 (2) (intro.) of the statutes is amended to read:

14 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class E I
15 felony:

16 **SECTION 518.** 944.21 (5) (c) of the statutes is amended to read:

17 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
18 convictions under this section, the person is guilty of a Class D H felony.

19 **SECTION 519.** 944.21 (5) (e) of the statutes is amended to read:

20 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
21 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
22 the person is guilty of a Class D H felony.

23 **SECTION 520.** 944.32 of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
2 intentionally solicits or causes any person to practice prostitution or establishes any
3 person in a place of prostitution is guilty of a Class D H felony.

4 **SECTION 521.** 944.33 (2) of the statutes is amended to read:

5 **944.33 (2)** If the person received compensation from the earnings of the
6 prostitute, such person is guilty of a Class C F felony.

7 **SECTION 522.** 944.34 (intro.) of the statutes is amended to read:

8 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
9 any of the following is guilty of a Class D H felony:

10 **SECTION 523.** 945.03 (1m) (intro.) of the statutes is amended to read:

11 **945.03 (1m)** (intro.) Whoever intentionally does any of the following is engaged
12 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
13 I felony:

14 **SECTION 524.** 945.05 (1) (intro.) of the statutes is amended to read:

15 **945.05 (1)** (intro.) Except as provided in subs. (1e) and (1m), whoever
16 manufactures, transfers commercially or possesses with intent to transfer
17 commercially either of the following is guilty of a Class E I felony:

18 **SECTION 525.** 945.08 (1) of the statutes is amended to read:

19 **945.08 (1)** Any person who, with intent to influence any participant to refrain
20 from exerting full skill, speed, strength or endurance, transfers or promises any
21 property or any personal advantage to or on behalf of any participant in a contest of
22 skill, speed, strength or endurance is guilty of a Class D H felony.

23 **SECTION 526.** 946.02 (1) (intro.) of the statutes is amended to read:

24 **946.02 (1)** (intro.) Whoever does any of the following is guilty of a Class C F
25 felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 527.** 946.03 (1) (intro.) of the statutes is amended to read:

2 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
3 felony:

4 **SECTION 528.** 946.03 (2) of the statutes is amended to read:

5 946.03 (2) Whoever permits any premises under his or her care, control or
6 supervision to be used by an assembly with knowledge that the purpose of the
7 assembly is to advocate or teach the duty, necessity, desirability or propriety of
8 overthrowing the government of the United States or this state by the use or threat
9 of physical violence with intent that such government be overthrown or, after
10 learning that the premises are being so used, permits such use to be continued is
11 guilty of a Class E I felony.

12 **SECTION 529.** 946.05 (1) of the statutes is amended to read:

13 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
14 contempt upon the flag is guilty of a Class E I felony.

15 **SECTION 530.** 946.10 (intro.) of the statutes is amended to read:

16 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
17 either of the following is guilty of a Class D H felony:

18 **SECTION 531.** 946.11 (1) (intro.) of the statutes is amended to read:

19 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

20 **SECTION 532.** 946.12 (intro.) of the statutes is amended to read:

21 **946.12 Misconduct in public office.** (intro.) Any public officer or public
22 employee who does any of the following is guilty of a Class E I felony:

23 **SECTION 533.** 946.13 (1) (intro.) of the statutes is amended to read:

24 946.13 (1) (intro.) Any public officer or public employee who does any of the
25 following is guilty of a Class E I felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 534.** 946.14 of the statutes is amended to read:

2 **946.14 Purchasing claims at less than full value.** Any public officer or
3 public employee who in a private capacity directly or indirectly intentionally
4 purchases for less than full value or discounts any claim held by another against the
5 state or a political subdivision thereof or against any public fund is guilty of a Class
6 E I felony.

7 **SECTION 535.** 946.15 (1) of the statutes is amended to read:

8 **946.15 (1)** Any employer, or any agent or employee of an employer, who induces
9 any person who seeks to be or is employed pursuant to a public contract as defined
10 in s. 66.0903 (1) (c) or who seeks to be or is employed on a project on which a prevailing
11 wage rate determination has been issued by the department of workforce
12 development under s. 66.293 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
13 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
14 waive or return any part of the compensation to which that person is entitled under
15 his or her contract of employment or under the prevailing wage rate determination
16 issued by the department or local governmental unit, or who reduces the hourly basic
17 rate of pay normally paid to an employee for work on a project on which a prevailing
18 wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or
19 103.50 (3) during a week in which the employee works both on a project on which a
20 prevailing wage rate determination has been issued and on a project on which a
21 prevailing wage rate determination has not been issued, is guilty of a Class E I felony.

22 **SECTION 536.** 946.15 (3) of the statutes is amended to read:

23 **946.15 (3)** Any employer or labor organization, or any agent or employee of an
24 employer or labor organization, who induces any person who seeks to be or is
25 employed on a project on which a prevailing wage rate determination has been issued

ENGROSSED ASSEMBLY BILL 3

1 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
2 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
3 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
4 under the prevailing wage rate determination issued by the department or local
5 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,
6 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
7 is working on a project that is subject to 40 USC 276c.

8 **SECTION 537.** 946.31 (1) (intro.) of the statutes is amended to read:

9 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
10 material statement which the person does not believe to be true, in any matter, cause,
11 action or proceeding, before any of the following, whether legally constituted or
12 exercising powers as if legally constituted, is guilty of a Class D H felony:

13 **SECTION 538.** 946.32 (1) (intro.) of the statutes is amended to read:

14 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
15 H felony:

16 **SECTION 539.** 946.41 (2m) (intro.) of the statutes is amended to read:

17 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
18 circumstances is guilty of a Class D H felony:

19 **SECTION 540.** 946.415 (2) (intro.) of the statutes is amended to read:

20 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
21 a Class E I felony:

22 **SECTION 541.** 946.42 (3) (intro.) of the statutes is amended to read:

23 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
24 under any of the following circumstances is guilty of a Class D H felony:

25 **SECTION 542.** 946.42 (4) of the statutes is repealed.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 543.** 946.425 (1) of the statutes is amended to read:

2 946.425 **(1)** Any person who is subject to a series of periods of imprisonment
3 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
4 required under the sentence is guilty of a Class **D** H felony.

5 **SECTION 544.** 946.425 (1m) (b) of the statutes is amended to read:

6 946.425 **(1m)** (b) Any person who receives a stay of execution of a sentence of
7 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
8 intentionally fails to report to the county jail as required under the sentence is guilty
9 of a Class **D** H felony.

10 **SECTION 545.** 946.425 (1r) (b) of the statutes is amended to read:

11 946.425 **(1r)** (b) Any person who is subject to a confinement order under s.
12 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
13 report to the county jail or house of correction as required under the order is guilty
14 of a Class **D** H felony.

15 **SECTION 546.** 946.425 (2) of the statutes is repealed.

16 **SECTION 547.** 946.43 (1m) (intro.) of the statutes is amended to read:

17 946.43 **(1m)** (intro.) Any prisoner confined to a state prison or other state,
18 county or municipal detention facility who intentionally does any of the following is
19 guilty of a Class **C** F felony:

20 **SECTION 548.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

21 946.43 **(2m)** (a) (intro.) Any prisoner confined to a state prison or other state,
22 county or municipal detention facility who throws or expels blood, semen, vomit,
23 saliva, urine, feces or other bodily substance at or toward an officer, employee or
24 visitor of the prison or facility or another prisoner of the prison or facility under all

ENGROSSED ASSEMBLY BILL 3

1 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
2 ~~not more than 2 years or both~~ is guilty of a Class I felony:

3 **SECTION 549.** 946.44 (1) (intro.) of the statutes is amended to read:

4 946.44 (1) (intro.) Whoever does the following is guilty of a Class ~~D~~ H felony:

5 **SECTION 550.** 946.44 (1g) of the statutes is amended to read:

6 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
7 is guilty of a Class ~~C~~ F felony.

8 **SECTION 551.** 946.44 (1m) of the statutes is amended to read:

9 946.44 (1m) Whoever intentionally introduces into an institution where
10 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
11 unloaded, or any article used or fashioned in a manner to lead another person to
12 believe it is a firearm, is guilty of a Class ~~C~~ F felony.

13 **SECTION 552.** 946.47 (1) (intro.) of the statutes is amended to read:

14 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I
15 felony:

16 **SECTION 553.** 946.48 (1) of the statutes is amended to read:

17 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
18 written or oral communication with intent to induce a false belief that the sender has
19 knowledge of the whereabouts, physical condition, or terms imposed upon the return
20 of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

21 **SECTION 554.** 946.49 (1) (b) of the statutes is amended to read:

22 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
23 of a Class ~~D~~ H felony.

24 **SECTION 555.** 946.49 (2) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 946.49 **(2)** A witness for whom bail has been required under s. 969.01 (3) is
2 guilty of a Class **E I** felony for failure to appear as provided.

3 **SECTION 556.** 946.50 (5d) of the statutes is created to read:

4 946.50 **(5d)** A Class F felony, if the person was adjudicated delinquent for
5 committing an act that would be a Class F felony if committed by an adult.

6 **SECTION 557.** 946.50 (5h) of the statutes is created to read:

7 946.50 **(5h)** A Class G felony, if the person was adjudicated delinquent for
8 committing an act that would be a Class G felony if committed by an adult.

9 **SECTION 558.** 946.50 (5p) of the statutes is created to read:

10 946.50 **(5p)** A Class H felony, if the person was adjudicated delinquent for
11 committing an act that would be a Class H felony if committed by an adult.

12 **SECTION 559.** 946.50 (5t) of the statutes is created to read:

13 946.50 **(5t)** A Class I felony, if the person was adjudicated delinquent for
14 committing an act that would be a Class I felony if committed by an adult.

15 **SECTION 560.** 946.60 (1) of the statutes is amended to read:

16 946.60 **(1)** Whoever intentionally destroys, alters, mutilates, conceals,
17 removes, withholds or transfers possession of a document, knowing that the
18 document has been subpoenaed by a court or by or at the request of a district attorney
19 or the attorney general, is guilty of a Class **E I** felony.

20 **SECTION 561.** 946.60 (2) of the statutes is amended to read:

21 946.60 **(2)** Whoever uses force, threat, intimidation or deception, with intent
22 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
23 withhold or transfer possession of a subpoenaed document, knowing that the
24 document has been subpoenaed by a court or by or at the request of a district attorney
25 or the attorney general, is guilty of a Class **E I** felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 562.** 946.61 (1) (intro.) of the statutes is amended to read:

2 946.61 **(1)** (intro.) Whoever does any of the following is guilty of a Class **D H**
3 felony:

4 **SECTION 563.** 946.64 of the statutes is amended to read:

5 **946.64 Communicating with jurors.** Whoever, with intent to influence any
6 person, summoned or serving as a juror, in relation to any matter which is before that
7 person or which may be brought before that person, communicates with him or her
8 otherwise than in the regular course of proceedings in the trial or hearing of that
9 matter is guilty of a Class **E I** felony.

10 **SECTION 564.** 946.65 (1) of the statutes is amended to read:

11 946.65 **(1)** Whoever for a consideration knowingly gives false information to
12 any officer of any court with intent to influence the officer in the performance of
13 official functions is guilty of a Class **E I** felony.

14 **SECTION 565.** 946.68 (1r) (a) of the statutes is amended to read:

15 946.68 **(1r)** (a) Except as provided in pars. (b) and (c), whoever sends or delivers
16 to another any document which simulates legal process is guilty of a Class **E I** felony.

17 **SECTION 566.** 946.68 (1r) (b) of the statutes is amended to read:

18 946.68 **(1r)** (b) If the document under par. (a) is sent or delivered with intent
19 to induce payment of a claim, the person is guilty of a Class **D H** felony.

20 **SECTION 567.** 946.68 (1r) (c) of the statutes is amended to read:

21 946.68 **(1r)** (c) If the document under par. (a) simulates any criminal process,
22 the person is guilty of a Class **D H** felony.

23 **SECTION 568.** 946.69 (2) (intro.) of the statutes is amended to read:

24 946.69 **(2)** (intro.) Whoever does any of the following is guilty of a Class **E I**
25 felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 569.** 946.70 (2) of the statutes is amended to read:

2 946.70 **(2)** Any person violating sub. (1) with the intent to commit or aid or abet
3 the commission of a crime other than the crime under this section is guilty of a Class
4 D H felony.

5 **SECTION 570.** 946.72 (1) of the statutes is amended to read:

6 946.72 **(1)** Whoever with intent to injure or defraud destroys, damages,
7 removes or conceals any public record is guilty of a Class D H felony.

8 **SECTION 571.** 946.74 (2) of the statutes is amended to read:

9 946.74 **(2)** Whoever violates sub. (1) with intent to commit a crime against
10 sexual morality with or upon the inmate of the institution is guilty of a Class D H
11 felony.

12 **SECTION 572.** 946.76 of the statutes is amended to read:

13 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
14 to its execution that a search warrant has been applied for or issued, except so far
15 as may be necessary to its execution, is guilty of a Class E I felony.

16 **SECTION 573.** 946.82 (4) of the statutes is amended to read:

17 946.82 **(4)** “Racketeering activity” means any activity specified in 18 USC 1961
18 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
19 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
20 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
21 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
22 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
23 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
24 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
25 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,

ENGROSSED ASSEMBLY BILL 3

1 943.30, 943.32, 943.34 (1) (b), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
2 (c), 943.50 (4) (b), (bm), and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
3 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
4 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
5 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

6 **SECTION 574.** 946.84 (1) of the statutes is amended to read:

7 946.84 (1) Any person convicted of engaging in racketeering activity in
8 violation of s. 946.83 is guilty of a Class C E felony.

9 **SECTION 575.** 946.85 (1) of the statutes is amended to read:

10 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~
11 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
12 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
13 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
14 ~~record~~ is guilty of a Class E felony.

15 **SECTION 576.** 947.013 (1t) of the statutes is amended to read:

16 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
17 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
18 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
19 occurs within 7 years of the prior conviction.

20 **SECTION 577.** 947.013 (1v) of the statutes is amended to read:

21 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
22 she intentionally gains access to a record in electronic format that contains
23 personally identifiable information regarding the victim in order to facilitate the
24 violation under sub. (1r).

25 **SECTION 578.** 947.013 (1x) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 947.013 **(1x)** (intro.) Whoever violates sub. (1r) under all of the following
2 circumstances is guilty of a Class **D H** felony:

3 **SECTION 579.** 947.015 of the statutes is amended to read:

4 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
5 conveyed any threat or false information, knowing such to be false, concerning an
6 attempt or alleged attempt being made or to be made to destroy any property by the
7 means of explosives is guilty of a Class **E I** felony.

8 **SECTION 580.** 948.02 (2) of the statutes is amended to read:

9 948.02 **(2)** SECOND DEGREE SEXUAL ASSAULT. Whoever has sexual contact or
10 sexual intercourse with a person who has not attained the age of 16 years is guilty
11 of a Class **B C C** felony.

12 **SECTION 581.** 948.02 (3) of the statutes is amended to read:

13 948.02 **(3)** FAILURE TO ACT. A person responsible for the welfare of a child who
14 has not attained the age of 16 years is guilty of a Class **C F** felony if that person has
15 knowledge that another person intends to have, is having or has had sexual
16 intercourse or sexual contact with the child, is physically and emotionally capable
17 of taking action which will prevent the intercourse or contact from taking place or
18 being repeated, fails to take that action and the failure to act exposes the child to an
19 unreasonable risk that intercourse or contact may occur between the child and the
20 other person or facilitates the intercourse or contact that does occur between the
21 child and the other person.

22 **SECTION 582.** 948.02 (3m) of the statutes is repealed.

23 **SECTION 583.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
24 amended to read:

ENGROSSED ASSEMBLY BILL 3

1 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
2 or (2) within a specified period of time involving the same child is guilty of a:

3 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

4 **SECTION 584.** 948.025 (1) (b) of the statutes is created to read:

5 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
6 of s. 948.02 (1).

7 **SECTION 585.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
8 amended to read:

9 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
10 the defendant guilty the members of the jury must unanimously agree that at least
11 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
12 under sub. (1) of time but need not agree on which acts constitute the requisite
13 number and need not agree on whether a particular violation was a violation of s.
14 948.02 (1) or (2).

15 **SECTION 586.** 948.025 (2) (a) of the statutes is created to read:

16 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
17 the defendant guilty the members of the jury must unanimously agree that at least
18 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
19 agree on which acts constitute the requisite number.

20 **SECTION 587.** 948.025 (2m) of the statutes is repealed.

21 **SECTION 588.** 948.03 (2) (a) of the statutes is amended to read:

22 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
23 guilty of a Class ~~C~~ E felony.

24 **SECTION 589.** 948.03 (2) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
2 a Class D H felony.

3 **SECTION 590.** 948.03 (2) (c) of the statutes is amended to read:

4 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
5 which creates a high probability of great bodily harm is guilty of a Class C F felony.

6 **SECTION 591.** 948.03 (3) (a) of the statutes is amended to read:

7 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
8 of a Class D G felony.

9 **SECTION 592.** 948.03 (3) (b) of the statutes is amended to read:

10 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
11 Class E I felony.

12 **SECTION 593.** 948.03 (3) (c) of the statutes is amended to read:

13 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
14 which creates a high probability of great bodily harm is guilty of a Class D H felony.

15 **SECTION 594.** 948.03 (4) (a) of the statutes is amended to read:

16 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
17 C F felony if that person has knowledge that another person intends to cause, is
18 causing or has intentionally or recklessly caused great bodily harm to the child and
19 is physically and emotionally capable of taking action which will prevent the bodily
20 harm from occurring or being repeated, fails to take that action and the failure to act
21 exposes the child to an unreasonable risk of great bodily harm by the other person
22 or facilitates the great bodily harm to the child that is caused by the other person.

23 **SECTION 595.** 948.03 (4) (b) of the statutes is amended to read:

24 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
25 D H felony if that person has knowledge that another person intends to cause, is

ENGROSSED ASSEMBLY BILL 3

1 causing or has intentionally or recklessly caused bodily harm to the child and is
2 physically and emotionally capable of taking action which will prevent the bodily
3 harm from occurring or being repeated, fails to take that action and the failure to act
4 exposes the child to an unreasonable risk of bodily harm by the other person or
5 facilitates the bodily harm to the child that is caused by the other person.

6 **SECTION 596.** 948.03 (5) of the statutes is repealed.

7 **SECTION 597.** 948.04 (1) of the statutes is amended to read:

8 948.04 (1) Whoever is exercising temporary or permanent control of a child and
9 causes mental harm to that child by conduct which demonstrates substantial
10 disregard for the mental well-being of the child is guilty of a Class C F felony.

11 **SECTION 598.** 948.04 (2) of the statutes is amended to read:

12 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
13 felony if that person has knowledge that another person has caused, is causing or will
14 cause mental harm to that child, is physically and emotionally capable of taking
15 action which will prevent the harm, fails to take that action and the failure to act
16 exposes the child to an unreasonable risk of mental harm by the other person or
17 facilitates the mental harm to the child that is caused by the other person.

18 **SECTION 599.** 948.05 (1) (intro.) of the statutes is amended to read:

19 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
20 character and content of the sexually explicit conduct involving the child is guilty of
21 a Class C F felony:

22 **SECTION 600.** 948.05 (1m) of the statutes is amended to read:

23 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
24 into the state, reproduces, advertises, sells, distributes or possesses with intent to
25 sell or distribute, any undeveloped film, photographic negative, photograph, motion

ENGROSSED ASSEMBLY BILL 3

1 picture, videotape, sound recording or other reproduction of a child engaging in
2 sexually explicit conduct is guilty of a Class C F felony if the person knows the
3 character and content of the sexually explicit conduct involving the child and if the
4 person knows or reasonably should know that the child engaging in the sexually
5 explicit conduct has not attained the age of 18 years.

6 **SECTION 601.** 948.05 (2) of the statutes is amended to read:

7 948.05 (2) A person responsible for a child's welfare who knowingly permits,
8 allows or encourages the child to engage in sexually explicit conduct for a purpose
9 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

10 **SECTION 602.** 948.055 (2) (a) of the statutes is amended to read:

11 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
12 years.

13 **SECTION 603.** 948.055 (2) (b) of the statutes is amended to read:

14 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
15 but has not attained the age of 18 years.

16 **SECTION 604.** 948.06 (intro.) of the statutes is amended to read:

17 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
18 guilty of a Class BC C felony:

19 **SECTION 605.** 948.07 (intro.) of the statutes is amended to read:

20 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
21 following acts, causes or attempts to cause any child who has not attained the age
22 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
23 BC D felony:

24 **SECTION 606.** 948.08 of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
2 or causes any child to practice prostitution or establishes any child in a place of
3 prostitution is guilty of a Class ~~B~~ D felony.

4 **SECTION 607.** 948.095 (2) (intro.) of the statutes is amended to read:

5 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
6 child who has attained the age of 16 years and who is not the defendant's spouse is
7 guilty of a Class ~~D~~ H felony if all of the following apply:

8 **SECTION 608.** 948.11 (2) (a) of the statutes is amended to read:

9 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
10 rents, exhibits, transfers or loans to a child any harmful material, with or without
11 monetary consideration, is guilty of a Class ~~E~~ I felony.

12 **SECTION 609.** 948.11 (2) (am) of the statutes is amended to read:

13 948.11 (2) (am) Any person who has attained the age of 17 and who, with
14 knowledge of the nature of the description or narrative account, verbally
15 communicates, by any means, a harmful description or narrative account to a child,
16 with or without monetary consideration, is guilty of a Class ~~E~~ I felony.

17 **SECTION 610.** 948.12 (intro.) of the statutes is amended to read:

18 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
19 undeveloped film, photographic negative, photograph, motion picture, videotape or
20 other pictorial reproduction or audio recording of a child engaged in sexually explicit
21 conduct under all of the following circumstances is guilty of a Class ~~E~~ I felony:

22 **SECTION 611.** 948.13 (2) of the statutes is amended to read:

23 948.13 (2) Whoever has been convicted of a serious child sex offense and
24 subsequently engages in an occupation or participates in a volunteer position that
25 requires him or her to work or interact primarily and directly with children under

ENGROSSED ASSEMBLY BILL 3

1 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
2 person who is exempt under a court order issued under sub. (2m).

3 **SECTION 612.** 948.20 of the statutes is amended to read:

4 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
5 leaves any child in a place where the child may suffer because of neglect is guilty of
6 a Class D G felony.

7 **SECTION 613.** 948.21 (1) of the statutes is amended to read:

8 948.21 (1) Any person who is responsible for a child's welfare who, through his
9 or her actions or failure to take action, intentionally contributes to the neglect of the
10 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
11 felony.

12 **SECTION 614.** 948.22 (2) of the statutes is amended to read:

13 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
14 to provide spousal, grandchild or child support which the person knows or reasonably
15 should know the person is legally obligated to provide is guilty of a Class E I felony.
16 A prosecutor may charge a person with multiple counts for a violation under this
17 subsection if each count covers a period of at least 120 consecutive days and there is
18 no overlap between periods.

19 **SECTION 615.** 948.23 of the statutes is amended to read:

20 **948.23 Concealing death of child.** Any person who conceals the corpse of
21 any issue of a woman's body with intent to prevent a determination of whether it was
22 born dead or alive is guilty of a Class E I felony.

23 **SECTION 616.** 948.24 (1) (intro.) of the statutes is amended to read:

24 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
25 felony:

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 617.** 948.30 (1) (intro.) of the statutes is amended to read:

2 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
3 following is guilty of a Class ~~C~~ E felony:

4 **SECTION 618.** 948.30 (2) (intro.) of the statutes is amended to read:

5 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class ~~B~~ C felony:

7 **SECTION 619.** 948.31 (1) (b) of the statutes is amended to read:

8 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
9 causes a child to leave, takes a child away or withholds a child for more than 12 hours
10 beyond the court–approved period of physical placement or visitation period from a
11 legal custodian with intent to deprive the custodian of his or her custody rights
12 without the consent of the custodian is guilty of a Class ~~C~~ F felony. This paragraph
13 is not applicable if the court has entered an order authorizing the person to so take
14 or withhold the child. The fact that joint legal custody has been awarded to both
15 parents by a court does not preclude a court from finding that one parent has
16 committed a violation of this paragraph.

17 **SECTION 620.** 948.31 (2) of the statutes is amended to read:

18 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
19 child for more than 12 hours from the child’s parents or, in the case of a nonmarital
20 child whose parents do not subsequently intermarry under s. 767.60, from the child’s
21 mother or, if he has been granted legal custody, the child’s father, without the consent
22 of the parents, the mother or the father with legal custody, is guilty of a Class ~~E~~ I
23 felony. This subsection is not applicable if legal custody has been granted by court
24 order to the person taking or withholding the child.

25 **SECTION 621.** 948.31 (3) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 948.31 **(3)** (intro.) Any parent, or any person acting pursuant to directions from
2 the parent, who does any of the following is guilty of a Class C F felony:

3 **SECTION 622.** 948.35 of the statutes is repealed.

4 **SECTION 623.** 948.36 of the statutes is repealed.

5 **SECTION 624.** 948.40 (4) (a) of the statutes is amended to read:

6 948.40 **(4)** (a) If death is a consequence, the person is guilty of a Class C D
7 felony; or

8 **SECTION 625.** 948.40 (4) (b) of the statutes is amended to read:

9 948.40 **(4)** (b) If the child's act which is encouraged or contributed to is a
10 violation of a state or federal criminal law which is punishable as a felony, the person
11 is guilty of a Class D H felony.

12 **SECTION 626.** 948.51 (3) (b) of the statutes is amended to read:

13 948.51 **(3)** (b) A Class E H felony if the act results in great bodily harm ~~or death~~
14 to another.

15 **SECTION 627.** 948.51 (3) (c) of the statutes is created to read:

16 948.51 **(3)** (c) A Class G felony if the act results in the death of another.

17 **SECTION 628.** 948.60 (2) (b) of the statutes is amended to read:

18 948.60 **(2)** (b) Except as provided in par. (c), any person who intentionally sells,
19 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
20 Class E I felony.

21 **SECTION 629.** 948.60 (2) (c) of the statutes is amended to read:

22 948.60 **(2)** (c) Whoever violates par. (b) is guilty of a Class D H felony if the
23 person under 18 years of age under par. (b) discharges the firearm and the discharge
24 causes death to himself, herself or another.

25 **SECTION 630.** 948.605 (2) (a) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
2 that the individual knows, or has reasonable cause to believe, is a school zone is
3 guilty of a Class A ~~misdemeanor~~ I felony.

4 **SECTION 631.** 948.605 (3) (a) of the statutes is amended to read:

5 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
6 the safety of another, discharges or attempts to discharge a firearm at a place the
7 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

8 **SECTION 632.** 948.605 (4) of the statutes is repealed.

9 **SECTION 633.** 948.61 (2) (b) of the statutes is amended to read:

10 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
11 subsequent violation of this section within a 5-year period, as measured from the
12 dates the violations occurred.

13 **SECTION 634.** 948.62 (1) (a) of the statutes is amended to read:

14 948.62 (1) (a) A Class ~~E~~ felony A misdemeanor, if the value of the property does
15 not exceed \$500.

16 **SECTION 635.** 948.62 (1) (b) of the statutes is amended to read:

17 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
18 does not exceed \$2,500.

19 **SECTION 636.** 948.62 (1) (bm) of the statutes is created to read:

20 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
21 does not exceed \$5,000.

22 **SECTION 637.** 948.62 (1) (c) of the statutes is amended to read:

23 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
24 \$5,000.

25 **SECTION 638.** 949.03 (1) (b) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 949.03 (1) (b) The commission or the attempt to commit any crime specified in
2 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
3 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
4 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
5 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
6 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

7 **SECTION 639.** 950.04 (1v) (g) of the statutes is amended to read:

8 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
9 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
10 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

11 **SECTION 640.** 950.04 (1v) (nt) of the statutes is created to read:

12 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
13 bifurcated sentence and provide a statement concerning modification of the
14 bifurcated sentence, as provided under s. 302.113 (9g) (d).

15 **SECTION 641.** 951.18 (1) of the statutes is amended to read:

16 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
17 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
18 Class C forfeiture. Any person who violates any of these provisions within 3 years
19 after a humane officer issues an abatement order under s. 173.11 prohibiting the
20 violation of that provision is subject to a Class A forfeiture. Any person who
21 intentionally or negligently violates any of those sections is guilty of a Class A
22 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
23 mutilation, disfigurement or death of an animal, is guilty of a Class E I felony. Any
24 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that

ENGROSSED ASSEMBLY BILL 3

1 is the victim is used by a law enforcement agency to perform agency functions or
2 duties and causing injury to the animal, is guilty of a Class E I felony.

3 **SECTION 642.** 951.18 (2) of the statutes is amended to read:

4 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
5 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E I
6 felony for the first violation and is guilty of a Class D H felony for the 2nd or
7 subsequent violation.

8 **SECTION 643.** 951.18 (2m) of the statutes is amended to read:

9 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
10 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
11 that the animal that is the victim is used by a law enforcement agency or fire
12 department to perform agency or department functions or duties, is guilty of a Class
13 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
14 animal that is the victim is used by a law enforcement agency or fire department to
15 perform agency or department functions or duties and causing injury to the animal,
16 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
17 knowing that the animal that is the victim is used by a law enforcement agency or
18 fire department to perform agency or department functions or duties and causing
19 death to the animal, is guilty of a Class D H felony.

20 **SECTION 644.** 961.41 (1) (intro.) of the statutes is amended to read:

21 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
22 authorized by this chapter, it is unlawful for any person to manufacture, distribute
23 or deliver a controlled substance or controlled substance analog. Any person who
24 violates this subsection ~~with respect to~~ is subject to the following penalties:

25 **SECTION 645.** 961.41 (1) (a) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
2 in par. (d), if a person violates this subsection with respect to a controlled substance
3 included in schedule I or II which is a narcotic drug, or a controlled substance analog
4 of a controlled substance included in schedule I or II which is a narcotic drug, may
5 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
6 months or both the person is guilty of a Class E felony.

7 **SECTION 646.** 961.41 (1) (b) of the statutes is amended to read:

8 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
9 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
10 to any other controlled substance included in schedule I, II, or III, or a controlled
11 substance analog of any other controlled substance included in schedule I or II, may
12 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
13 or both the person is guilty of a Class H felony.

14 **SECTION 647.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

15 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
16 this subsection with respect to cocaine or cocaine base, or a controlled substance
17 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~ and the
18 amount manufactured, distributed, or delivered is:

19 **SECTION 648.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm)
20 1r. and amended to read:

21 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
22 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~
23 ~~for not more than 15 years~~ is guilty of a Class F felony.

24 **SECTION 649.** 961.41 (1) (cm) 1g. of the statutes is created to read:

25 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 650.** 961.41 (1) (cm) 2. of the statutes is amended to read:

2 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
3 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
4 year nor more than 22 years and 6 months is guilty of a Class E felony.

5 **SECTION 651.** 961.41 (1) (cm) 3. of the statutes is amended to read:

6 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
7 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
8 years nor more than 30 years is guilty of a Class D felony.

9 **SECTION 652.** 961.41 (1) (cm) 4. of the statutes is amended to read:

10 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
11 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
12 years nor more than 45 years is guilty of a Class C felony.

13 **SECTION 653.** 961.41 (1) (cm) 5. of the statutes is repealed.

14 **SECTION 654.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

15 961.41 (1) (d) Heroin. (intro.) Heroin If the person violates this subsection with
16 respect to heroin or a controlled substance analog of heroin is subject to the following
17 penalties if and the amount manufactured, distributed or delivered is:

18 **SECTION 655.** 961.41 (1) (d) 1. of the statutes is amended to read:

19 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
20 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years
21 and 6 months is guilty of a Class F felony.

22 **SECTION 656.** 961.41 (1) (d) 2. of the statutes is amended to read:

23 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
24 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned

ENGROSSED ASSEMBLY BILL 3

1 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
2 E felony.

3 **SECTION 657.** 961.41 (1) (d) 3. of the statutes is amended to read:

4 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
5 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
6 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
7 D felony.

8 **SECTION 658.** 961.41 (1) (d) 4. of the statutes is amended to read:

9 961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person
10 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
11 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
12 felony.

13 **SECTION 659.** 961.41 (1) (d) 5. of the statutes is repealed.

14 **SECTION 660.** 961.41 (1) (d) 6. of the statutes is repealed.

15 **SECTION 661.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

16 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
17 methcathinone. (intro.) Phencyclidine If the person violates this subsection with
18 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
19 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
20 methcathinone, is subject to the following penalties if and the amount
21 manufactured, distributed, or delivered is:

22 **SECTION 662.** 961.41 (1) (e) 1. of the statutes is amended to read:

23 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than
24 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
25 ~~6 months~~ is guilty of a Class F felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 663.** 961.41 (1) (e) 2. of the statutes is amended to read:

2 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
3 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
4 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
5 E felony.

6 **SECTION 664.** 961.41 (1) (e) 3. of the statutes is amended to read:

7 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
8 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
9 for not less than one year nor more than 22 years and 6 months is guilty of a Class
10 D felony.

11 **SECTION 665.** 961.41 (1) (e) 4. of the statutes is amended to read:

12 961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person
13 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
14 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
15 felony.

16 **SECTION 666.** 961.41 (1) (e) 5. of the statutes is repealed.

17 **SECTION 667.** 961.41 (1) (e) 6. of the statutes is repealed.

18 **SECTION 668.** 961.41 (1) (em) of the statutes is repealed.

19 **SECTION 669.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

20 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergic If the person violates
21 this subsection with respect to lysergic acid diethylamide or a controlled substance
22 analog of lysergic acid diethylamide is subject to the following penalties if and the
23 amount manufactured, distributed, or delivered is:

24 **SECTION 670.** 961.41 (1) (f) 1. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
2 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
3 ~~months~~ is guilty of a Class G felony.

4 **SECTION 671.** 961.41 (1) (f) 2. of the statutes is amended to read:

5 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
6 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
7 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

8 **SECTION 672.** 961.41 (1) (f) 3. of the statutes is amended to read:

9 961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
10 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
11 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

12 **SECTION 673.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

13 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates
14 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
15 of psilocin or psilocybin, is subject to the following penalties if and the amount
16 manufactured, distributed or delivered is:

17 **SECTION 674.** 961.41 (1) (g) 1. of the statutes is amended to read:

18 961.41 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
19 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
20 ~~years and 6 months~~ is guilty of a Class G felony.

21 **SECTION 675.** 961.41 (1) (g) 2. of the statutes is amended to read:

22 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
23 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
24 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
25 F felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 676.** 961.41 (1) (g) 3. of the statutes is amended to read:

2 961.41 (1) (g) 3. ~~More than 500 grams, the person shall be fined not less than~~
3 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
4 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

5 **SECTION 677.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

6 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
7 person violates this subsection with respect to tetrahydrocannabinols, included
8 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
9 subject to the following penalties if and the amount manufactured, distributed or
10 delivered is:

11 **SECTION 678.** 961.41 (1) (h) 1. of the statutes is amended to read:

12 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
13 containing tetrahydrocannabinols, ~~the person shall be fined not less than \$500 nor~~
14 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
15 is guilty of a Class I felony.

16 **SECTION 679.** 961.41 (1) (h) 2. of the statutes is amended to read:

17 961.41 (1) (h) 2. ~~More than 500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
18 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
19 plants containing tetrahydrocannabinols, ~~the person shall be fined not less than~~
20 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
21 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

22 **SECTION 680.** 961.41 (1) (h) 3. of the statutes is amended to read:

23 961.41 (1) (h) 3. ~~More than 2,500~~ 1,000 grams but not more than 2,500 grams,
24 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
25 plants containing tetrahydrocannabinols, the person shall be fined not less than

ENGROSSED ASSEMBLY BILL 3

1 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
2 ~~nor more than 15 years~~ is guilty of a Class G felony.

3 **SECTION 681.** 961.41 (1) (h) 4. of the statutes is created to read:

4 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
5 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
6 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

7 **SECTION 682.** 961.41 (1) (h) 5. of the statutes is created to read:

8 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
9 tetrahydrocannabinols, the person is guilty of a Class E felony.

10 **SECTION 683.** 961.41 (1) (i) of the statutes is amended to read:

11 961.41 (1) (i) Schedule IV drugs. Except as provided in par. (im), if a person
12 violates this subsection with respect to a substance included in schedule IV, may be
13 fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months
14 or both the person is guilty of a Class H felony.

15 **SECTION 684.** 961.41 (1) (im) of the statutes is repealed and recreated to read:

16 961.41 (1) (im) *Flunitrazepam.* If a person violates this subsection with respect
17 to flunitrazepam, the person is guilty of a Class G felony.

18 **SECTION 685.** 961.41 (1) (j) of the statutes is amended to read:

19 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
20 respect to a substance included in schedule V, may be fined not more than \$5,000 or
21 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

22 **SECTION 686.** 961.41 (1m) (intro.) of the statutes is amended to read:

23 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
24 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
25 with intent to manufacture, distribute or deliver, a controlled substance or a

ENGROSSED ASSEMBLY BILL 3

1 controlled substance analog. Intent under this subsection may be demonstrated by,
2 without limitation because of enumeration, evidence of the quantity and monetary
3 value of the substances possessed, the possession of manufacturing implements or
4 paraphernalia, and the activities or statements of the person in possession of the
5 controlled substance or a controlled substance analog prior to and after the alleged
6 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
7 following penalties:

8 **SECTION 687.** 961.41 (1m) (a) of the statutes is amended to read:

9 961.41 **(1m)** (a) *Schedule I and II narcotic drugs generally.* Except as provided
10 in par. (d), if a person violates this subsection with respect to a controlled substance
11 included in schedule I or II which is a narcotic drug or a controlled substance analog
12 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
13 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
14 ~~months or both~~ the person is guilty of a Class E felony.

15 **SECTION 688.** 961.41 (1m) (b) of the statutes is amended to read:

16 961.41 **(1m)** (b) *Schedule I, II, and III nonnarcotic drugs generally.* Except as
17 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
18 to any other controlled substance included in schedule I, II, or III, or a controlled
19 substance analog of any other controlled substance included in schedule I or II, ~~may~~
20 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
21 ~~or both~~ the person is guilty of a Class H felony.

22 **SECTION 689.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

23 961.41 **(1m)** (cm) *Cocaine and cocaine base.* (intro.) ~~Cocaine~~ If a person violates
24 this subsection with respect to cocaine or cocaine base, or a controlled substance

ENGROSSED ASSEMBLY BILL 3

1 analog of cocaine or cocaine base, is ~~subject to the following penalties if and~~ the
2 amount possessed, with intent to manufacture, distribute or deliver, is:

3 **SECTION 690.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)
4 (cm) 1r. and amended to read:

5 961.41 **(1m)** (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
6 5 grams, the person shall be ~~fined not more than \$500,000 and may be imprisoned~~
7 ~~for not more than 15 years~~ is guilty of a Class F felony.

8 **SECTION 691.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

9 961.41 **(1m)** (cm) 1g. One gram or less, the person is guilty of a Class G felony.

10 **SECTION 692.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

11 961.41 **(1m)** (cm) 2. More than 5 grams but not more than 15 grams, the person
12 shall be ~~fined not more than \$500,000 and shall be imprisoned for not less than one~~
13 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

14 **SECTION 693.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

15 961.41 **(1m)** (cm) 3. More than 15 grams but not more than 40 grams, the
16 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
17 ~~than 3 years nor more than 30 years~~ is guilty of a Class D felony.

18 **SECTION 694.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

19 961.41 **(1m)** (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the
20 person shall be ~~fined not more than \$500,000 and shall be imprisoned for not less~~
21 ~~than 5 years nor more than 45 years~~ is guilty of a Class C felony.

22 **SECTION 695.** 961.41 (1m) (cm) 5. of the statutes is repealed.

23 **SECTION 696.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

24 961.41 **(1m)** (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with
25 respect to heroin or a controlled substance analog of heroin is subject to the following

ENGROSSED ASSEMBLY BILL 3

1 penalties ~~if~~ and the amount possessed, with intent to manufacture, distribute or
2 deliver, is:

3 **SECTION 697.** 961.41 (1m) (d) 1. of the statutes is amended to read:

4 961.41 **(1m)** (d) 1. Three grams or less, the person shall be fined not less than
5 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
6 and 6 months is guilty of a Class F felony.

7 **SECTION 698.** 961.41 (1m) (d) 2. of the statutes is amended to read:

8 961.41 **(1m)** (d) 2. More than 3 grams but not more than 10 grams, the person
9 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
10 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
11 E felony.

12 **SECTION 699.** 961.41 (1m) (d) 3. of the statutes is amended to read:

13 961.41 **(1m)** (d) 3. More than 10 grams but not more than 50 grams, the person
14 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
15 for not less than one year nor more than 22 years and 6 months is guilty of a Class
16 D felony.

17 **SECTION 700.** 961.41 (1m) (d) 4. of the statutes is amended to read:

18 961.41 **(1m)** (d) 4. More than 50 grams but not more than 200 grams, the person
19 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
20 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
21 felony.

22 **SECTION 701.** 961.41 (1m) (d) 5. of the statutes is repealed.

23 **SECTION 702.** 961.41 (1m) (d) 6. of the statutes is repealed.

24 **SECTION 703.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
2 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
3 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
4 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
5 methcathinone, is subject to the following penalties if and the amount possessed,
6 with intent to manufacture, distribute, or deliver, is:

7 **SECTION 704.** 961.41 (1m) (e) 1. of the statutes is amended to read:

8 961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than
9 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
10 6 months is guilty of a Class F felony.

11 **SECTION 705.** 961.41 (1m) (e) 2. of the statutes is amended to read:

12 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
13 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
14 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
15 E felony.

16 **SECTION 706.** 961.41 (1m) (e) 3. of the statutes is amended to read:

17 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
18 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
19 for not less than one year nor more than 22 years and 6 months is guilty of a Class
20 D felony.

21 **SECTION 707.** 961.41 (1m) (e) 4. of the statutes is amended to read:

22 961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person
23 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
24 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
25 felony.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 708.** 961.41 (1m) (e) 5. of the statutes is repealed.

2 **SECTION 709.** 961.41 (1m) (e) 6. of the statutes is repealed.

3 **SECTION 710.** 961.41 (1m) (em) of the statutes is repealed.

4 **SECTION 711.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

5 961.41 **(1m)** (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
6 this subsection with respect to lysergic acid diethylamide or a controlled substance
7 analog of lysergic acid diethylamide ~~is subject to the following penalties if and the~~
8 amount possessed, with intent to manufacture, distribute or deliver, is:

9 **SECTION 712.** 961.41 (1m) (f) 1. of the statutes is amended to read:

10 961.41 **(1m)** (f) 1. One gram or less, the person shall be ~~fin~~ed ~~not less than~~
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
12 ~~6 months~~ is guilty of a Class G felony.

13 **SECTION 713.** 961.41 (1m) (f) 2. of the statutes is amended to read:

14 961.41 **(1m)** (f) 2. More than one gram but not more than 5 grams, the person
15 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
16 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
17 F felony.

18 **SECTION 714.** 961.41 (1m) (f) 3. of the statutes is amended to read:

19 961.41 **(1m)** (f) 3. More than 5 grams, the person shall be ~~fin~~ed ~~not less than~~
20 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
21 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

22 **SECTION 715.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

23 961.41 **(1m)** (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
24 this subsection with respect to psilocin or psilocybin, or a controlled substance analog

ENGROSSED ASSEMBLY BILL 3

1 of psilocin or psilocybin, ~~is subject to the following penalties if~~ and the amount
2 possessed, with intent to manufacture, distribute or deliver, is:

3 **SECTION 716.** 961.41 (1m) (g) 1. of the statutes is amended to read:

4 961.41 **(1m)** (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
5 ~~than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
6 ~~years and 6 months~~ is guilty of a Class G felony.

7 **SECTION 717.** 961.41 (1m) (g) 2. of the statutes is amended to read:

8 961.41 **(1m)** (g) 2. More than 100 grams but not more than 500 grams, the
9 person ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~
10 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty
11 of a Class F felony.

12 **SECTION 718.** 961.41 (1m) (g) 3. of the statutes is amended to read:

13 961.41 **(1m)** (g) 3. More than 500 grams, the person ~~shall be fined not less than~~
14 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
15 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

16 **SECTION 719.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

17 961.41 **(1m)** (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
18 person violates this subsection with respect to tetrahydrocannabinols, included
19 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
20 ~~subject to the following penalties if~~ and the amount possessed, with intent to
21 manufacture, distribute, or deliver, is:

22 **SECTION 720.** 961.41 (1m) (h) 1. of the statutes is amended to read:

23 961.41 **(1m)** (h) 1. Five Two hundred grams or less, or ~~10~~ 4 or fewer plants
24 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~

ENGROSSED ASSEMBLY BILL 3

1 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
2 is guilty of a Class I felony.

3 **SECTION 721.** 961.41 (1m) (h) 2. of the statutes is amended to read:

4 961.41 **(1m)** (h) 2. More than 500 200 grams but not more than ~~2,500~~ 1,000
5 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
6 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less
7 than ~~\$1,000~~ nor more than ~~\$50,000~~ and shall be imprisoned for not less than ~~3~~
8 months nor more than ~~7~~ years and 6 months is guilty of a Class H felony.

9 **SECTION 722.** 961.41 (1m) (h) 3. of the statutes is amended to read:

10 961.41 **(1m)** (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
11 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
12 plants containing tetrahydrocannabinols, the person shall be fined not less than
13 ~~\$1,000~~ nor more than ~~\$100,000~~ and shall be imprisoned for not less than one year
14 nor more than ~~15~~ years is guilty of a Class G felony.

15 **SECTION 723.** 961.41 (1m) (h) 4. of the statutes is created to read:

16 961.41 **(1m)** (h) 4. More than 2,500 grams but not more than 10,000 grams, or
17 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
18 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

19 **SECTION 724.** 961.41 (1m) (h) 5. of the statutes is created to read:

20 961.41 **(1m)** (h) 5. More than 10,000 grams, or more than 200 plants containing
21 tetrahydrocannabinols, the person is guilty of a Class E felony.

22 **SECTION 725.** 961.41 (1m) (i) of the statutes is amended to read:

23 961.41 **(1m)** (i) Schedule IV drugs. Except as provided in par. (im), if a person
24 violates this subsection with respect to a substance included in schedule IV, ~~may be~~

ENGROSSED ASSEMBLY BILL 3

1 ~~fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months~~
2 ~~or both the person is guilty of a Class H felony.~~

3 **SECTION 726.** 961.41 (1m) (im) of the statutes is repealed and recreated to read:

4 961.41 **(1m)** (im) *Flunitrazepam*. If a person violates this subsection with
5 respect to flunitrazepam, the person is guilty of a Class G felony.

6 **SECTION 727.** 961.41 (1m) (j) of the statutes is amended to read:

7 961.41 **(1m)** (j) *Schedule V drugs*. ~~A~~ If a person violates this subsection with
8 respect to a substance included in schedule V, may be fined not more than \$5,000 or
9 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

10 **SECTION 728.** 961.41 (1n) (c) of the statutes is amended to read:

11 961.41 **(1n)** (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
12 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

13 **SECTION 729.** 961.41 (1q) of the statutes is amended to read:

14 961.41 **(1q)** PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
15 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2), if~~
16 different penalty provisions apply to a person depending on whether the weight of
17 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
18 considered, the greater penalty provision applies.

19 **SECTION 730.** 961.41 (1r) of the statutes is amended to read:

20 961.41 **(1r)** DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
21 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) ~~and s. 961.49 (2) (b),~~ an amount
22 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
23 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
24 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
25 of these substances together with any compound, mixture, diluent, plant material

ENGROSSED ASSEMBLY BILL 3

1 or other substance mixed or combined with the controlled substance or controlled
2 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
3 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
4 (4) (t) and includes the weight of any marijuana.

5 **SECTION 731.** 961.41 (2) (intro.) of the statutes is amended to read:

6 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
7 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
8 possess with intent to distribute or deliver, a counterfeit substance. Any person who
9 violates this subsection ~~with respect to~~ is subject to the following penalties:

10 **SECTION 732.** 961.41 (2) (a) of the statutes is amended to read:

11 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~–A– If a person~~
12 violates this subsection with respect to a counterfeit substance included in schedule
13 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
14 for not more than 22 years and 6 months or both the person is guilty of a Class E
15 felony.

16 **SECTION 733.** 961.41 (2) (b) of the statutes is amended to read:

17 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Any Except as
18 provided in par. (cm), if a person violates this subsection with respect to any other
19 counterfeit substance included in schedule I, II or, III, or IV, may be fined not more
20 than \$15,000 or imprisoned for not more than 7 years and 6 months or both the
21 person is guilty of a Class H felony.

22 **SECTION 734.** 961.41 (2) (c) of the statutes is repealed.

23 **SECTION 735.** 961.41 (2) (cm) of the statutes is amended to read:

24 961.41 (2) (cm) Counterfeit flunitrazepam. ~~–A– If a person violates this~~
25 subsection with respect to a counterfeit substance which is flunitrazepam, may be

ENGROSSED ASSEMBLY BILL 3

1 ~~fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
2 ~~or both the person is guilty of a Class G felony.~~

3 **SECTION 736.** 961.41 (2) (d) of the statutes is amended to read:

4 961.41 (2) (d) Counterfeit schedule V drugs. ~~–A– If a person violates this~~
5 ~~subsection with respect to a counterfeit substance included in schedule V, may be~~
6 ~~fined not more than \$5,000 or imprisoned for not more than 2 years or both the person~~
7 ~~is guilty of a Class I felony.~~

8 **SECTION 737.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)
9 and amended to read:

10 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
11 ~~2., if the If a person possesses a controlled substance included in schedule I or II~~
12 ~~which is a narcotic drug, or possesses a controlled substance analog of a controlled~~
13 ~~substance included in schedule I or II which is a narcotic drug, the person may, upon~~
14 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~
15 ~~years or both, and, for a 2nd or subsequent offense, the person may be fined not more~~
16 ~~than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I~~
17 ~~felony.~~

18 **SECTION 738.** 961.41 (3g) (a) 2. of the statutes is repealed.

19 **SECTION 739.** 961.41 (3g) (a) 3. of the statutes is repealed.

20 **SECTION 740.** 961.41 (3g) (b) of the statutes is amended to read:

21 961.41 (3g) (b) Other drugs generally. ~~Except as provided in pars. (c), (d), (dm),~~
22 ~~(e) and (f), if the person possesses or attempts to possess a controlled substance or~~
23 ~~controlled substance analog, other than a controlled substance included in schedule~~
24 ~~I or II that is a narcotic drug or a controlled substance analog of a controlled~~

ENGROSSED ASSEMBLY BILL 3

1 substance included in schedule I or II that is a narcotic drug, the person is guilty of
2 a misdemeanor, punishable under s. 939.61.

3 **SECTION 741.** 961.41 (3g) (c) of the statutes is amended to read:

4 961.41 **(3g)** (c) Cocaine and cocaine base. If a person possess or attempts to
5 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
6 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
7 more than one year in the county jail upon a first conviction and is guilty of a Class
8 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
9 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
10 offense, the offender has at any time been convicted of any felony or misdemeanor
11 under this chapter or under any statute of the United States or of any state relating
12 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
13 or depressant, stimulant, or hallucinogenic drugs.

14 **SECTION 742.** 961.41 (3g) (d) of the statutes is amended to read:

15 961.41 **(3g)** (d) Certain hallucinogenic and stimulant drugs. If a person
16 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
17 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
18 controlled substance analog of lysergic acid diethylamide, phencyclidine,
19 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
20 may be fined not more than \$5,000 or imprisoned for not more than one year in the
21 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
22 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
23 or subsequent offense if, prior to the offender's conviction of the offense, the offender
24 has at any time been convicted of any felony or misdemeanor under this chapter or
25 under any statute of the United States or of any state relating to controlled

ENGROSSED ASSEMBLY BILL 3

1 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
2 stimulant, or hallucinogenic drugs.

3 **SECTION 743.** 961.41 (3g) (dm) of the statutes is repealed.

4 **SECTION 744.** 961.41 (3g) (e) of the statutes is amended to read:

5 961.41 **(3g)** (e) *Tetrahydrocannabinols.* If a person possesses or attempts to
6 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
7 substance analog of tetrahydrocannabinols, the person may be fined not more than
8 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
9 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
10 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
11 offender's conviction of the offense, the offender has at any time been convicted of any
12 felony or misdemeanor under this chapter or under any statute of the United States
13 or of any state relating to controlled substances, controlled substance analogs,
14 narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

15 **SECTION 745.** 961.41 (3g) (f) of the statutes is amended to read:

16 961.41 **(3g)** (f) *Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,*
17 *or flunitrazepam.* If a person possesses or attempts to possess
18 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,
19 the person may be ~~fined not more than \$5,000 or imprisoned for not more than 2 years~~
20 ~~or both~~ is guilty of a Class H felony.

21 **SECTION 746.** 961.41 (4) (am) 3. of the statutes is amended to read:

22 961.41 **(4)** (am) 3. A person ~~convicted of violating~~ who violates this paragraph
23 may be ~~fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
24 is guilty of a Class I felony.

25 **SECTION 747.** 961.42 (2) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 961.42 (2) Any person who violates this section ~~may be fined not more than~~
2 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

3 **SECTION 748.** 961.43 (2) of the statutes is amended to read:

4 961.43 (2) Any person who violates this section ~~may be fined not more than~~
5 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

6 **SECTION 749.** 961.437 (4) (a) of the statutes is amended to read:

7 961.437 (4) (a) For a first offense, the person ~~shall be fined not less than \$1,000~~
8 ~~nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both~~
9 is guilty of a Class H felony.

10 **SECTION 750.** 961.437 (4) (b) of the statutes is amended to read:

11 961.437 (4) (b) For a 2nd or subsequent offense, the person ~~shall be fined not~~
12 ~~less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years~~
13 ~~or both~~ is guilty of a Class F felony.

14 **SECTION 751.** 961.438 of the statutes is repealed.

15 **SECTION 752.** 961.455 (1) of the statutes is amended to read:

16 961.455 (1) Any person who has attained the age of 17 years who knowingly
17 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
18 ~~age or under for the purpose of violating s. 961.41 (1) may be fined not more than~~
19 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

20 **SECTION 753.** 961.455 (3) of the statutes is amended to read:

21 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
22 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
23 939.30 ~~or 948.35.~~

24 **SECTION 754.** 961.46 (1) of the statutes is renumbered 961.46 and amended to
25 read:

ENGROSSED ASSEMBLY BILL 3

1 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
2 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
3 ~~or delivering a controlled substance included in schedule I or II which is a narcotic~~
4 ~~drug or a controlled substance analog of a controlled substance included in schedule~~
5 ~~I or II which is a narcotic drug to a person 17 years of age or under who is at least~~
6 ~~3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or~~
7 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the~~
8 ~~applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the~~
9 ~~offense may be increased by not more than 5 years.~~

10 **SECTION 755.** 961.46 (2) of the statutes is repealed.

11 **SECTION 756.** 961.46 (3) of the statutes is repealed.

12 **SECTION 757.** 961.465 of the statutes is repealed.

13 **SECTION 758.** 961.472 (2) of the statutes is amended to read:

14 **961.472 (2)** Except as provided in sub. (5), if a person pleads guilty or is found
15 guilty of possession or attempted possession of a controlled substance or controlled
16 substance analog under s. 961.41 (3g) ~~(a) 2. (am)~~, (c), or (d) ~~or (dm)~~, the court shall
17 order the person to comply with an assessment of the person's use of controlled
18 substances. The court's order shall designate a facility that is operated by or
19 pursuant to a contract with the county department established under s. 51.42 and
20 that is certified by the department of health and family services to provide
21 assessment services to perform the assessment and, if appropriate, to develop a
22 proposed treatment plan. The court shall notify the person that noncompliance with
23 the order limits the court's ability to determine whether the treatment option under
24 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions
25 under s. 46.03 (18) (fm).

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 759.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
2 amended to read:

3 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
4 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
5 subsequent offense as provided under this chapter sub. (3) and the person is
6 convicted of that 2nd or subsequent offense may be fined an amount up to twice that
7 otherwise authorized or imprisoned for a term up to twice the term otherwise
8 authorized or both., the maximum term of imprisonment for the offense may be
9 increased as follows:

10 **SECTION 760.** 961.48 (1) (a) and (b) of the statutes are created to read:

11 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

12 (b) By not more than 4 years, if the offense is a Class E, F, G, H, or I felony.

13 **SECTION 761.** 961.48 (2) of the statutes is repealed.

14 **SECTION 762.** 961.48 (2m) (a) of the statutes is amended to read:

15 961.48 (2m) (a) Whenever a person charged with an a felony offense under this
16 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
17 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
18 convictions are alleged in the complaint, indictment or information or in an amended
19 complaint, indictment or information that is filed under par. (b) 1. A person is not
20 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
21 applicable prior convictions is withdrawn by an amended complaint filed under par.
22 (b) 2.

23 **SECTION 763.** 961.48 (3) of the statutes is amended to read:

24 961.48 (3) For purposes of this section, an a felony offense under this chapter
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

ENGROSSED ASSEMBLY BILL 3

1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 offense under this chapter or under any statute of the United States or of any state
3 relating to controlled substances or controlled substance analogs, narcotic drugs,
4 marijuana or depressant, stimulant or hallucinogenic drugs.

5 **SECTION 764.** 961.48 (4) of the statutes is repealed.

6 **SECTION 765.** 961.49 (1) of the statutes is renumbered 961.49, and 961.49
7 (intro.) of the statutes, as renumbered, is amended to read:

8 **961.49 Distribution of or possession with intent to deliver a controlled**
9 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)
10 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)
11 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,
12 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,
13 psilocybin, amphetamine, methamphetamine, methcathinone or any form of
14 tetrahydrocannabinols or a controlled substance analog of any of these substances
15 and the delivery, distribution or possession takes place under any of the following
16 circumstances, the maximum term of imprisonment prescribed by law for that crime
17 may be increased by 5 years:

18 **SECTION 766.** 961.49 (2) of the statutes is repealed.

19 **SECTION 767.** 961.49 (3) of the statutes is repealed.

20 **SECTION 768.** 961.492 of the statutes is repealed.

21 **SECTION 769.** 961.55 (1) (d) 3. of the statutes is amended to read:

22 961.55 **(1)** (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
23 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

24 **SECTION 770.** 961.573 (3) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 961.573 (3) No person may use, or possess with the primary intent to use, drug
2 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
3 analyze, pack, repack or store methamphetamine or a controlled substance analog
4 of methamphetamine in violation of this chapter. Any person who violates this
5 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
6 ~~years or both~~ is guilty of a Class H felony.

7 **SECTION 771.** 961.574 (3) of the statutes is amended to read:

8 961.574 (3) No person may deliver, possess with intent to deliver, or
9 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
10 primarily used to manufacture, compound, convert, produce, process, prepare, test,
11 analyze, pack, repack or store methamphetamine or a controlled substance analog
12 of methamphetamine in violation of this chapter. Any person who violates this
13 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
14 ~~years or both~~ is guilty of a Class H felony.

15 **SECTION 772.** 961.575 (3) of the statutes is amended to read:

16 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by
17 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~
18 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a
19 Class G felony.

20 **SECTION 773.** 967.04 (9) of the statutes is amended to read:

21 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
22 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
23 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
24 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
25 hearing examiner may order and preside at the taking of a videotaped deposition

ENGROSSED ASSEMBLY BILL 3

1 using the procedure provided in subs. (7) and (8) and may admit the videotaped
2 deposition into evidence without an additional hearing under s. 908.08.

3 **SECTION 774.** 968.255 (1) (a) 2. of the statutes is amended to read:

4 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
5 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

6 **SECTION 775.** 968.31 (1) (intro.) of the statutes is amended to read:

7 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
8 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
9 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
10 ~~or both~~ is guilty of a Class H felony:

11 **SECTION 776.** 968.34 (3) of the statutes is amended to read:

12 968.34 (3) Whoever knowingly violates sub. (1) shall may be fined not more
13 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

14 **SECTION 777.** 968.43 (3) of the statutes is amended to read:

15 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
16 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
17 felony.

18 **SECTION 778.** 969.08 (10) (a) of the statutes is amended to read:

19 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
20 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 ~~or~~
21 ~~948.35~~, to commit a serious crime.

22 **SECTION 779.** 969.08 (10) (b) of the statutes is amended to read:

23 969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),
24 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
25 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,

ENGROSSED ASSEMBLY BILL 3

1 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
2 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
3 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),
4 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
5 948.04, 948.05, 948.06, 948.07 or 948.30.

6 **SECTION 780.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
7 amended to read:

8 971.17 (1) (a) *Felonies committed before the effective date of this paragraph*
9 *[revisor inserts date].* ~~When~~ Except as provided in par. (c), when a defendant is found
10 not guilty by reason of mental disease or mental defect of a felony committed before
11 the effective date of this paragraph [revisor inserts date], the court shall commit
12 the person to the department of health and family services for a specified period not
13 exceeding two-thirds of the maximum term of imprisonment that could be imposed
14 ~~under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes~~
15 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~
16 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
17 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, ~~as applicable,~~
18 subject to the credit provisions of s. 973.155.

19 ~~(c) *Felonies punishable by life imprisonment.* If the maximum term of~~
20 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
21 mental defect of a felony that is punishable by life imprisonment, the commitment
22 period specified by the court may be life, subject to termination under sub. (5).

23 **SECTION 781.** 971.17 (1) (b) of the statutes is created to read:

24 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
25 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found

ENGROSSED ASSEMBLY BILL 3

1 not guilty by reason of mental disease or mental defect of a felony committed on or
2 after the effective date of this paragraph [revisor inserts date], the court shall
3 commit the person to the department of health and family services for a specified
4 period not exceeding the maximum term of confinement in prison that could be
5 imposed on an offender convicted of the same felony, plus imprisonment authorized
6 by any applicable penalty enhancement statutes, subject to the credit provisions of
7 s. 973.155.

8 **SECTION 782.** 971.17 (1) (d) of the statutes is created to read:

9 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
10 of mental disease or mental defect of a misdemeanor, the court shall commit the
11 person to the department of health and family services for a specified period not
12 exceeding two-thirds of the maximum term of imprisonment that could be imposed
13 against an offender convicted of the same misdemeanor, including imprisonment
14 authorized by any applicable penalty enhancement statutes, subject to the credit
15 provisions of s. 973.155.

16 **SECTION 783.** 971.365 (1) (a) of the statutes is amended to read:

17 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
18 (cm), (d), (e), (~~em~~), (f), (g) or (h) involving more than one violation, all violations may
19 be prosecuted as a single crime if the violations were pursuant to a single intent and
20 design.

21 **SECTION 784.** 971.365 (1) (b) of the statutes is amended to read:

22 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
23 (1m) (cm), (d), (e), (~~em~~), (f), (g) or (h) involving more than one violation, all violations
24 may be prosecuted as a single crime if the violations were pursuant to a single intent
25 and design.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 785.** 971.365 (1) (c) of the statutes is amended to read:

2 971.365 **(1)** (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41
3 (3g) (dm), 1999 stats., or s. 961.41 (3g) (a) 2. (am), (c), (d), ~~(dm)~~ or (e) involving more
4 than one violation, all violations may be prosecuted as a single crime if the violations
5 were pursuant to a single intent and design.

6 **SECTION 786.** 971.365 (2) of the statutes is amended to read:

7 971.365 **(2)** An acquittal or conviction under sub. (1) does not bar a subsequent
8 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)
9 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,
10 or s. 961.41 (1) (cm), (d), (e), ~~(em)~~, (f), (g), or (h), (1m) (cm), (d), (e), ~~(em)~~, (f), (g), or (h)
11 or (3g) (a) 2. (am), (c), (d), ~~(dm)~~ or (e) on which no evidence was received at the trial
12 on the original charge.

13 **SECTION 787.** 972.15 (2c) of the statutes is amended to read:

14 972.15 **(2c)** If the defendant is subject to being sentenced under s. 973.01 and
15 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
16 the presentence investigation report shall include in the report a recommendation
17 as to whether the defendant should be eligible for the challenge incarceration
18 program under s. 302.045.

19 **SECTION 788.** 973.01 (1) of the statutes is amended to read:

20 973.01 **(1)** BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
21 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
22 for a felony committed on or after December 31, 1999, or a misdemeanor committed
23 on or after the effective date of this subsection [revisor inserts date], the court
24 shall impose a bifurcated sentence ~~that consists of a term of confinement in prison~~
25 ~~followed by a term of extended supervision~~ under s. 302.113 this section.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 789.** 973.01 (2) (intro.) of the statutes is amended to read:

2 973.01 **(2)** STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
3 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in
4 prison followed by a term of extended supervision under s. 302.113. The total length
5 of a bifurcated sentence equals the length of the term of confinement in prison plus
6 the length of the term of extended supervision. An order imposing a bifurcated
7 ~~sentence imposed under sub. (1) complies~~ this section shall comply with all of the
8 following:

9 **SECTION 790.** 973.01 (2) (a) of the statutes is amended to read:

10 973.01 **(2)** (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
11 the total length of the bifurcated sentence may not exceed the maximum period of
12 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
13 the maximum term of imprisonment provided by statute for the crime, if the crime
14 is not a classified felony, plus additional imprisonment authorized by any applicable
15 penalty enhancement statutes.

16 **SECTION 791.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

17 973.01 **(2)** (b) *Imprisonment Confinement portion of bifurcated sentence.*
18 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
19 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~
20 ~~for the felony, and, except as provided in par. (c), may not exceed~~ is subject to
21 whichever of the following limits is applicable:

22 **SECTION 792.** 973.01 (2) (b) 2. of the statutes is repealed.

23 **SECTION 793.** 973.01 (2) (b) 3. of the statutes is amended to read:

24 973.01 **(2)** (b) 3. For a Class C felony, the term of confinement in prison may
25 not exceed ~~10~~ 25 years.

ENGROSSED ASSEMBLY BILL 3

1 **SECTION 794.** 973.01 (2) (b) 4. of the statutes is amended to read:

2 973.01 **(2)** (b) 4. For a Class D felony, the term of confinement in prison may
3 not exceed ~~5~~ 15 years.

4 **SECTION 795.** 973.01 (2) (b) 5. of the statutes is amended to read:

5 973.01 **(2)** (b) 5. For a Class E felony, the term of confinement in prison may
6 not exceed ~~2~~ 10 years.

7 **SECTION 796.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
8 (intro.) and amended to read:

9 973.01 **(2)** (b) 10. (intro.) For any felony crime other than a ~~felony specified in~~
10 ~~subds. 1. to 5. one of the following~~, the term of confinement in prison may not exceed
11 75% of the total length of the bifurcated sentence-;

12 **SECTION 797.** 973.01 (2) (b) 6m. of the statutes is created to read:

13 973.01 **(2)** (b) 6m. For a Class F felony, the term of confinement in prison may
14 not exceed 7 years and 6 months.

15 **SECTION 798.** 973.01 (2) (b) 7. of the statutes is created to read:

16 973.01 **(2)** (b) 7. For a Class G felony, the term of confinement in prison may
17 not exceed 5 years.

18 **SECTION 799.** 973.01 (2) (b) 8. of the statutes is created to read:

19 973.01 **(2)** (b) 8. For a Class H felony, the term of confinement in prison may
20 not exceed 3 years.

21 **SECTION 800.** 973.01 (2) (b) 9. of the statutes is created to read:

22 973.01 **(2)** (b) 9. For a Class I felony, the term of confinement in prison may not
23 exceed one year and 6 months.

24 **SECTION 801.** 973.01 (2) (b) 10. a. and b. of the statutes are created to read:

25 973.01 **(2)** (b) 10. a. A felony specified in subds. 1. to 9.

ENGROSSED ASSEMBLY BILL 3

1 b. An attempt to commit a classified felony if the attempt is punishable under
2 s. 939.32 (1) (intro.).

3 **SECTION 802.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
4 amended to read:

5 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
6 required under par. (d), the maximum term of confinement in prison specified in par.
7 (b) may be increased by any applicable penalty enhancement statute. If the
8 maximum term of confinement in prison specified in par. (b) is increased under this
9 paragraph, the total length of the bifurcated sentence that may be imposed is
10 increased by the same amount.

11 **SECTION 803.** 973.01 (2) (c) 2. of the statutes is created to read:

12 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
13 apply to a crime, the court shall apply them in the order listed in calculating the
14 maximum term of imprisonment for that crime:

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

16 b. Section 939.63.

17 c. Section 939.62 (1) or 961.48.

18 **SECTION 804.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
19 and amended to read:

20 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)
21 The term of extended supervision ~~that follows the term of confinement in prison~~ may
22 not be less than 25% of the length of the term of confinement in prison imposed under
23 par. (b)- and, for a classified felony, is subject to whichever of the following limits is
24 applicable:

25 **SECTION 805.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

ENGROSSED ASSEMBLY BILL 3

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

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

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

7 4. For a Class E, F, or G felony, the term of extended supervision may not exceed
8 5 years.

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

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

12 **SECTION 806.** 973.01 (4) of the statutes is amended to read:

13 973.01 **(4)** NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
14 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
15 confinement in prison portion of the sentence without reduction for good behavior.
16 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
17 and, if applicable, to reduction under s. 302.045 (3m), or 302.113 (9g).

18 **SECTION 806m.** 973.01 (5) of the statutes is amended to read:

19 973.01 **(5)** OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
20 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
21 the term of extended supervision, including drug treatment under s. 973.031.

22 **SECTION 807.** 973.01 (6) of the statutes is amended to read:

23 973.01 **(6)** NO PAROLE. A person serving a bifurcated sentence imposed under
24 sub. (1) is not eligible for release on parole under that sentence.

25 **SECTION 808.** 973.0135 (1) (b) 2. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
2 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
3 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
4 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
5 (1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
6 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

7 **SECTION 809.** 973.017 of the statutes is created to read:

8 **973.017 Bifurcated sentences; use of guidelines; consideration of**
9 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing
10 decision” means a decision as to whether to impose a bifurcated sentence under s.
11 973.01 or place a person on probation and a decision as to the length of a bifurcated
12 sentence, including the length of each component of the bifurcated sentence, the
13 amount of a fine, and the length of a term of probation.

14 **(2) GENERAL REQUIREMENT.** When a court makes a sentencing decision
15 concerning a person convicted of a criminal offense committed on or after the
16 effective date of this subsection [revisor inserts date], the court shall consider all
17 of the following:

18 (a) If the offense is a felony, the sentencing guidelines adopted by the
19 sentencing commission under s. 973.30 or, if the sentencing commission has not
20 adopted a guideline for the offense, any applicable temporary sentencing guideline
21 adopted by the criminal penalties study committee created under 1997 Wisconsin
22 Act 283.

23 (ad) The protection of the public.

24 (ag) The gravity of the offense.

25 (ak) The rehabilitative needs of the defendant.

ENGROSSED ASSEMBLY BILL 3

1 (b) Any applicable mitigating factors and any applicable aggravating factors,
2 including the aggravating factors specified in subs. (3) to (8).

3 **(3) AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
4 any crime, the court shall consider all of the following as aggravating factors:

5 (a) The fact that the person committed the crime while his or her usual
6 appearance was concealed, disguised, or altered, with the intent to make it less likely
7 that he or she would be identified with the crime.

8 (b) The fact that the person committed the crime using information that was
9 disclosed to him or her under s. 301.46.

10 (c) The fact that the person committed the crime for the benefit of, at the
11 direction of, or in association with any criminal gang, as defined in s. 939.22 (9), with
12 the specific intent to promote, further, or assist in any criminal conduct by criminal
13 gang members, as defined in s. 939.22 (9g).

14 (d) The fact that the person committed the felony while wearing a vest or other
15 garment designed, redesigned, or adapted to prevent bullets from penetrating the
16 garment.

17 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
18 intent to influence the policy of a governmental unit or to punish a governmental unit
19 for a prior policy decision, if any of the following circumstances also applies to the
20 felony committed by the person:

21 a. The person caused bodily harm, great bodily harm, or death to another.

22 b. The person caused damage to the property of another and the total property
23 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
24 b., property is reduced in value by the amount that it would cost either to repair or
25 to replace it, whichever is less.

ENGROSSED ASSEMBLY BILL 3

1 c. The person used force or violence or the threat of force or violence.

2 2. a. In this subdivision, “labor dispute” includes any controversy concerning
3 terms, tenure, or conditions of employment or concerning the association or
4 representation of persons in negotiating, fixing, maintaining, changing, or seeking
5 to arrange terms or conditions of employment, regardless of whether the disputants
6 stand in the proximate relation of employer and employee.

7 b. Subdivision 1. does not apply to conduct arising out of or in connection with
8 a labor dispute.

9 **(4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
10 **CERTAIN DISEASES. (a) In this subsection:**

11 1. “HIV” means any strain of human immunodeficiency virus, which causes
12 acquired immunodeficiency syndrome.

13 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),
14 or 948.025.

15 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,
16 hepatitis C, or chlamydia.

17 4. “Significantly exposed” means sustaining a contact which carries a potential
18 for transmission of a sexually transmitted disease or HIV by one or more of the
19 following:

20 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
21 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or
22 amniotic fluid; or other body fluid that is visibly contaminated with blood.

23 b. Exchange, during the accidental or intentional infliction of a penetrating
24 wound, including a needle puncture, of blood; semen; vaginal secretions;

ENGROSSED ASSEMBLY BILL 3

1 cerebrospinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid; or other
2 body fluid that is visibly contaminated with blood.

3 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
4 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
5 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or
6 amniotic fluid; or other body fluid that is visibly contaminated with blood.

7 (b) When making a sentencing decision concerning a person convicted of a
8 serious sex crime, the court shall consider as an aggravating factor the fact that the
9 serious sex crime was committed under all of the following circumstances:

10 1. At the time that he or she committed the serious sex crime, the person
11 convicted of committing the serious sex crime had a sexually transmitted disease or
12 acquired immunodeficiency syndrome or had had a positive test for the presence of
13 HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

14 2. At the time that he or she committed the serious sex crime, the person
15 convicted of committing the serious sex crime knew that he or she had a sexually
16 transmitted disease or acquired immunodeficiency syndrome or that he or she had
17 had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV
18 or an antibody to HIV.

19 3. The victim of the serious sex crime was significantly exposed to HIV or to the
20 sexually transmitted disease, whichever is applicable, by the acts constituting the
21 serious sex crime.

22 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)**
23 In this subsection:

24 1. “Elder person” means any individual who is 62 years of age or older.

ENGROSSED ASSEMBLY BILL 3

1 2. “Violent felony” means any felony under s. 940.19 (2), (4), (5), or (6), 940.225
2 (1), (2), or (3), 940.23, or 943.32.

3 (b) When making a sentencing decision concerning a person convicted of a
4 violent felony, the court shall consider as an aggravating factor the fact that the
5 victim of the violent felony was an elder person. This paragraph applies even if the
6 person mistakenly believed that the victim had not attained the age of 62 years.

7 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**
8 **PERSONS.** (a) In this subsection, “person responsible for the welfare the child”
9 includes the child’s parent, stepparent, guardian, foster parent, or treatment foster
10 parent; an employee of a public or private residential home, institution, or agency;
11 any other person legally responsible for the child’s welfare in a residential setting;
12 or a person employed by one who is legally responsible for the child’s welfare to
13 exercise temporary control or care for the child.

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

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

23 **(8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES.** (a) *Distribution*
24 *or delivery to prisoners.* 1. In this paragraph, “precinct” means a place where any
25 activity is conducted by a prison, jail, or house of correction.

ENGROSSED ASSEMBLY BILL 3

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

6 (b) *Distribution or delivery on public transit vehicles.* When making a
7 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
8 the court shall consider as an aggravating factor the fact that the violation involved
9 delivering, distributing, or possessing with intent to deliver or distribute a controlled
10 substance included in schedule I or II or a controlled substance analog of any
11 controlled substance included in schedule I or II and that the person knowingly used
12 a public transit vehicle during the violation.

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

18 **(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement
19 under sub. (2) (a) that a court consider sentencing guidelines adopted by the
20 sentencing commission or the criminal penalties study committee does not require
21 a court to make a sentencing decision that is within any range or consistent with a
22 recommendation specified in the guidelines, and there is no right to appeal a court's
23 sentencing decision based on the court's decision to depart in any way from any
24 guideline. In any appeal from a court's sentencing decision, the appellate court may

ENGROSSED ASSEMBLY BILL 3

1 reverse the sentencing decision only if it determines that the sentencing court
2 erroneously exercised its discretion in making the sentencing decision.

3 **(10m)** STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall
4 state the reasons for its sentencing decision and, except as provided in par. (b), shall
5 do so in open court and on the record.

6 (b) If the court determines that it is not in the interest of the defendant for it
7 to state the reasons for its sentencing decision in the defendant's presence, the court
8 shall state the reasons for its sentencing decision in writing and include the written
9 statement in the record.

10 **SECTION 810.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

11 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B, or C felony.

12 2. A crime which is a Class C D, E, F, or G felony listed in s. 969.08 (10) (b), but
13 not including any crime specified in s. 943.10.

14 **SECTION 811.** 973.03 (3) (e) 3. of the statutes is repealed.

15 **SECTION 811m.** 973.031 of the statutes is created to read:

16 **973.031 Court-ordered drug treatment.** When the court imposes a
17 sentence or places a person on probation for any offense committed on or after the
18 effective date of this section [revisor inserts date], the court may order the person
19 to participate in a drug treatment program as a condition of probation or, in the case
20 of a person sentenced under s. 973.01, while the person is in prison or as a condition
21 of extended supervision or both. The court may order the department to pay for the
22 cost of drug treatment under this section from the appropriation under s. 20.410 (1)
23 (a) for persons in jail or prison or under s. 20.410 (1) (b) for persons on probation or
24 extended supervision.

25 **SECTION 812.** 973.032 (4) (c) 2. of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 973.032 **(4)** (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
2 to a sentence of imprisonment concurrent with the sentence to the intensive
3 sanctions program.

4 **SECTION 813.** 973.09 (2) (b) 1. of the statutes is amended to read:

5 973.09 **(2)** (b) 1. Except as provided in subd. 2., for felonies, not less than one
6 year nor more than either the ~~statutory~~ maximum term of ~~imprisonment~~
7 confinement in prison for the crime or 3 years, whichever is greater.

8 **SECTION 813m.** 973.09 (6) of the statutes is created to read:

9 973.09 **(6)** The court may require as a condition of probation that the person
10 participate in a drug treatment program under s. 973.031.

11 **SECTION 814.** 973.15 (2m) of the statutes is created to read:

12 973.15 **(2m)** (a) *Definitions.* In this subsection:

13 1. “Determinate sentence” means a bifurcated sentence imposed under s.
14 973.01 or a life sentence under which a person is eligible for release to extended
15 supervision under s. 973.014 (1g) (a) 1. or 2.

16 2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons
17 other than one of the following:

18 a. A determinate sentence.

19 b. A sentence under which the person is not eligible for release on parole under
20 s. 939.62 (2m) (c) or 973.014 (1) (c).

21 3. “Period of confinement in prison,” with respect to any sentence to the
22 Wisconsin state prisons, means any time during which a person is incarcerated
23 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
24 (3), or 302.114 (3) and any period of confinement in prison required to be served under
25 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

ENGROSSED ASSEMBLY BILL 3

1 (b) *Determinate sentences imposed to run concurrent with or consecutive to*
2 *determinate sentences.* 1. If a court provides that a determinate sentence is to run
3 concurrent with another determinate sentence, the person sentenced shall serve the
4 periods of confinement in prison under the sentences concurrently and the terms of
5 extended supervision under the sentences concurrently.

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

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

18 2. If a court provides that a determinate sentence is to run consecutive to an
19 indeterminate sentence, the person sentenced shall serve the period of confinement
20 in prison under the determinate sentence consecutive to the period of confinement
21 in prison under the indeterminate sentence and the parole portion of the
22 indeterminate sentence consecutive to the term of extended supervision under the
23 determinate sentence.

24 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
25 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run

ENGROSSED ASSEMBLY BILL 3

1 concurrent with a determinate sentence, the person sentenced shall serve the period
2 of confinement in prison under the indeterminate sentence concurrent with the
3 period of confinement in prison under the determinate sentence and the parole
4 portion of the indeterminate sentence concurrent with the term of extended
5 supervision required under the determinate sentence.

6 2. If a court provides that an indeterminate sentence is to run consecutive to
7 a determinate sentence, the person sentenced shall serve the period of confinement
8 in prison under the indeterminate sentence consecutive to the period of confinement
9 in prison under the determinate sentence and the parole portion of the
10 indeterminate sentence consecutive to the term of extended supervision under the
11 determinate sentence.

12 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
13 determinate sentences and extended supervision is revoked in each case, or if a
14 person is serving a determinate sentence concurrent with an indeterminate sentence
15 and both extended supervision and parole are revoked, the person shall concurrently
16 serve any periods of confinement in prison required under those sentences under s.
17 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

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

19 973.155 (1) (b) The categories in par. (a) include custody of the convicted
20 offender which is in whole or in part the result of a probation, extended supervision
21 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
22 upon the person for the same course of conduct as that resulting in the new
23 conviction.

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

23 (i) At least semiannually, submit reports to all circuit judges, and to the chief
24 clerk of each house of the legislature for distribution to the appropriate standing
25 committees under s. 13.172 (3), containing statistics regarding criminal sentences

ENGROSSED ASSEMBLY BILL 3

1 imposed in this state. Each report shall have a different focus and need not contain
2 statistics regarding every crime. Each report shall contain information regarding
3 sentences imposed statewide and in each of the following geographic areas:

- 4 1. Milwaukee County.
- 5 2. Dane and Rock counties.
- 6 3. Brown, Outagamie, Calumet, and Winnebago counties.
- 7 4. Racine and Kenosha counties.
- 8 5. All other counties.

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

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

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

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

14 977.05 **(4)** (jm) At the request of an inmate determined by the state public
15 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
16 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
17 (9g) before a program review committee and the sentencing court, if the state public
18 defender determines the case should be pursued.

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

20 977.06 **(2)** (b) A person who makes a false representation that he or she does
21 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
22 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
23 is guilty of a Class I felony.

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

ENGROSSED ASSEMBLY BILL 3

1 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
2 fringe benefit costs of clerk positions in the district attorney's office necessary for the
3 prosecution of violent crime cases primarily involving felony violations under s.
4 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
5 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall
6 pay the amount authorized under this paragraph to the county treasurer pursuant
7 to a voucher submitted by the district attorney to the secretary of administration
8 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
9 may not exceed \$94,400 in the 1999–2000 fiscal year and \$97,200 in the 2000–01
10 fiscal year.

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

12 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
13 The committee shall submit a report of its findings and recommendations to the
14 legislature in the manner provided under section 13.172 (2) of the statutes and to the
15 governor. The report shall include any proposed legislation that is necessary to
16 implement the recommendations made by the committee in its report.

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

7 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
8 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and
9 4.0 FTE GPR other positions to be funded from the appropriation under section
10 20.505 (4) (dr) of the statutes, as created by this act.

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

SECTION 9332. Initial applicability; legislature.

16 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
17 13.525 (5) of the statutes first applies to bills introduced on the effective date of this
18 subsection.
19

SECTION 9359. Initial applicability; other.

20 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
21 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
22 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
23 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
24 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
25

ENGROSSED ASSEMBLY BILL 3

1 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
2 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
3 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41
4 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
5 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the
6 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering
7 and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025
8 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1),
9 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of the statutes;
10 the amendment of sections 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69
11 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971
12 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03
13 (3) (d), 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b),
14 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n) (r), 49.49 (1)
15 (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12),
16 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83
17 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2),
18 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11),
19 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 114.20 (18) (c), 125.085 (3) (a) 2.,
20 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1),
21 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1),
22 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3),
23 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b),
24 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93,
25 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.),

ENGROSSED ASSEMBLY BILL 3

1 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b)
2 (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.45 (6) (a) 2., 302.095 (2), 341.605
3 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32
4 (3), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1)
5 (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.),
6 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d),
7 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19
8 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4),
9 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
10 767.242 (8), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355
11 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32
12 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
13 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.623 (2), 939.624 (2),
14 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.),
15 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08
16 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12,
17 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.),
18 940.195 (2), 940.195 (4), 940.195 (5), 940.195 (6), 940.20 (1), 940.20 (1m), 940.20 (2),
19 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7)
20 (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.),
21 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b),
22 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b)
23 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b)
24 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30,
25 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2)

ENGROSSED ASSEMBLY BILL 3

1 (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45
2 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21,
3 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g),
4 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2)
5 (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3)
6 (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3.,
7 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2),
8 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2) (intro.), 943.012 (intro.), 943.013
9 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2m) (b)
10 (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10
11 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (b), 943.20 (3) (c), 943.20 (3) (d)
12 (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201 (2), 943.205 (3),
13 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208 (2) (b), 943.208 (2) (c),
14 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23
15 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28
16 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b),
17 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.),
18 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c),
19 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4)
20 (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (b), 943.50 (4) (c), 943.60
21 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70
22 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75
23 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16 (intro.), 944.205 (2) (intro.), 944.21
24 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34 (intro.), 945.03 (1m) (intro.), 945.05
25 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1),

ENGROSSED ASSEMBLY BILL 3

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

ENGROSSED ASSEMBLY BILL 3

1 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2.,
2 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41
3 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m)
4 (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h)
5 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1m) (c), 961.41 (2)
6 (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b),
7 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42
8 (2), 961.43 (2), 961.437 (4) (a), 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2),
9 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3),
10 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
11 (b), 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
12 (2) (b) 4., 973.01 (2) (b) 5., 973.01 (5), 973.03 (3) (e) 1. and 2., 973.09 (2) (b) 1., and
13 977.06 (2) (b) of the statutes; the repeal and recreation of sections 944.15 (title),
14 961.41 (1) (im) and 961.41 (1m) (im) of the statutes; and the creation of sections 49.95
15 (1) (e) and (f), 125.075 (2) (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm),
16 939.32 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1)
17 (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3)
18 (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50
19 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3)
20 (c), 948.62 (1) (bm), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m)
21 (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b)
22 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b.,
23 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., 973.017, and 973.09 (6) of the statutes first
24 apply to offenses committed on the effective date of this subsection.

ENGROSSED ASSEMBLY BILL 3

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

6 (3) CONCURRENT AND CONSECUTIVE SENTENCES. The treatment of section 973.15
7 (2m) of the statutes first applies to persons sentenced for crimes committed on the
8 effective date of this subsection.

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

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

12 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES.

13 (az) The treatment of section 13.525 (5) of the statutes and SECTION 9332 (1) of
14 this act take effect on January 1, 2002.

15 (bz) The repeal of section 13.525 (5m) of the statutes takes effect on January
16 1, 2003.

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

18 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
19 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
20 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
21 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
22 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
23 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
24 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
25 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41

ENGROSSED ASSEMBLY BILL 3

1 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
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
3 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering
4 and amendment of sections 49.95 (1), 125.075 (2), 302.113 (9) (a), 302.114 (9) (a),
5 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m)
6 (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01
7 (2) (c) and 973.01 (2) (d) of the statutes; the amendment of sections 6.18, 11.61 (1) (a),
8 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971
9 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c),
10 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m)
11 (b) 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5) (bm)
12 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a),
13 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n)
14 (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),
15 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1)
16 (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b),
17 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2),
18 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07
19 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b),
20 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05
21 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2),
22 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9)
23 (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3),
24 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21
25 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004

ENGROSSED ASSEMBLY BILL 3

1 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53
2 (4) (c) 2., 301.048 (2) (bm) 1. a., 301.26 (4) (cm) 1., 301.45 (6) (a) 2., 302.095 (2), 302.11
3 (1g) (a) 2., 302.11 (1p), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (9) (b),
4 302.114 (9) (bm), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b),
5 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a),
6 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175
7 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)
8 (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09,
9 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2),
10 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
11 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07,
12 908.08 (1), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3.,
13 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.),
14 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7)
15 (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m. a., 939.62 (2m)
16 (a) 2m. b., 939.623 (2), 939.624 (2), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72
17 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
18 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1),
19 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2),
20 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195
21 (6), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20
22 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.),
23 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.),
24 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1),
25 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b)

ENGROSSED ASSEMBLY BILL 3

1 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b)
2 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1)
3 (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3)
4 (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1),
5 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2)
6 (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
7 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2),
8 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1.,
9 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37
10 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2)
11 (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017
12 (2) (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
13 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (b),
14 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d)
15 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208
16 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23
17 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
18 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3),
19 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (b), 943.34
20 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.),
21 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4)
22 (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50
23 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4)
24 (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)
25 3., 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16 (intro.),

ENGROSSED ASSEMBLY BILL 3

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

ENGROSSED ASSEMBLY BILL 3

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

ENGROSSED ASSEMBLY BILL 3

1 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt),
2 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m)
3 (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
4 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01
5 (2) (d) 1. to 6., 973.017, 973.031, 973.09 (6), and 973.15 (2m) of the statutes; and
6 SECTION 9359 (1), (2), and (3) of this act take effect on the first day of the 7th month
7 beginning after publication.

8

(END)