

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3**SECTION 149**

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

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

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

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

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

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

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

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

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

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

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

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

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

16 302.113 (4) All consecutive sentences imposed for crimes committed on or after
17 December 31, 1999, shall be computed as one continuous sentence. The person shall
18 serve any term of extended supervision after serving all terms of confinement in
19 prison.

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

21 302.113 (7) Any person released to extended supervision under this section is
22 subject to all conditions and rules of extended supervision until the expiration of the
23 term of extended supervision portion of the bifurcated sentence. The department
24 may set conditions of extended supervision in addition to any conditions of extended

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1 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
2 the department do not conflict with the court's conditions.

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

4 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
5 or the department may petition the sentencing court to modify any conditions of
6 extended supervision set by the court.

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

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

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

23 (e) 1. An inmate may not petition the court to modify the conditions of extended
24 supervision earlier than one year before the date of the inmate's scheduled date of

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1 release to extended supervision or more than once before the inmate's release to
2 extended supervision.

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

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

9 302.113 (8m) (a) Every person released to extended supervision under this
10 section remains in the legal custody of the department. If the department alleges
11 that any condition or rule of extended supervision has been violated by the person,
12 the department may take physical custody of the person for the investigation of the
13 alleged violation.

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

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

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1 302.113 (9) (am) If a person released to extended supervision under this section
2 violates a condition of extended supervision, the ~~division of hearings and appeals in~~
3 ~~the department of administration, upon proper notice and hearing, or the~~
4 ~~department of corrections, if the person on extended supervision waives a hearing,~~
5 reviewing authority may revoke the extended supervision of the person and ~~return~~
6 ~~the person to prison.~~ If the extended supervision of the person is revoked, the person
7 shall be returned to the circuit court for the county in which the person was convicted
8 of the offense for which he or she was on extended supervision, and the court shall
9 order the person to be returned to prison, he or she shall be returned to prison for any
10 specified period of time that does not exceed the time remaining on the bifurcated
11 sentence. The time remaining on the bifurcated sentence is the total length of the
12 bifurcated sentence, less time served by the person in custody confinement under the
13 sentence before release to extended supervision under sub. (2) and less all time
14 served in confinement for previous revocations of extended supervision under the
15 sentence. The ~~revocation~~ court order returning a person to prison under this
16 paragraph shall provide the person on whose extended supervision was revoked with
17 credit in accordance with ss. 304.072 and 973.155.

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

19 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
20 hearings and appeals in the department of administration, upon proper notice and
21 hearing, or the department of corrections, if the person on extended supervision
22 waives a hearing.

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

24 302.113 (9) (at) When a person is returned to court under par. (am) after
25 revocation of extended supervision, the reviewing authority shall make a

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1 recommendation to the court concerning the period of time for which the person
2 should be returned to prison. The recommended time period may not exceed the time
3 remaining on the bifurcated sentence, as calculated under par. (am).

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

5 302.113 (9) (b) A person who is returned to prison after revocation of extended
6 supervision shall be incarcerated for the entire period of time specified by the
7 department of corrections in the case of a waiver or by the division of hearings and
8 appeals in the department of administration in the case of a hearing court under par.
9 (a) (am). The period of time specified under par. (a) (am) may be extended in
10 accordance with sub. (3). If a person is returned to prison under par. (am) for a period
11 of time that is less than the time remaining on the bifurcated sentence, the person
12 shall be released to extended supervision after he or she has served the period of time
13 specified by the court under par. (am) and any periods of extension imposed in
14 accordance with sub. (3).

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

16 302.113 (9) (c) A person who is subsequently released to extended supervision
17 after service of the period of time specified by the department of corrections in the
18 case of a waiver or by the division of hearings and appeals in the department of
19 administration in the case of a hearing court under par. (a) (am) is subject to all
20 conditions and rules under sub. subs. (7) and, if applicable, (7m) until the expiration
21 of the term of remaining extended supervision portion of the bifurcated sentence.
22 The remaining extended supervision portion of the bifurcated sentence is the total
23 length of the bifurcated sentence, less the time served by the person in confinement
24 under the bifurcated sentence before release to extended supervision under sub. (2)

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1 and less all time served in confinement for previous revocations of extended
2 supervision under the bifurcated sentence.

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

4 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a
5 person has served in confinement before release to extended supervision and the
6 amount of time a person has served in confinement for a revocation of extended
7 supervision includes any extensions imposed under sub. (3).

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

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

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

14 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
15 under par. (am) with other proceedings before that reviewing authority under par.
16 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
17 parole or extended supervision of the same person.

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

19 302.113 (9) (g) In any case in which there is a hearing before the division of
20 hearings and appeals in the department of administration concerning whether to
21 revoke of a person's extended supervision, the person on extended supervision may
22 seek review of a decision to revoke extended supervision and the department of
23 corrections may seek review of a decision to not revoke extended supervision. Review
24 of a decision under this paragraph may be sought only by an action for certiorari.

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

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1 302.113 (9g) (a) In this subsection:

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

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

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

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

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

17 3. The inmate has a terminal condition.

18 (c) An inmate who meets the criteria under par. (b) may submit a petition to
19 the program review committee at the correctional institution in which the inmate is
20 confined requesting a modification of the inmate’s bifurcated sentence in the manner
21 specified in par. (f). If the inmate alleges in the petition that he or she has a terminal
22 condition, the inmate shall attach to the petition affidavits from 2 physicians setting
23 forth a diagnosis that the inmate has a terminal condition.

24 (cm) If, after receiving a petition under par. (c), the program review committee
25 determines that the public interest would be served by a modification of the inmate’s

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

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

19 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
20 by the greater weight of the credible evidence that a modification of the bifurcated
21 sentence in the manner specified in par. (f) would serve the public interest. If the
22 inmate proves that a modification of the bifurcated sentence in the manner specified
23 in par. (f) would serve the public interest, the court shall modify the inmate's
24 bifurcated sentence in that manner. If the inmate does not prove that a modification
25 of the bifurcated sentence in the manner specified in par. (f) would serve the public

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1 interest, the court shall deny the inmate's petition for modification of the bifurcated
2 sentence.

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

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

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

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

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

21 3. The director of state courts shall design and prepare cards for a victim to send
22 to the clerk of the circuit court for the county in which the inmate was convicted and
23 sentenced. The cards shall have space for a victim to provide his or her name and
24 address, the name of the applicable inmate, and any other information that the
25 director of state courts determines is necessary. The director of state courts shall

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1 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
2 shall provide the cards, without charge, to victims. Victims may send completed
3 cards to the clerk of the circuit court for the county in which the inmate was convicted
4 and sentenced. All court records or portions of records that relate to mailing
5 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

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

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

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

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1 defender for determination of indigency and appointment of counsel under s. 977.05
2 (4) (jm).

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

4 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
5 conduct of each inmate subject to this section, specifying each infraction of the rules.
6 If ~~any an~~ inmate subject to this section violates an order under s. 973.031 requiring
7 him or her to participate in a drug treatment program, violates any regulation of the
8 prison or refuses or neglects to perform required or assigned duties, the department
9 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
10 or 2., whichever is applicable, as follows:

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

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

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

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

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

23 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for
24 release to extended supervision under this section, the clerk of the circuit court in
25 which the petition is filed shall send a copy of the petition and, if a hearing is

ENGROSSED ASSEMBLY BILL 3**SECTION 170**

1 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
2 the victim has submitted a card under par. (e) requesting notification.

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

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

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

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

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

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

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1 302.114 (9) (am) If a person released to extended supervision under this section
2 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
3 ~~the department of administration, upon proper notice and hearing, or the~~
4 ~~department of corrections, if the person on extended supervision waives a hearing,~~
5 reviewing authority may revoke the extended supervision of the person ~~and return~~
6 ~~the person to prison. If the extended supervision of the person is revoked, the person~~
7 shall be returned to the circuit court for the county in which the person was convicted
8 of the offense for which he or she was on extended supervision, and the court shall
9 order the person to be returned to prison, he or she shall be returned to prison for a
10 specified period of time, as provided under par. (b) before he or she is eligible for being
11 released again to extended supervision. The period of time specified under this
12 paragraph may not be less than 5 years and may be extended in accordance with sub.
13 (3).

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

15 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
16 in s. 302.113 (9) (ag).

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

18 302.114 (9) (b) ~~If~~ When a person is returned to ~~prison~~ court under par. (a) (am)
19 after revocation of extended supervision, ~~the department of corrections in the case~~
20 ~~of a waiver or the division of hearings and appeals in the department of~~
21 ~~administration in the case of a hearing under par. (a)~~ reviewing authority shall
22 specify a make a recommendation to the court concerning the period of time for which
23 the person shall be incarcerated should be returned to prison before being eligible for
24 release to extended supervision. The period of time specified recommended under

ENGROSSED ASSEMBLY BILL 3**SECTION 175**

1 this paragraph may not be less than 5 years and may be extended in accordance with
2 sub. (3).

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

4 302.114 (9) (bm) A person who is returned to prison under par. (a) (am) after
5 revocation of extended supervision may, upon petition to the sentencing court, be
6 released to extended supervision after he or she has served the entire period of time
7 specified in by the court under par. (b) (am), including any periods of extension
8 imposed under sub. (3). A person may not file a petition under this paragraph earlier
9 than 90 days before the date on which he or she is eligible to be released to extended
10 supervision. If a person files a petition for release to extended supervision under this
11 paragraph at any time earlier than 90 days before the date on which he or she is
12 eligible to be released to extended supervision, the court shall deny the petition
13 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
14 filed under this paragraph.

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

16 302.114 (9) (c) A person who is subsequently released to extended supervision
17 under par. (b) (bm) is subject to all conditions and rules under sub. (8) until the
18 expiration of the sentence.

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

20 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
21 hearings and appeals in the department of administration, the hearing examiner
22 may order the taking and allow the use of a videotaped deposition under s. 967.04
23 (7) to (10).

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

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1 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
2 under par. (am) with other proceedings before that reviewing authority under par.
3 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
4 parole or extended supervision of the same person.

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

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

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

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

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

22 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
23 in the amount of one-fourth of his or her term for good behavior if sentenced to at
24 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
25 for time served prior to sentencing under s. 973.155, including good time under s.

ENGROSSED ASSEMBLY BILL 3

1 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
2 to participate in a drug treatment program, violates any law or any regulation of the
3 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
4 be deprived by the sheriff of good time under this section, except that the sheriff shall
5 not deprive the inmate of more than 2 days good time for any one offense without the
6 approval of the court. An inmate who files an action or special proceeding, including
7 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
8 deprived of the number of days of good time specified in the court order prepared
9 under s. 807.15 (3).

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

11 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
12 specified in subd. 2., may be considered for work release only after he or she has
13 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
14 is applicable, or he or she has reached his or her extended supervision eligibility date
15 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

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

17 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
18 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
19 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
20 necessary and reasonable hours for any of the following purposes:

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

22 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
23 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
24 the department, the prisoner person is sentenced to ordinary confinement. The A
25 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)

ENGROSSED ASSEMBLY BILL 3

1 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
2 thereafter, and in the discretion of the court may renew the prisoner's petition. The
3 court may withdraw the privilege at any time by order entered with or without notice.

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

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

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

11 303.08 (6) The department, for a person subject to a confinement sanction
12 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
13 authorize the sheriff to whom the prisoner is committed to arrange with another
14 sheriff for the employment or employment training of the prisoner in the other's
15 county, and while so employed or trained to be in the other's custody but in other
16 respects to be and continue subject to the commitment.

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

18 303.08 (12) In counties having a house of correction, any person violating the
19 privilege granted under sub. (1) may be transferred by the county jailer to the house
20 of correction for the remainder of the term of the person's sentence or, if applicable,
21 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
22 (8m).

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

24 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
25 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an

ENGROSSED ASSEMBLY BILL 3**SECTION 188**

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

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

15 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
16 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
17 or she is not eligible for parole under this section.

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

19 304.11 (3) If upon inquiry it further appears to the governor that the convicted
20 person has violated or failed to comply with any of those conditions, the governor may
21 issue his or her warrant remanding the person to the institution from which
22 discharged, and the person shall be confined and treated as though no pardon had
23 been granted, except that the person loses any applicable good time which he or she
24 had earned. If the person is returned to prison, the person is subject to the same
25 limitations as a revoked parolee under s. 302.11 (7). The department shall determine

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1 the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines
2 the person has not violated or failed to comply with the conditions, the person shall
3 be discharged subject to the conditional pardon.

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

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

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

9 342.06 (2) Any person who knowingly makes a false statement in an
10 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
11 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

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

13 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
14 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
15 ~~or both is guilty of a Class H felony.~~

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

17 342.155 (4) (b) Any person who violates this section with intent to defraud may
18 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
19 or both is guilty of Class H felony.

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

21 342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~
22 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both is guilty of a Class H felony.~~

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

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1 342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~
2 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
3 Class H felony.

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

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

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

9 343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under
10 s. 346.04 (3).

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

12 343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting
13 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
14 revoked as follows:

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

16 344.48 (2) Any person violating this section may be fined not more than ~~\$1,000~~
17 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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

19 346.04 (2t) No operator of a vehicle, after having received a visible or audible
20 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
21 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
22 safety reasonably permits.

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

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1 346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may
2 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
3 incident or occurrence.

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

5 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
6 \$10,000 or imprisoned for not more than 9 months or both.

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

8 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
9 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
10 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

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

12 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
13 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
14 the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be~~
15 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

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

17 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
18 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~
19 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

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

21 346.17 (3) (d) If the violation results in the death of another, the person ~~shall~~
22 ~~be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not~~
23 ~~more than 7 years and 6 months~~ is guilty of a Class E felony.

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

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

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

5 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
6 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
7 section if the person operating the vehicle or having the vehicle under his or her
8 control at the time of the violation has been convicted for the violation under this
9 section or under s. 346.04 (2t) or (3).

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

11 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
12 the authority issuing the citation with the name and address of the person operating
13 the vehicle or having the vehicle under his or her control at the time of the violation
14 and sufficient information for the officer to determine that probable cause does not
15 exist to believe that the owner of the vehicle was operating the vehicle at the time
16 of the violation, then the owner of the vehicle shall not be liable under this section
17 or under s. 346.04 (2t) or (3).

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

19 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
20 the violation the vehicle was in the possession of a lessee, and the lessor provides a
21 traffic officer employed by the authority issuing the citation with the information
22 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
23 this section or under s. 346.04 (2t) or (3).

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

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1 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
2 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
3 of the violation the vehicle was being operated by or was under the control of any
4 person on a trial run, and if the dealer provides a traffic officer employed by the
5 authority issuing the citation with the name, address and operator's license number
6 of the person operating the vehicle, then that person, and not the dealer, shall be
7 liable under this section or under s. 346.04 (2t) or (3).

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

9 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
10 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

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

12 346.175 (5) (a) A vehicle owner or other person found liable under this section
13 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
14 more than \$1,000.

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

16 346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony
17 and shall be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not
18 less than 6 months ~~nor more than 5 years~~ if the number of convictions under ss.
19 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,
20 revocations and other convictions counted under s. 343.307 (1), equals 5 or more,
21 except that suspensions, revocations or convictions arising out of the same incident
22 or occurrence shall be counted as onc.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 216**

1 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
2 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for
3 not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

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

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

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

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

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

14 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~
15 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
16 death to a person.

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

18 350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~
19 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
20 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
21 person.

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

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

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

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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**SECTION 228**

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:

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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**SECTION 236**

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

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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**SECTION 244**

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

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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**SECTION 252**

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,

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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:

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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**SECTION 262**

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.

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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.