

ENGROSSED ASSEMBLY BILL 3**SECTION 794**

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.

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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:

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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:

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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.

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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.

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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;

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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.

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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.

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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

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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:

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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).

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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

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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:

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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

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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:

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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.

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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
17 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
18 13.525 (5) of the statutes first applies to bills introduced on the effective date of this
19 subsection.

SECTION 9359. Initial applicability; other.

20
21 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
22 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
23 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
24 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
25 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605

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.),

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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),

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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)

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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 (1n) (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) (hm), 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**SECTION 9359**

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)

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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.),

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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 ~~SECTION 9359~~⁽³⁾ of this act take effect on the first day of the 7th
7 month beginning after publication.

8

(END)

ASSEMBLY BILL 3

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

✓
Insert A

Analysis by the Legislative Reference Bureau

Felony penalties

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



ASSEMBLY BILL 3

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

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

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

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

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

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

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

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



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




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

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

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

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

Penalty enhancers

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

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

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

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

The structure of felony sentences (other than life sentences)

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

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

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



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

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

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

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

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

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



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The bill also requires the sentencing court to state the reasons for its sentencing decision in open court and on the record.

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

the safety of the public, the gravity of the offense and the rehabilitative needs of the defendant as well as

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

~~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, who have been given a bifurcated sentence, and to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence,~~

for prisoners suffering from terminal conditions,

and to prisoners who have a terminal condition and are expected to live no more than six months. INSERT C

Insert B
E/F/G
INSERT

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

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

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

Sentences of life imprisonment

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

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

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

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

Sentencing commission

→ The bill creates a sentencing commission (commission) consisting of ^{✓ 18} ~~12~~ 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} ~~a~~ joint review committee ~~on criminal penalties (joint review committee)~~, which will review proposed legislation that creates a new crime or revises a penalty for an existing crime. The joint review committee is comprised of one majority party member and one minority party member from each house of the legislature, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges, and two members of the public appointed by the governor, one of whom must have law enforcement experience in this state and one of whom must be an elected county official.

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

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

Effective date

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

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

(end insert marked analysis)

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

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

2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to

3 which the elector has moved, any former qualified Wisconsin elector may vote an

4 absentee ballot in the ward of the elector's prior residence in any presidential election

5 occurring within 24 months after leaving Wisconsin by requesting an application

6 form and returning it, properly executed, to the municipal clerk of the elector's prior

7 Wisconsin residence. When requesting an application form for an absentee ballot,

8 the applicant shall specify the applicant's eligibility for only the presidential ballot.

9 The application form shall require the following information and be in substantially

10 the following form:

1 **Insert A:**

Engrossment information: ✓

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

Content of Engrossed 2001 Assembly Bill 3: ✓

5

6 **Insert B:**

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

16

17 **Insert C:**

(joint review committee)

(Not)

18 In addition, the bill directs the joint review committee on criminal penalties,
19 (see below, *Joint ^{review} committee on criminal penalties*) to develop and report
20 recommendations for legislation that will allow a judge to modify the bifurcated
21 sentence of a prisoner who is not eligible to petition for sentence modification based
22 on age or terminal condition.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

~~LEB~~
MGD:.....

1

INSERT Q for analysis insert 8/0

Read all

(D) (C) 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 ~~both are revoked~~, 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 concurrently any periods of confinement required under the sentences as a result of revocation.

2

INSERT R for analysis insert 8/0

(end ins Q)

(NO) (A) court erroneously exercised its discretion in making the sentencing decision. The bill also describes certain circumstances in which a court's sentencing decision will be construed as having resulted from an erroneous exercise of discretion.

3

INSERT S for analysis insert 8/0

Effective date for changes relating to criminal sentences

The provisions of this bill authorizing DOC to take custody of a person who is on extended supervision in order to investigate a violation takes effect upon the bill becomes ~~becoming~~ law. Other changes made by this bill regarding felony penalties, orders for drug treatment, the basis for and modification and review of sentencing decisions, revocation of extended supervision, and the creation of the ~~sentencing~~ commission take effect on the first day of the sixth month beginning after the bill becomes law.

4

INSERT T for analysis insert 8/0

The requirement that crime legislation be reviewed by the joint review committee on criminal penalties applies to legislation introduced on or after January 1, 2002.

the date on which

extended supervision is
revoked in both
cases