

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3869/1dn  
GMM&RLR:wlj:jf

October 1, 2001

Representative Musser:

As I discussed with Dennis Boyer, this draft, in addition to amending s. 939.635 (1) and (2) (b) to provide for a mandatory minimum sentence of two years of imprisonment for a juvenile who throws a bodily substance while placed in a juvenile correctional facility, also amends various cross-references to s. 946.43 to clarify that those cross-references refer not only to assault by a prisoner but also to throwing a bodily substance by a prisoner. Those cross-reference clarifications, although helpful, are not absolutely necessary to effect the intent of the draft, therefore you might want to have them deleted on redraft.

If you have any questions about the draft, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.state.wi.us](mailto:gordon.malaise@legis.state.wi.us)

Representative Musser:

Terms of "imprisonment" referred to in the bill consist of a term of confinement and a term of extended supervision. For an unclassified felony, such as throwing bodily substances, the period of confinement may not exceed 75 percent of the term of imprisonment. Hence the two-year minimum term of imprisonment may consist of up to 18 months of confinement, and the remainder of the two-year time frame is extended supervision. If a juvenile is placed in an adult prison, the minimum confinement must be at least one year. If you would like, the bill could specify what the minimum period of confinement must be (within the parameters of 12 to 18 months) in addition to specifying that the total imprisonment be at least two years.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: [robin.ryan@legis.state.wi.us](mailto:robin.ryan@legis.state.wi.us)