

1 *~~4548/2.88~~* *~~3266/P1.58~~* **SECTION 289.** 125.075 (2) of the statutes is
2 renumbered 125.075 (2) (a) and amended to read:

3 125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000~~
4 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
5 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

6 *~~4548/2.89~~* *~~3266/P1.59~~* **SECTION 290.** 125.075 (2) (b) of the statutes is
7 created to read:

8 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
9 underage person dies.

10 *~~4548/2.90~~* *~~3266/P1.60~~* **SECTION 291.** 125.085 (3) (a) 2. of the statutes is
11 amended to read:

12 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
13 ~~consideration may be fined not more than \$10,000 or imprisoned for not more than~~
14 ~~3 years or both~~ is guilty of a Class I felony.

15 *~~4548/2.91~~* *~~3266/P1.61~~* **SECTION 292.** 125.105 (2) (b) of the statutes is
16 amended to read:

17 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
18 ~~a crime may be fined not more than \$10,000 or imprisoned for not more than 7 years~~
19 ~~and 6 months or both~~ is guilty of a Class H felony.

20 *~~4548/2.92~~* *~~3266/P1.62~~* **SECTION 293.** 125.66 (3) of the statutes is
21 amended to read:

22 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
23 holding appropriate permits under this chapter, or any person who sells such liquor,
24 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~

1 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
2 ~~imprisonment is guilty of a Class F felony.~~

3 *~~4548/2.93~~* *~~3266/P1.63~~* **SECTION 294.** 125.68 (12) (b) of the statutes is
4 amended to read:

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

8 *~~4548/2.94~~* *~~3266/P1.64~~* **SECTION 295.** 125.68 (12) (c) of the statutes is
9 amended to read:

10 125.68 (12) (c) Any person causing the death of another human being through
11 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
12 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
13 ~~for not more than 15 years~~ is guilty of a Class E felony.

14 *~~4548/2.95~~* *~~3266/P1.65~~* **SECTION 296.** 132.20 (2) of the statutes is
15 amended to read:

16 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
17 in this state in a counterfeit mark or in any goods or service bearing or provided
18 under a counterfeit mark ~~shall~~ is guilty of a Class H felony, except that,
19 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
20 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~
21 ~~than 7 years and 6 months or both, or,~~ and if the person is not an individual, the
22 person may be fined not more than \$1,000,000.

23 *~~4548/2.96~~* *~~3266/P1.66~~* **SECTION 297.** 133.03 (1) of the statutes is
24 amended to read:

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

8 *~~4548/2.97~~* *~~3266/P1.67~~* **SECTION 298.** 133.03 (2) of the statutes is
9 amended to read:

10 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
11 combines or conspires with any other person or persons to monopolize any part of
12 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
13 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
14 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
15 ~~or imprisoned for not more than 7 years and 6 months or both.~~

16 *~~4548/2.98~~* *~~3266/P1.68~~* **SECTION 299.** 134.05 (4) of the statutes is
17 amended to read:

18 134.05 (4) Whoever violates sub. (1), (2) or (3) shall be punished by a fine of not
19 less than \$10 nor more than \$500 ~~or by such fine and by imprisonment for not more~~
20 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
21 9 months or both.

22 *~~4548/2.99~~* *~~3266/P1.69~~* **SECTION 300.** 134.16 of the statutes is amended
23 to read:

24 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
25 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,

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

11 *~~4548/2.100~~* *~~3266/P1.70~~* **SECTION 301.** 134.20 (1) (intro.) of the statutes
12 is amended to read:

13 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
14 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
15 ~~months or both~~ is guilty of a Class H felony:

16 *~~4548/2.101~~* *~~3266/P1.71~~* **SECTION 302.** 134.205 (4) of the statutes is
17 amended to read:

18 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
19 without entering the same in a register as required by this section ~~shall be fined not~~
20 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
21 guilty of a Class H felony.

22 *~~4548/2.102~~* *~~3266/P1.72~~* **SECTION 303.** 134.58 of the statutes is amended
23 to read:

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

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

6 *~~4542/2.1~~* **SECTION 304.** Chapter 137 (title) of the statutes is amended to
7 read:

8 **CHAPTER 137**

9 **AUTHENTICATIONS AND ELECTRONIC**
10 **TRANSACTIONS AND RECORDS**

11 *~~4542/2.2~~* **SECTION 305.** Subchapter I (title) of chapter 137 [precedes 137.01]
12 of the statutes is amended to read:

13 **CHAPTER 137**

14 **SUBCHAPTER I**

15 **NOTARIES AND COMMISSIONERS**

16 **OF DEEDS; ELECTRONIC AND**

17 **NONELECTRONIC NOTARIZATION AND**

18 **ACKNOWLEDGEMENT**

19 *~~4542/2.3~~* **SECTION 306.** 137.01 (3) (a) of the statutes is amended to read:

20 137.01 (3) (a) ~~Every~~ Except as authorized in sub. (4) (a) and s. 137.19, every
21 notary public shall provide an engraved official seal which makes a distinct and
22 legible impression or official rubber stamp which makes a distinct and legible
23 imprint on paper. The impression of the seal or the imprint of the rubber stamp shall
24 state only the following: “Notary Public,” “State of Wisconsin” and the name of the

1 notary. But any notarial seal in use on August 1, 1959, shall be considered in
2 compliance.

3 ***-4542/2.4* SECTION 307.** 137.01 (4) (a) of the statutes is amended to read:

4 137.01 (4) (a) Every official act of a notary public shall be attested by the notary
5 public's written signature or electronic signature, as defined in s. 137.04 (2) 137.11
6 (8). The department of electronic government and the secretary of state shall jointly
7 promulgate rules prescribing a method for attaching or associating an electronic
8 signature and other required information with a signature or record under s. 137.19.
9 The department of electronic government and the secretary of state shall jointly
10 promulgate rules establishing requirements that a notary public must satisfy in
11 order to use an electronic signature for any attestation other than an attestation
12 under s. 137.19. All joint rules promulgated under this paragraph shall be numbered
13 as rules of each agency in the Wisconsin Administrative Code.

14 ***-4542/2.5* SECTION 308.** 137.01 (4) (b) of the statutes is amended to read:

15 137.01 (4) (b) All Except as authorized par. (a) and in s. 137.19, all certificates
16 of acknowledgments of deeds and other conveyances, or any written instrument
17 required or authorized by law to be acknowledged or sworn to before any notary
18 public, within this state, shall be attested by a clear impression of the official seal or
19 imprint of the rubber stamp of said officer, and in addition thereto shall be written
20 or stamped either the day, month and year when the commission of said notary public
21 will expire, or that such commission is permanent.

22 ***-4542/2.6* SECTION 309.** Subchapter II (title) of chapter 137 [precedes 137.04]
23 of the statutes is amended to read:

24

CHAPTER 137

1 SUBCHAPTER II

2 ELECTRONIC SIGNATURES

3 TRANSACTIONS AND RECORDS;

4 ELECTRONIC NOTARIZATION

5 AND ACKNOWLEDGEMENT

6 *~~4542/2.7~~* **SECTION 310.** 137.04 of the statutes is repealed.

7 *~~4542/2.8~~* **SECTION 311.** 137.05 (title) of the statutes is renumbered 137.25
8 (title) and amended to read:

9 **137.25 (title) Submission of ~~written documents~~ records to**
10 **governmental units; interoperability.**

11 *~~4542/2.9~~* **SECTION 312.** 137.05 of the statutes is renumbered 137.25 (1) and
12 amended to read:

13 137.25 (1) Unless otherwise ~~prohibited~~ provided by law, with the consent of a
14 governmental unit of this state that is to receive a record, any ~~document~~ record that
15 is required by law to be submitted in writing to a ~~that~~ governmental unit and that
16 requires a written signature may be submitted by transforming the document into
17 as an electronic format, but only with the consent of the governmental unit that is
18 to receive the document record, and if submitted as an electronic record may
19 incorporate an electronic signature.

20 *~~4542/2.10~~* **SECTION 313.** 137.06 of the statutes is repealed.

21 *~~4542/2.11~~* **SECTION 314.** 137.11 to 137.24 of the statutes are created to read:

22 **137.11 Definitions.** In this subchapter:

23 (1) "Agreement" means the bargain of the parties in fact, as found in their
24 language or inferred from other circumstances and from rules, regulations, and

1 procedures given the effect of agreements under laws otherwise applicable to a
2 particular transaction.

3 (2) “Automated transaction” means a transaction conducted or performed, in
4 whole or in part, by electronic means or by the use of electronic records, in which the
5 acts or records of one or both parties are not reviewed by an individual in the ordinary
6 course in forming a contract, performing under an existing contract, or fulfilling an
7 obligation required by the transaction.

8 (3) “Computer program” means a set of statements or instructions to be used
9 directly or indirectly in an information processing system in order to bring about a
10 certain result.

11 (4) “Contract” means the total legal obligation resulting from the parties’
12 agreement as affected by this subchapter and other applicable law.

13 (5) “Electronic” means relating to technology having electrical, digital,
14 magnetic, wireless, optical, electromagnetic, or similar capabilities.

15 (6) “Electronic agent” means a computer program or an electronic or other
16 automated means used independently to initiate an action or respond to electronic
17 records or performances in whole or in part, without review or action by an
18 individual.

19 (7) “Electronic record” means a record that is created, generated, sent,
20 communicated, received, or stored by electronic means.

21 (8) “Electronic signature” means an electronic sound, symbol, or process
22 attached to or logically associated with a record and executed or adopted by a person
23 with the intent to sign the record.

24 (9) “Governmental unit” means:

1 (a) An agency, department, board, commission, office, authority, institution, or
2 instrumentality of the federal government or of a state or of a political subdivision
3 of a state or special purpose district within a state, regardless of the branch or
4 branches of government in which it is located.

5 (b) A political subdivision of a state or special purpose district within a state.

6 (c) An association or society to which appropriations are made by law.

7 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
8 is created or authorized to be created by the constitution, by law, or by action of one
9 or more of the entities specified in pars. (a) to (c).

10 (e) Any combination of any of the entities specified in pars. (a) to (d).

11 **(10)** “Information” means data, text, images, sounds, codes, computer
12 programs, software, databases, or the like.

13 **(11)** “Information processing system” means an electronic system for creating,
14 generating, sending, receiving, storing, displaying, or processing information.

15 **(12)** “Record” means information that is inscribed on a tangible medium or that
16 is stored in an electronic or other medium and is retrievable in perceivable form.

17 **(13)** “Security procedure” means a procedure employed for the purpose of
18 verifying that an electronic signature, record, or performance is that of a specific
19 person or for detecting changes or errors in the information in an electronic record.
20 The term includes a procedure that requires the use of algorithms or other codes,
21 identifying words or numbers, encryption, callback, or other acknowledgment
22 procedures.

23 **(14)** “State” means a state of the United States, the District of Columbia,
24 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
25 to the jurisdiction of the United States. The term includes an Indian tribe or band,

1 or Alaskan native village, which is recognized by federal law or formally
2 acknowledged by a state.

3 (15) “Transaction” means an action or set of actions occurring between 2 or
4 more persons relating to the conduct of business, commercial, or governmental
5 affairs.

6 **137.115 Relation to federal law.** For the purpose of satisfying 15 USC 7002
7 (a) (2) (B) as that statute relates to this subchapter, this state acknowledges the
8 existence of the Electronic Signatures in Global and National Commerce Act, 15 USC
9 7001 to 7031.

10 **137.12 Application.** (1) Except as otherwise provided in subs. (2) and (2m)
11 and except in s. 137.25, this subchapter applies to electronic records and electronic
12 signatures relating to a transaction.

13 (2) Except as otherwise provided in sub. (3), this subchapter does not apply to
14 a transaction to the extent it is governed by:

15 (a) Any law governing the execution of wills or the creation of testamentary
16 trusts; or

17 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

18 (2m) This subchapter does not apply to any of the following records or any
19 transaction evidenced by any of the following records:

20 (a) Deeds.

21 (b) Records governed by any law relating to adoption, divorce, or other matters
22 of family law.

23 (c) Notices provided by a court.

24 (d) Court orders or judgements.

1 (e) Official court documents, including, but not limited to, briefs, pleadings,
2 affidavits, memorandum decisions, and other writings, required to be executed in
3 connection with court proceedings.

4 (f) Records required by law to accompany any transportation or handling of
5 hazardous materials, pesticides, or other toxic or dangerous materials.

6 (g) Notices of cancelation or termination of utility services, including heat,
7 water, basic local telecommunications services, and power.

8 (h) Notices of default, acceleration, repossession, foreclosure, or eviction, or the
9 right to cure, under a credit agreement secured by, or a rental agreement for, a
10 primary residence of an individual.

11 (i) Notices of the cancellation or termination of health insurance or benefits or
12 life insurance benefits other than annuities.

13 (j) Notices of the recall of a product, or the material failure of a product, that
14 risks endangering health or safety.

15 (3) This subchapter applies to an electronic record or electronic signature
16 otherwise excluded from the application of this subchapter under sub. (2) to the
17 extent it is governed by a law other than those specified in sub. (2).

18 (4) A transaction subject to this subchapter is also subject to other applicable
19 substantive law.

20 (5) This subchapter applies to the state of Wisconsin, unless otherwise
21 expressly provided.

22 **137.13 Use of electronic records and electronic signatures; variation**
23 **by agreement.** (1) This subchapter does not require a record or signature to be
24 created, generated, sent, communicated, received, stored, or otherwise processed or
25 used by electronic means or in electronic form.

1 (2) This subchapter applies only to transactions between parties each of which
2 has agreed to conduct transactions by electronic means. Whether the parties agree
3 to conduct a transaction by electronic means is determined from the context and
4 surrounding circumstances, including the parties' conduct.

5 (3) A party that agrees to conduct a transaction by electronic means may refuse
6 to conduct other transactions by electronic means. The right granted by this
7 subsection may not be waived by agreement.

8 (4) Except as otherwise provided in this subchapter, the effect of any provision
9 of this subchapter may be varied by agreement. Use of the words "unless otherwise
10 agreed," or words of similar import, in this subchapter shall not be interpreted to
11 preclude other provisions of this subchapter from being varied by agreement.

12 (5) Whether an electronic record or electronic signature has legal consequences
13 is determined by this subchapter and other applicable law.

14 **137.14 Construction.** This subchapter shall be construed and applied:

15 (1) To facilitate electronic transactions consistent with other applicable law;

16 (2) To be consistent with reasonable practices concerning electronic
17 transactions and with the continued expansion of those practices; and

18 (3) To effectuate its general purpose to make uniform the law with respect to
19 the subject of this subchapter among states enacting laws substantially similar to
20 the Uniform Electronic Transactions Act as approved and recommended by the
21 National Conference of Commissioners on Uniform State Laws in 1999.

22 **137.15 Legal recognition of electronic records, electronic signatures,**
23 **and electronic contracts.** (1) A record or signature may not be denied legal effect
24 or enforceability solely because it is in electronic form.

1 (2) A contract may not be denied legal effect or enforceability solely because an
2 electronic record was used in its formation.

3 (3) If a law requires a record to be in writing, an electronic record satisfies that
4 requirement in that law.

5 (4) If a law requires a signature, an electronic signature satisfies that
6 requirement in that law.

7 **137.16 Provision of information in writing; presentation of records.**

8 (1) If parties have agreed to conduct a transaction by electronic means and a law
9 requires a person to provide, send, or deliver information in writing to another
10 person, a party may satisfy the requirement with respect to that transaction if the
11 information is provided, sent, or delivered, as the case may be, in an electronic record
12 capable of retention by the recipient at the time of receipt. An electronic record is not
13 capable of retention by the recipient if the sender or its information processing
14 system inhibits the ability of the recipient to print or store the electronic record.

15 (2) If a law other than this subchapter requires a record to be posted or
16 displayed in a certain manner, to be sent, communicated, or transmitted by a
17 specified method, or to contain information that is formatted in a certain manner,
18 then:

19 (a) The record shall be posted or displayed in the manner specified in the other
20 law.

21 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
22 communicated, or transmitted by the method specified in the other law.

23 (c) The record shall contain the information formatted in the manner specified
24 in the other law.

1 (3) If a sender inhibits the ability of a recipient to store or print an electronic
2 record, the electronic record is not enforceable against the recipient.

3 (4) The requirements of this section may not be varied by agreement, but:

4 (a) To the extent a law other than this subchapter requires information to be
5 provided, sent, or delivered in writing but permits that requirement to be varied by
6 agreement, the requirement under sub. (1) that the information be in the form of an
7 electronic record capable of retention may also be varied by agreement; and

8 (b) A requirement under a law other than this subchapter to send,
9 communicate, or transmit a record by 1st-class or regular mail or with postage
10 prepaid may be varied by agreement to the extent permitted by the other law.

11 **137.17 Attribution and effect of electronic records and electronic**
12 **signatures.** (1) An electronic record or electronic signature is attributable to a
13 person if the electronic record or electronic signature was created by the act of the
14 person. The act of the person may be shown in any manner, including a showing of
15 the efficacy of any security procedure applied to determine the person to which the
16 electronic record or electronic signature was attributable.

17 (2) The effect of an electronic record or electronic signature that is attributed
18 to a person under sub. (1) is determined from the context and surrounding
19 circumstances at the time of its creation, execution, or adoption, including the
20 parties' agreement, if any, and otherwise as provided by law.

21 **137.18 Effect of change or error.** (1) If a change or error in an electronic
22 record occurs in a transmission between parties to a transaction, then:

23 (a) If the parties have agreed to use a security procedure to detect changes or
24 errors and one party has conformed to the procedure, but the other party has not, and
25 the nonconforming party would have detected the change or error had that party also

1 conformed, the conforming party may avoid the effect of the changed or erroneous
2 electronic record.

3 (b) In an automated transaction involving an individual, the individual may
4 avoid the effect of an electronic record that resulted from an error made by the
5 individual in dealing with the electronic agent of another person if the electronic
6 agent did not provide an opportunity for the prevention or correction of the error and,
7 at the time the individual learns of the error, the individual:

8 1. Promptly notifies the other person of the error and that the individual did
9 not intend to be bound by the electronic record received by the other person;

10 2. Takes reasonable steps, including steps that conform to the other person's
11 reasonable instructions, to return to the other person or, if instructed by the other
12 person, to destroy the consideration received, if any, as a result of the erroneous
13 electronic record; and

14 3. Has not used or received any benefit or value from the consideration, if any,
15 received from the other person.

16 (2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
17 provided by other law, including the law of mistake, and the parties' contract, if any.

18 (3) Subsections (1) (b) and (2) may not be varied by agreement.

19 **137.19 Notarization and acknowledgement.** If a law requires a signature
20 or record to be notarized, acknowledged, verified, or made under oath, the
21 requirement is satisfied if, consistent with any applicable rules promulgated under
22 s. 137.01 (4) (a), the electronic signature of the person authorized to administer the
23 oath or to make the notarization, acknowledgment, or verification, together with all
24 other information required to be included by other applicable law, is attached to or
25 logically associated with the signature or record.

1 **137.20 Retention of electronic records; originals.** (1) Except as provided
2 in sub. (6), if a law requires that a record be retained, the requirement is satisfied
3 by retaining the information set forth in the record as an electronic record which:

4 (a) Accurately reflects the information set forth in the record after it was first
5 generated in its final form as an electronic record or otherwise; and

6 (b) Remains accessible for later reference.

7 (2) A requirement to retain a record in accordance with sub. (1) does not apply
8 to any information the sole purpose of which is to enable the record to be sent,
9 communicated, or received.

10 (3) A person may comply with sub. (1) by using the services of another person
11 if the requirements of that subsection are satisfied.

12 (4) Except as provided in sub. (6), if a law requires a record to be presented or
13 retained in its original form, or provides consequences if the record is not presented
14 or retained in its original form, a person may comply with that law by using an
15 electronic record that is retained in accordance with sub. (1).

16 (5) Except as provided in sub. (6), if a law requires retention of a check, that
17 requirement is satisfied by retention of an electronic record containing the
18 information on the front and back of the check in accordance with sub. (1).

19 (6) (a) Except as provided in par. (b), a record retained as an electronic record
20 in accordance with sub. (1) satisfies a law requiring a person to retain a record for
21 evidentiary, audit, or like purposes, unless a law enacted after the effective date of
22 this paragraph [revisor inserts date], specifically prohibits the use of an electronic
23 record for the specified purpose.

24 (b) A governmental unit that has custody of a record is also further subject to
25 the retention requirements for public records of state agencies and the records of the

1 University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61
2 and 16.611 and the retention requirements for documents of local governmental
3 units established under s. 16.612.

4 (7) The public records board may promulgate rules prescribing standards
5 consistent with this subchapter for retention of records by state agencies, the
6 University of Wisconsin Hospitals and Clinics Authority and local governmental
7 units.

8 (8) This section does not preclude the public records board, the department of
9 electronic government, or any other governmental unit of this state from specifying
10 additional requirements for the retention of any record of another governmental unit
11 subject to its jurisdiction.

12 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
13 may not be excluded as evidence solely because it is in electronic form.

14 **137.22 Automated transactions.** In an automated transaction:

15 (1) A contract may be formed by the interaction of electronic agents of the
16 parties, even if no individual was aware of or reviewed the electronic agent's actions
17 or the resulting terms and agreements.

18 (2) A contract may be formed by the interaction of an electronic agent and an
19 individual, acting on the individual's own behalf or for another person, including by
20 an interaction in which the individual performs actions that the individual is free to
21 refuse to perform and which the individual knows or has reason to know will cause
22 the electronic agent to complete the transaction or performance.

23 (3) The terms of a contract under sub. (1) or (2) are governed by the substantive
24 law applicable to the contract.

1 **137.23 Time and place of sending and receipt.** (1) Unless otherwise
2 agreed between the sender and the recipient, an electronic record is sent when it:

3 (a) Is addressed properly or otherwise directed properly to an information
4 processing system that the recipient has designated or uses for the purpose of
5 receiving electronic records or information of the type sent and from which the
6 recipient is able to retrieve the electronic record;

7 (b) Is in a form capable of being processed by that system; and

8 (c) Enters an information processing system outside the control of the sender
9 or of a person that sent the electronic record on behalf of the sender or enters a region
10 of the information processing system designated or used by the recipient which is
11 under the control of the recipient.

12 (2) Unless otherwise agreed between a sender and the recipient, an electronic
13 record is received when:

14 (a) It enters an information processing system that the recipient has
15 designated or uses for the purpose of receiving electronic records or information of
16 the type sent and from which the recipient is able to retrieve the electronic record;
17 and

18 (b) It is in a form capable of being processed by that system.

19 (3) Subsection (2) applies even if the place where the information processing
20 system is located is different from the place where the electronic record is deemed
21 to be received under sub. (4).

22 (4) Unless otherwise expressly provided in the electronic record or agreed
23 between the sender and the recipient, an electronic record is deemed to be sent from
24 the sender's place of business and to be received at the recipient's place of business.
25 For purposes of this subsection:

1 (a) If the sender or recipient has more than one place of business, the place of
2 business of that person is the place having the closest relationship to the underlying
3 transaction.

4 (b) If the sender or the recipient does not have a place of business, the place of
5 business is the sender's or recipient's residence, as the case may be.

6 (5) An electronic record is received under sub. (2) even if no individual is aware
7 of its receipt.

8 (6) Receipt of an electronic acknowledgment from an information processing
9 system described in sub. (2) establishes that a record was received but, by itself, does
10 not establish that the content sent corresponds to the content received.

11 (7) If a person is aware that an electronic record purportedly sent under sub.
12 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
13 effect of the sending or receipt is determined by other applicable law. Except to the
14 extent permitted by the other law, the requirements of this subsection may not be
15 varied by agreement.

16 **137.24 Transferable records.** (1) In this section, "transferable record"
17 means an electronic record that would be a note under ch. 403 or a document under
18 ch. 407 if the electronic record were in writing.

19 (1m) An electronic record qualifies as a transferable record under this section
20 only if the issuer of the electronic record expressly has agreed that the electronic
21 record is a transferable record.

22 (2) A person has control of a transferable record if a system employed for
23 evidencing the transfer of interests in the transferable record reliably establishes
24 that person as the person to which the transferable record was issued or transferred.

1 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
2 have control of a transferable record, if the transferable record is created, stored, and
3 assigned in such a manner that:

4 (a) A single authoritative copy of the transferable record exists which is unique,
5 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

6 (b) The authoritative copy identifies the person asserting control as the person
7 to which the transferable record was issued or, if the authoritative copy indicates
8 that the transferable record has been transferred, the person to which the
9 transferable record was most recently transferred;

10 (c) The authoritative copy is communicated to and maintained by the person
11 asserting control or its designated custodian;

12 (d) Copies or revisions that add or change an identified assignee of the
13 authoritative copy can be made only with the consent of the person asserting control;

14 (e) Each copy of the authoritative copy and any copy of a copy is readily
15 identifiable as a copy that is not the authoritative copy; and

16 (f) Any revision of the authoritative copy is readily identifiable as authorized
17 or unauthorized.

18 (4) Except as otherwise agreed, a person having control of a transferable record
19 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
20 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
21 411, including, if the applicable statutory requirements under s. 403.302 (1),
22 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
23 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
24 respectively. Delivery, possession, and endorsement are not required to obtain or
25 exercise any of the rights under this subsection.

1 (5) Except as otherwise agreed, an obligor under a transferable record has the
2 same rights and defenses as an equivalent obligor under equivalent records or
3 writings under chs. 401 to 411.

4 (6) If requested by a person against which enforcement is sought, the person
5 seeking to enforce the transferable record shall provide reasonable proof that the
6 person is in control of the transferable record. Proof may include access to the
7 authoritative copy of the transferable record and related business records sufficient
8 to review the terms of the transferable record and to establish the identity of the
9 person having control of the transferable record.

10 *~~4542/2.12~~* **SECTION 315.** 137.25 (2) of the statutes is created to read:

11 137.25 (2) The department of electronic government shall promulgate rules
12 concerning the use of electronic records and electronic signatures by governmental
13 units, which shall govern the use of electronic records or signatures by governmental
14 units, unless otherwise provided by law. The rules shall include standards regarding
15 the receipt of electronic records or electronic signatures that promote consistency
16 and interoperability with other standards adopted by other governmental units of
17 this state and other states and the federal government and nongovernmental
18 persons interacting with governmental units of this state. The standards may
19 include alternative provisions if warranted to meet particular applications.

20 *~~4548/2.103~~* *~~3266/P1.73~~* **SECTION 316.** 139.44 (1) of the statutes is
21 amended to read:

22 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
23 any stamp or procures or causes the same to be done, or who knowingly utters,
24 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
25 affixes the same to any package or container of cigarettes, or who possesses with the

1 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
2 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
3 ~~years~~ is guilty of a Class G felony.

4 *~~4548/2.104~~* *~~3266/P1.74~~* **SECTION 317.** 139.44 (1m) of the statutes is
5 amended to read:

6 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
7 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
8 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

9 *~~4548/2.105~~* *~~3266/P1.75~~* **SECTION 318.** 139.44 (2) of the statutes is
10 amended to read:

11 139.44 (2) Any person who makes or signs any false or fraudulent report or who
12 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
13 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than ~~\$1,000 nor~~
14 ~~more than \$5,000~~ \$10,000 or imprisoned for not less than ~~90 days nor more than 2~~
15 ~~years~~ 9 months or both.

16 *~~4548/2.106~~* *~~3266/P1.76~~* **SECTION 319.** 139.44 (8) (c) of the statutes is
17 amended to read:

18 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
19 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
20 Class I felony.

21 *~~4548/2.107~~* **SECTION 320.** 139.85 (1) of the statutes is amended to read:

22 139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
23 apply to this subchapter. In addition, a person who violates s. 139.82 (8) ~~shall~~ may
24 be fined not less than ~~\$1,000 nor more than \$5,000~~ \$10,000 or imprisoned for not less
25 ~~than 90 days nor more than one year~~ 9 months or both.

1 **(1s)** “Electronic chain letter” means an electronic mail message that is sent to
2 more than one recipient with a request that each recipient send copies of the message
3 to other recipients.

4 **(2)** “Electronic mail service provider” means any person that is an intermediary
5 in sending or receiving electronic mail and that provides to Internet users the ability
6 to send or receive electronic mail.

7 **(3)** “Electronic mail solicitation” means an electronic mail message that a
8 person sends for personal gain or compensation, or in the expectation of personal
9 gain or compensation, to encourage another person to purchase property, goods or
10 services or to visit a Web site.

11 **(4)** “Home page” means the first page of a Web site that is displayed when a
12 person visits the computer address of the Web site.

13 **(5)** “Internet domain name” means a name identifying the Internet address of
14 a person on the Internet that the person has registered with an organization that
15 assigns and maintains names for Internet addresses, including the Internet
16 Network Information Center, the U.S. Domain Name Registration Services, or any
17 successor organization.

18 **(6)** “Internet user” means a person that maintains an electronic mail address
19 with an electronic mail service provider.

20 **(7)** “Public Web site” means a Web site that is accessible at no charge to a person
21 who visits the Web site.

22 **(8)** “Resident” means an individual who is a resident of this state.

23 **(9)** “Send” means to initiate the transmission of an electronic mail message, but
24 does not include any transmission of the message by an electronic mail service
25 provider.

1 (10) “Solicitation or chain letter policy” means the policy of an electronic mail
2 service provider regarding the sending of electronic mail solicitations or electronic
3 chain letters by or to the provider’s Internet users.

4 (11) “Web site” means a collection of related computer files on the Internet that
5 is located at an Internet address.

6 **141.02 Electronic mail. (1) SOLICITATION OR CHAIN LETTER POLICY VIOLATIONS.**

7 (a) Subject to par. (b):

8 1. No Internet user of an electronic mail service provider may send an electronic
9 mail solicitation or electronic chain letter that uses the equipment of the provider in
10 a manner that violates the provider’s solicitation or chain letter policy.

11 2. No person may send an electronic mail solicitation or electronic chain letter
12 to an Internet user that uses the equipment of the Internet user’s electronic mail
13 service provider in a manner that violates the provider’s solicitation or chain letter
14 policy.

15 (b) The prohibitions under par. (a) apply only to a solicitation or chain letter
16 policy that an electronic mail service provider displays on the home page of the
17 provider’s Web site and makes available in printed form at no charge upon request.

18 (c) An electronic mail service provider who is injured by a violation of par. (a)
19 that occurs more than 30 days after the solicitation or chain letter policy is displayed
20 on the provider’s home page may bring an action against the person who violated par.
21 (a) and is entitled to each of the following:

22 1. The greater of the amount of actual damages, \$15,000 or an amount equal
23 to \$50 for each electronic mail solicitation or electronic chain letter that uses the
24 provider’s equipment in a manner that violates the provider’s solicitation or chain
25 letter policy.

1 2. Notwithstanding s. 814.04, costs, disbursements, and reasonable attorney
2 fees.

3 **(1m) ELECTRONIC MAIL SOLICITATIONS.** (a) No person may send an electronic mail
4 solicitation unless the person includes with the solicitation a return electronic mail
5 address or notice of a toll-free telephone number that the recipient of the solicitation
6 may use to notify the person that the recipient does not want to receive electronic
7 mail solicitations.

8 (b) If a recipient of an electronic mail solicitation uses a return electronic mail
9 address or toll-free telephone number specified in par. (a) to notify the person that
10 sent the electronic mail solicitation that the recipient does not want to receive an
11 electronic mail solicitation, the person may not send another electronic mail
12 solicitation to the recipient. A recipient who receives an electronic mail solicitation
13 that violates this paragraph may complain to the department.

14 (c) The department shall investigate each complaint concerning a violation of
15 par. (b). The department or any district attorney may on behalf of the state bring an
16 action for temporary or permanent injunctive or other relief for any violation of par.
17 (b), or for the penalties specified in par. (d), or for both.

18 (d) Any person who violates par. (b) may be required to forfeit not more than
19 \$10 for each electronic mail solicitation that violates par. (b), subject to a maximum
20 forfeiture of \$1,000 for each day in which a violation occurs.

21 **(2) PROHIBITED REPRESENTATIONS.** (a) No person may knowingly send an
22 electronic mail message that represents the message is from another person without
23 the consent of that person, or that represents the message is from an Internet domain
24 name without the consent of the person who has registered the name.

25 (b) 1. Whoever violates par. (a) is guilty of a Class I felony.

1 2. Whoever violates par. (a) after having been convicted under this subsection
2 is guilty of a Class H Felony.

3 **141.03 Internet privacy. (1) CONSENT REQUIRED.** (a) A person that maintains
4 a Web site for the purpose of doing business in this state may not disclose to another
5 person, for money or anything else of value, any information about a resident that
6 is obtained from the resident's use of the Internet, including from an electronic mail
7 message sent by the resident, without the consent of the resident.

8 (b) A person that maintains a Web site for the purpose of doing business in this
9 state may not request a child to provide information through the Internet to the
10 person that includes personal information about the child without making a
11 reasonable effort to obtain the consent of the child's parent or legal guardian. For
12 purposes of this paragraph, a "reasonable effort to obtain consent" includes requiring
13 a child's parent or guardian to mail or send a facsimile consent form to the person,
14 provide a credit card number to the person, or provide an electronic signature, as
15 defined in s. 137.11 (8), to the person.

16 (c) A person who violates par. (a) or (b) may be required to forfeit not more than
17 \$10,000 for each violation. Each disclosure of or request for information about one
18 resident or child constitutes a separate violation.

19 (d) The department of justice may commence an action in circuit court in the
20 name of the state to restrain by temporary or permanent injunction any act or
21 practice constituting a violation of par. (a) or (b).

22 **(2) WEB SITE ACCESS.** (a) A person that maintains a Web site for the purpose
23 of doing business in this state shall do each of the following:

24 1. Display a notice on the home page of the Web site that states whether the
25 person collects any information about visitors to the Web site and that describes any

1 information that is collected and the purposes for which it is collected, including a
2 description of any information that is sold or provided to 3rd parties. A notice
3 required under this paragraph shall be in an easily comprehensible format.

4 2. If the person sells or provides information about visitors to the Web site to
5 3rd parties, allow a visitor to notify the person, at the time that the visitor visits the
6 Web site, whether or not the visitor consents to the sale or provision of such
7 information.

8 (b) If a visitor notifies a person under par. (a) that the visitor does not consent
9 to the sale or provision of information specified in par. (a), the person may not sell
10 or provide the information to 3rd parties.

11 (c) For purposes of par. (a), a person does not maintain a Web site for the
12 purpose of doing business in this state if the person's involvement with the Web site
13 is limited only to providing access to the Internet for another person that maintains
14 the Web site for the purpose of doing business in this state.

15 (d) A person who violates par. (a) or (b) may be required to forfeit not more than
16 \$10,000 for each violation.

17 ***-4548/2.110* *-3266/P1.79* SECTION 324.** 146.345 (3) of the statutes is
18 amended to read:

19 146.345 (3) Any person who violates this section is guilty of a Class H felony,
20 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
21 person may be fined not more than \$50,000 ~~or imprisoned for not more than 7 years~~
22 ~~and 6 months or both.~~

23 ***-4548/2.111* *-3266/P1.80* SECTION 325.** 146.35 (5) of the statutes is
24 amended to read:

1 146.35 (5) ~~Whoever violates sub. (2) may be fined not more than \$10,000 or~~
2 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~
3 ~~felony.~~

4 *~~4572/4.7~~* **SECTION 326.** 146.50 (1) (a) of the statutes is renumbered 146.50
5 (1) (am).

6 *~~4572/4.8~~* **SECTION 327.** 146.50 (1) (ag) of the statutes is created to read:

7 146.50 (1) (ag) “Act of terrorism” means a felony under ch. 939 to 951 that is
8 committed with intent to terrorize and is committed under any of the following
9 circumstances:

10 1. The person committing the felony causes bodily harm, great bodily harm, or
11 death to another.

12 2. The person committing the felony causes damage to the property of another
13 and the total property damaged is reduced in value by \$25,000 or more. For purposes
14 of this subdivision, property is reduced in value by the amount that it would cost
15 either to repair or replace it, whichever is less.

16 3. The person committing the felony uses force or violence or the threat of force
17 or violence.

18 **SECTION 328.** 146.50 (1) (hr) of the statutes is created to read:

19 146.50 (1) (hr) “Governmental unit” means the United States; the state; any
20 county, city, village, or town; or any political subdivision, department, division,
21 board, or agency of the United States, the state, or any county, city, village, or town.

22 *~~4572/4.9~~* **SECTION 329.** 146.50 (1) (ig) of the statutes is created to read:

23 146.50 (1) (ig) “Intent to terrorize” means intent to influence the policy of a
24 governmental unit by intimidation or coercion, to punish a governmental unit for a

1 prior policy decision, to affect the conduct of a governmental unit by homicide or
2 kidnapping, or to intimidate or coerce a civilian population.

3 *~~4572/4.10~~* **SECTION 330.** 146.50 (6) (a) 2. of the statutes is amended to read:

4 146.50 (6) (a) 2. Have satisfactorily completed a course of instruction and
5 training, including training for response to acts of terrorism, prescribed by the
6 department or have presented evidence satisfactory to the department of sufficient
7 education and training in the field of emergency care.

8 *~~4572/4.11~~* **SECTION 331.** 146.50 (6) (b) 2. of the statutes is amended to read:

9 146.50 (6) (b) 2. The department, in conjunction with the technical college
10 system board, shall promulgate rules specifying training, education, or examination
11 requirements, including requirements for training for response to acts of terrorism,
12 for license renewals for emergency medical technicians.

13 *~~4572/4.12~~* **SECTION 332.** 146.50 (8) (b) 3. of the statutes is amended to read:

14 146.50 (8) (b) 3. The individual satisfactorily completes a first responder course
15 that meets or exceeds the guidelines issued by the National Highway Traffic Safety
16 Administration under 23 CFR 1205.3 (a) (5), that includes training for response to
17 acts of terrorism, and that is approved by the department.

18 *~~4572/4.13~~* **SECTION 333.** 146.50 (8) (c) of the statutes is amended to read:

19 146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder,
20 except as provided in ss. 146.51 and 146.52, the holder of the certificate shall
21 satisfactorily complete a first responder refresher course that meets or exceeds the
22 guidelines issued by the National Highway Traffic Safety Administration under 23
23 CFR 1205.3 (a) (5), that includes training for response to acts of terrorism, and that
24 is approved by the department.

25 *~~4572/4.14~~* **SECTION 334.** 146.55 (1) (a) of the statutes is amended to read:

1 146.55 (1) (a) “Ambulance service” means the business of transporting sick,
2 disabled, or injured individuals by ambulance, as defined in s. 146.50 (1) (a) (am), to
3 or from facilities or institutions providing health services.

4 *~~4548/2.112~~* *~~3266/P1.81~~* **SECTION 335.** 146.60 (9) (am) of the statutes is
5 amended to read:

6 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person ~~shall~~
7 may be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more
8 than ~~2 years 9 months~~ or both.

9 *~~4548/2.113~~* *~~3266/P1.82~~* **SECTION 336.** 146.70 (10) (a) of the statutes is
10 amended to read:

11 146.70 (10) (a) Any person who intentionally dials the telephone number “911”
12 to report an emergency, knowing that the fact situation which he or she reports does
13 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
14 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
15 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
16 felony for any other offense committed within 4 years after the first offense.

17 *~~4548/2.114~~* *~~3266/P1.83~~* **SECTION 337.** 154.15 (2) of the statutes is
18 amended to read:

19 154.15 (2) Any person who, with the intent to cause a withholding or
20 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
21 the declarant, illegally falsifies or forges the declaration of another or conceals a
22 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
23 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
24 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
25 felony.

1 *~~4548/2.115~~* *~~3266/P1.84~~* **SECTION 338.** 154.29 (2) of the statutes is
2 amended to read:

3 154.29 (2) Any person who, with the intent to cause the withholding or
4 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
5 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
6 under s. 154.21 of a do-not-resuscitate order or any responsible person who
7 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
8 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
9 felony.

10 *~~4572/4.15~~* **SECTION 339.** 165.85 (4) (b) 1. of the statutes, as affected by 2001
11 Wisconsin Act 16, is amended to read:

12 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
13 enforcement officer, except on a temporary or probationary basis, unless the person
14 has satisfactorily completed a preparatory program of law enforcement training
15 approved by the board and has been certified by the board as being qualified to be
16 a law enforcement or tribal law enforcement officer. The program shall include 400
17 hours of training, except the program for law enforcement officers who serve as
18 rangers for the department of natural resources includes 240 hours of training. The
19 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
20 400-hour conventional program and a 240-hour ranger program. ~~The rule shall~~
21 ~~ensure that there is an adequate amount of training for each program to enable the~~
22 ~~person to deal effectively with domestic abuse incidents, including training that~~
23 ~~addresses the emotional and psychological effect that domestic abuse has on victims.~~
24 ~~The training under this subdivision shall include training on emergency detention~~
25 ~~standards and procedures under s. 51.15, emergency protective placement~~

1 ~~standards and procedures under s. 55.06 (11) and information on mental health and~~
2 ~~developmental disabilities agencies and other resources that may be available to~~
3 ~~assist the officer in interpreting the emergency detention and emergency protective~~
4 ~~placement standards, making emergency detentions and emergency protective~~
5 ~~placements and locating appropriate facilities for the emergency detentions and~~
6 ~~emergency protective placements of persons. The training under this subdivision~~
7 ~~shall include at least one hour of instruction on recognizing the symptoms of~~
8 ~~Alzheimer's disease or other related dementias and interacting with and assisting~~
9 ~~persons who have Alzheimer's disease or other related dementias. The training~~
10 ~~under this subdivision shall include training on police pursuit standards, guidelines~~
11 ~~and driving techniques established under par. (em) 2. b. The period of temporary or~~
12 ~~probationary employment established at the time of initial employment shall not be~~
13 ~~extended by more than one year for an officer lacking the training qualifications~~
14 ~~required by the board. The total period during which a person may serve as a law~~
15 ~~enforcement and tribal law enforcement officer on a temporary or probationary basis~~
16 ~~without completing a preparatory program of law enforcement training approved by~~
17 ~~the board shall not exceed 2 years, except that the board shall permit part-time law~~
18 ~~enforcement and tribal law enforcement officers to serve on a temporary or~~
19 ~~probationary basis without completing a program of law enforcement training~~
20 ~~approved by the board to a period not exceeding 3 years. For purposes of this section,~~
21 ~~a part-time law enforcement or tribal law enforcement officer is a law enforcement~~
22 ~~or tribal law enforcement officer who routinely works not more than one-half the~~
23 ~~normal annual work hours of a full-time employee of the employing agency or unit~~
24 ~~of government. Law enforcement training programs including municipal, county~~

1 and state programs meeting standards of the board are acceptable as meeting these
2 training requirements.

3 ***-4572/4.16* SECTION 340.** 165.85 (4) (b) 1d. of the statutes is created to read:
4 165.85 (4) (b) 1d. Any training program developed under subd. 1. shall include
5 all of the following:

6 a. An adequate amount of training to enable the person being trained to deal
7 effectively with domestic abuse incidents, including training that addresses the
8 emotional and psychological effect that domestic abuse has on victims.

9 b. Training on emergency detention standards and procedures under s. 51.15,
10 emergency protective placement standards and procedures under s. 55.06 (11), and
11 information on mental health and developmental disabilities agencies and other
12 resources that may be available to assist the officer in interpreting the emergency
13 detention and emergency protective placement standards, making emergency
14 detentions and emergency protective placements, and locating appropriate facilities
15 for the emergency detentions and emergency protective placements of persons.

16 c. At least one hour of instruction on recognizing the symptoms of Alzheimer's
17 disease or other related dementias and interacting with and assisting persons who
18 have Alzheimer's disease or other related dementias.

19 d. Training on police pursuit standards, guidelines, and driving techniques
20 established under par. (cm) 2. b.

21 e. Training on responding to an act of terrorism, as defined in s. 146.50 (1) (ag).

22 ***-4548/2.116* *-3266/P1.85* SECTION 341.** 166.20 (11) (b) of the statutes is
23 amended to read:

24 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
25 release of a hazardous substance covered under 42 USC 11004 as required under sub.

1 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following
2 penalties:

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

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

11 *~~4548/2.117~~* *~~3266/P1.86~~* **SECTION 342.** 167.10 (9) (g) of the statutes is
12 amended to read:

13 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
14 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
15 ~~than 15 years or both~~ is guilty of a Class G felony.

16 *~~4548/2.118~~* *~~3266/P1.87~~* **SECTION 343.** 175.20 (3) of the statutes is
17 amended to read:

18 175.20 (3) Any person who violates any of the provisions of this section ~~shall~~
19 ~~may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be~~
20 ~~imprisoned for not less than 30 days nor more than 2 years~~ 9 months or both. In
21 addition, the court may revoke the license or licenses of the person or persons
22 convicted.

23 *~~4548/2.119~~* *~~3266/P1.88~~* **SECTION 344.** 180.0129 (2) of the statutes is
24 amended to read:

1 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
2 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

3 *~~4548/2.120~~* *~~3266/P1.89~~* **SECTION 345.** 181.0129 (2) of the statutes is
4 amended to read:

5 181.0129 (2) **PENALTY.** Whoever violates this section ~~may be fined not more~~
6 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
7 felony.

8 *~~4548/2.121~~* *~~3266/P1.90~~* **SECTION 346.** 185.825 of the statutes is
9 amended to read:

10 **185.825 Penalty for false document.** Whoever causes a document to be
11 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
12 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
13 Class I felony.

14 *~~4548/2.122~~* *~~3266/P1.91~~* **SECTION 347.** 201.09 (2) of the statutes is
15 amended to read:

16 201.09 (2) Every director, president, secretary or other official or agent of any
17 public service corporation, who shall practice fraud or knowingly make any false
18 statement to secure a certificate of authority to issue any security, or issue under a
19 certificate so obtained and with knowledge of such fraud, or false statement, or
20 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~
21 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
22 ~~15 years or both~~ is guilty of a Class I felony.

23 *~~4548/2.123~~* *~~3266/P1.92~~* **SECTION 348.** 214.93 of the statutes is amended
24 to read:

1 **214.93 False statements.** A person may not knowingly make, cause, or allow
2 another person to make or cause to be made, a false statement, under oath if required
3 by this chapter or on any report or statement required by the division or by this
4 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
5 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

6 *~~4548/2.124~~* *~~3266/P1.93~~* **SECTION 349.** 215.02 (6) (b) of the statutes is
7 amended to read:

8 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
9 debtor of any association or any information about the private account or
10 transactions of such association, discloses any fact obtained in the course of any
11 examination of any association, or discloses examination or other confidential
12 information obtained from any state or federal regulatory authority, including an
13 authority of this state or another state, for financial institutions, mortgage bankers,
14 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
15 I felony and shall forfeit his or her office or position and may be fined not less than
16 \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than
17 3 years or both.

18 *~~4548/2.125~~* *~~3266/P1.94~~* **SECTION 350.** 215.12 of the statutes is amended
19 to read:

20 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
21 director, employee or agent of any association who steals, abstracts, or wilfully
22 misapplies any property of the association, whether owned by it or held in trust, or
23 who, without authority, issues or puts forth any certificate of savings accounts,
24 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
25 in any book, record, report or statement of the association with intent to injure or

1 defraud the association or any person or corporation, or to deceive any officer or
2 director of the association, or any other person, or any agent appointed to examine
3 the affairs of such association, or any person who, with like intent, aids or abets any
4 officer, director, employee or agent in the violation of this section, ~~shall be imprisoned~~
5 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

6 *~~4548/2.126~~* *~~3266/P1.95~~* **SECTION 351.** 215.21 (21) of the statutes is
7 amended to read:

8 215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer,
9 director, employee or agent of any association, or any appraiser making appraisals
10 for any association, who accepts or receives, or offers or agrees to accept or receive
11 anything of value in consideration of its loaning any money to any person; or any
12 person who offers, gives, presents or agrees to give or present anything of value to
13 any officer, director, employee or agent of any association or to any appraiser making
14 appraisals for any association in consideration of its loaning money to the person,
15 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
16 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
17 subsection prohibits an association from employing an officer, employee or agent to
18 solicit mortgage loans and to pay the officer, employee or agent on a fee basis.

19 *~~4548/2.127~~* *~~3266/P1.96~~* **SECTION 352.** 218.21 (7) of the statutes is
20 amended to read:

21 218.21 (7) Any person who knowingly makes a false statement in an
22 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
23 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
24 Class H felony.

1 *~~4548/2.128~~* *~~3266/P1.97~~* **SECTION 353.** 220.06 (2) of the statutes is
2 amended to read:

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

11 *~~4548/2.129~~* *~~3266/P1.98~~* **SECTION 354.** 221.0625 (2) (intro.) of the
12 statutes is amended to read:

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

16 *~~4548/2.130~~* *~~3266/P1.99~~* **SECTION 355.** 221.0636 (2) of the statutes is
17 amended to read:

18 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
19 ~~not more than 30 years~~ is guilty of a Class H felony.

20 *~~4548/2.131~~* *~~3266/P1.100~~* **SECTION 356.** 221.0637 (2) of the statutes is
21 amended to read:

22 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
23 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
24 felony.

1 *~~4548/2.132~~* *~~3266/P1.101~~* **SECTION 357.** 221.1004 (2) of the statutes is
2 amended to read:

3 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
4 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
5 ~~than 15 years or both~~ is guilty of a Class F felony.

6 *~~4542/2.13~~* **SECTION 358.** 224.30 (2) of the statutes is repealed.

7 *~~4548/2.133~~* *~~3361/P2.10~~* **SECTION 359.** 227.01 (13) (sm) of the statutes is
8 created to read:

9 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

10 *~~4587/1.1~~* **SECTION 360.** 227.118 of the statutes is created to read:

11 **227.118 Economic impact of administrative rules. (1)** When an agency
12 proposes a rule that may have an economic impact on a private person or a political
13 subdivision of the state, the department of administration shall prepare an economic
14 impact assessment of the proposed rule before the rule is submitted to the legislative
15 council staff under s. 227.15. The economic impact assessment shall evaluate the
16 costs and benefits of complying with the proposed rule and the potential impact of
17 the proposed rule on the policy decisions of private persons and political subdivisions
18 of the state. The economic impact assessment shall describe alternatives to the
19 proposed rule that will reduce any negative impact on private persons and political
20 subdivisions of the state. The preparation of an economic impact assessment under
21 this section does not eliminate the responsibility to comply with other sections of this
22 chapter, including ss. 227.114 and 227.115.

23 **(2)** The department of administration shall submit a copy of any economic
24 impact assessment prepared under sub. (1) to the agency that prepared the proposed

1 rule and to the legislative council staff at the same time that the agency submits the
2 proposed rule to the legislative council staff under s. 227.15.

3 *~~4587/1.2~~* **SECTION 361.** 227.19 (3) (intro.) of the statutes is amended to read:

4 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be
5 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
6 the material specified in s. 227.14 (2) to (4), a copy of the economic impact assessment
7 received under s. 227.118 (2), a copy of any recommendations of the legislative
8 council staff and an analysis. The analysis shall include:

9 *~~4587/1.3~~* **SECTION 362.** 227.19 (3) (f) of the statutes is created to read:

10 227.19 (3) (f) If an economic impact assessment regarding the proposed rule
11 was submitted with the report, an explanation of what changes, if any, that were
12 made in the proposed rule in response to that assessment.

13 *~~4548/2.134~~* *~~3361/P2.11~~* **SECTION 363.** 230.08 (2) (L) 6. of the statutes is
14 created to read:

15 230.08 (2) (L) 6. Sentencing commission.

16 *~~4548/2.135~~* *~~3361/P2.12~~* **SECTION 364.** 230.08 (2) (of) of the statutes is
17 created to read:

18 230.08 (2) (of) The executive director of the sentencing commission.

19 *~~4549/3.2~~* **SECTION 365.** 230.08 (2) (qm) of the statutes is created to read:

20 230.08 (2) (qm) The grants management specialist in the department of
21 commerce.

22 *~~4528/P1.5~~* **SECTION 366.** 234.165 (2) (c) (intro.) of the statutes is amended

23 to read:

1 234.165 (2) (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be
2 expended or encumbered only in accordance with the plan approved under par. (b),
3 except that the authority may transfer from one plan category to another:

4 *~~4528/P1.6~~* **SECTION 367.** 234.165 (3) of the statutes is created to read:

5 234.165 (3) For the purpose of housing grants and loans under s. 16.33 and
6 housing organization grants under s. 16.336, in fiscal year 2001–02 the authority
7 shall transfer to the department of administration \$1,500,000 of its surplus and in
8 fiscal year 2002–03 and every fiscal year thereafter the authority shall transfer to
9 the department of administration \$3,300,300 of its surplus. The department of
10 administration shall credit all moneys transferred under this subsection to the
11 appropriation account under s. 20.505 (7) (j).

12 *~~4570/3.2~~* **SECTION 368.** 250.15 of the statutes is repealed.

13 *~~4548/2.136~~* *~~3266/P1.102~~* **SECTION 369.** 253.06 (4) (b) of the statutes is
14 amended to read:

15 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
16 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~
17 ~~of a Class I felony for the first offense and may be fined not more than \$10,000 or~~
18 ~~imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H~~
19 felony for the 2nd or subsequent offense.

20 *~~4548/2.137~~* *~~3266/P1.103~~* **SECTION 370.** 285.87 (2) (b) of the statutes is
21 amended to read:

22 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
23 another conviction under par. (a), the person shall is guilty of a Class I felony, except
24 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may

1 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~
2 ~~3 years or both.~~

3 *~~4548/2.138~~* *~~3266/P1.104~~* **SECTION 371.** 291.97 (2) (b) (intro.) of the
4 statutes is amended to read:

5 291.97 (2) (b) (intro.) Any person who wilfully does any of the following ~~shall~~
6 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
7 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
8 \$100,000 or imprisoned for not more than 7 years and 6 months or both:

9 *~~4548/2.139~~* *~~3266/P1.105~~* **SECTION 372.** 291.97 (2) (c) 1. and 2. of the
10 statutes are amended to read:

11 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person ~~shall~~
12 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
13 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
14 or imprisoned for not more than 2 years or both.

15 2. For a 2nd or subsequent violation under par. (b), a person ~~shall~~ is guilty of
16 a Class F felony, except that, notwithstanding the maximum fine specified in s.
17 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
18 or imprisoned for not more than 15 years or both.

19 *~~4548/2.140~~* *~~3266/P1.106~~* **SECTION 373.** 299.53 (4) (c) 2. of the statutes
20 is amended to read:

21 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
22 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
23 or imprisoned for not more than one year in the county jail or both. For a 2nd or
24 subsequent violation, the person ~~shall~~ is guilty of a Class I felony, except that,

1 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
2 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

3 *~~4471/3.2~~* **SECTION 374.** 301.03 (11) of the statutes is repealed.

4 *~~4548/2.141~~* *~~2889/P3.1~~* **SECTION 375.** 301.035 (2) of the statutes is
5 amended to read:

6 301.035 (2) Assign hearing examiners from the division to preside over
7 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
8 (2) and ch. 304.

9 *~~4548/2.142~~* *~~2889/P3.2~~* **SECTION 376.** 301.035 (4) of the statutes is
10 amended to read:

11 301.035 (4) Supervise employees in the conduct of the activities of the division
12 and be the administrative reviewing authority for decisions of the division under ss.
13 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
14 ch. 304.

15 *~~4548/2.143~~* **SECTION 377.** 301.048 (2) (bm) 1. a. of the statutes is amended
16 to read:

17 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
18 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
19 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195
20 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)
21 (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45
22 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
23 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43,
24 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or
25 948.30.

1 *~~4548/2.144~~* **SECTION 378.** 301.26 (4) (cm) 1. of the statutes is amended to
2 read:

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

17 *~~4548/2.145~~* **SECTION 379.** 301.45 (6) (a) 2. of the statutes is amended to read:
18 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
19 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
20 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
21 if, prior to committing the offense, the person has at any time been convicted of
22 knowingly failing to comply with any requirement to provide information under
23 subs. (2) to (4).

24 *~~4548/2.146~~* **SECTION 380.** 302.045 (3) of the statutes is amended to read:

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

9 *~~4548/2.147~~* *~~3266/P1.107~~* **SECTION 381.** 302.095 (2) of the statutes is
10 amended to read:

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

22 *~~4548/2.148~~* *~~0590/P5.13~~* **SECTION 382.** 302.11 (1g) (a) 2. of the statutes
23 is amended to read:

24 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),
25 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,

1 940.03, 940.05, 940.09 ~~(1)~~ (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
2 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) ~~or (1m)~~, 943.32 (2),
3 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,
4 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

5 *~~4471/3.3~~* **SECTION 383.** 302.11 (1g) (b) 2. of the statutes, as affected by 2001
6 Wisconsin Act 16, is amended to read:

7 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
8 treatment that the social service and clinical staff of the institution determines is
9 necessary for the inmate, ~~including pharmacological treatment using an~~
10 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~
11 ~~child sex offender as defined in s. 304.06 (1q) (a).~~ The parole commission may not
12 deny presumptive mandatory release to an inmate because of the inmate's refusal
13 to participate in a rehabilitation program under s. 301.047.

14 *~~4548/2.149~~* *~~3265/P1.2~~* **SECTION 384.** 302.11 (1p) of the statutes is
15 amended to read:

16 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1999 stats., for
17 a crime committed before December 31, 1999, is entitled to mandatory release,
18 except the inmate may not be released before he or she has complied with s. 961.49
19 (2), 1999 stats.

20 *~~4548/2.150~~* **SECTION 385.** 302.11 (1z) of the statutes is amended to read:

21 302.11 (1z) An inmate who is sentenced to a term of confinement in prison
22 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not
23 entitled under this section to mandatory release on parole under ~~this section~~ that
24 sentence.

25 *~~4548/2.151~~* **SECTION 386.** 302.11 (3) of the statutes is amended to read:

1 302.11 (3) All consecutive sentences imposed for crimes committed before
2 December 31, 1999, shall be computed as one continuous sentence.

3 *~~4548/2.152~~* **SECTION 387.** 302.11 (7) (a) of the statutes is renumbered 302.11
4 (7) (am) and amended to read:

5 302.11 (7) (am) The ~~division of hearings and appeals in the department of~~
6 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
7 ~~the parolee waives a hearing, reviewing authority~~ may return a parolee released
8 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the
9 remainder of the sentence for a violation of the conditions of parole. The remainder
10 of the sentence is the entire sentence, less time served in custody prior to parole. The
11 revocation order shall provide the parolee with credit in accordance with ss. 304.072
12 and 973.155.

13 *~~4548/2.153~~* **SECTION 388.** 302.11 (7) (ag) of the statutes is created to read:

14 302.11 (7) (ag) In this subsection “reviewing authority” means the division of
15 hearings and appeals in the department of administration, upon proper notice and
16 hearing, or the department of corrections, if the parolee waives a hearing.

17 *~~4548/2.154~~* **SECTION 389.** 302.11 (7) (b) of the statutes is amended to read:

18 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
19 parole shall be incarcerated for the entire period of time determined by the
20 ~~department of corrections in the case of a waiver or the division of hearings and~~
21 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
22 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
23 to mandatory release under sub. (1) or presumptive mandatory release under sub.
24 (1g). The period of time determined under par. (a) (am) may be extended in
25 accordance with subs. (1q) and (2).

1 *~~4548/2.155~~* **SECTION 390.** 302.11 (7) (d) of the statutes is amended to read:

2 302.11 (7) (d) A parolee who is subsequently released either after service of the
3 period of time determined by the department of corrections in the case of a waiver
4 or the division of hearings and appeals in the department of administration in the
5 case of a hearing under par. (a) reviewing authority or by a grant of parole under par.
6 (c) is subject to all conditions and rules of parole until expiration of sentence or
7 discharge by the department.

8 *~~4548/2.156~~* **SECTION 391.** 302.11 (7) (e) of the statutes is created to read:

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

13 *~~4548/2.157~~* *~~3370/P2.1~~* **SECTION 392.** 302.113 (2) of the statutes is
14 amended to read:

15 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
16 section is entitled to release to extended supervision after he or she has served the
17 term of confinement in prison portion of the sentence imposed under s. 973.01, as
18 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
19 applicable.

20 *~~4548/2.158~~* **SECTION 393.** 302.113 (4) of the statutes is amended to read:

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

1 *~~4548/2.159~~* *~~3370/P2.2~~* **SECTION 394.** 302.113 (7) of the statutes, as
2 affected by 2001 Wisconsin Act 16, is amended to read:

3 302.113 (7) Any inmate released to extended supervision under this section is
4 subject to all conditions and rules of extended supervision until the expiration of the
5 term of extended supervision portion of the bifurcated sentence. The department
6 may set conditions of extended supervision in addition to any conditions of extended
7 supervision required under s. 302.116, if applicable, or set by the court under sub.
8 (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the
9 court's conditions.

10 *~~4548/2.160~~* *~~3370/P2.3~~* **SECTION 395.** 302.113 (7m) of the statutes is
11 created to read:

12 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
13 or the department may petition the sentencing court to modify any conditions of
14 extended supervision set by the court.

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

23 (c) The court may conduct a hearing to consider the petition. The court may
24 grant the petition in full or in part if it determines that the modification would meet

1 the needs of the department and the public and would be consistent with the
2 objectives of the person's sentence.

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

7 (e) 1. An inmate may not petition the court to modify the conditions of extended
8 supervision earlier than one year before the date of the inmate's scheduled date of
9 release to extended supervision or more than once before the inmate's release to
10 extended supervision.

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

16 *~~4548/2.161~~* **SECTION 396.** 302.113 (8m) of the statutes is created to read:

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

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

1 If the department confines the person in a county jail under this paragraph, the
2 department shall reimburse the county for its actual costs in confining the person
3 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
4 the person is not eligible to earn good time credit on any period of confinement
5 imposed under this subsection.

6 *~~4548/2.162~~* *~~2889/P3.3~~* **SECTION 397.** 302.113 (9) (a) of the statutes is
7 renumbered 302.113 (9) (am) and amended to read:

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

25 *~~4548/2.163~~* **SECTION 398.** 302.113 (9) (ag) of the statutes is created to read:

1 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
2 hearings and appeals in the department of administration, upon proper notice and
3 hearing, or the department of corrections, if the person on extended supervision
4 waives a hearing.

5 *~~4548/2.164~~* *~~2889/P3.4~~* **SECTION 399.** 302.113 (9) (at) of the statutes is
6 created to read:

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

12 *~~4548/2.165~~* **SECTION 400.** 302.113 (9) (b) of the statutes is amended to read:

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

23 *~~4548/2.166~~* **SECTION 401.** 302.113 (9) (c) of the statutes is amended to read:

24 302.113 (9) (c) A person who is subsequently released to extended supervision
25 after service of the period of time specified by the department of corrections in the

1 ~~case of a waiver or by the division of hearings and appeals in the department of~~
2 ~~administration in the case of a hearing court~~ under par. (a) (am) is subject to all
3 conditions and rules under sub. ~~subs. (7) and, if applicable, (7m)~~ until the expiration
4 of the ~~term of~~ remaining extended supervision portion of the bifurcated sentence.
5 The remaining extended supervision portion of the bifurcated sentence is the total
6 length of the bifurcated sentence, less the time served by the person in confinement
7 under the bifurcated sentence before release to extended supervision under sub. (2)
8 and less all time served in confinement for previous revocations of extended
9 supervision under the bifurcated sentence.

10 *~~4548/2.167~~* **SECTION 402.** 302.113 (9) (d) of the statutes is created to read:

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

15 *~~4548/2.168~~* **SECTION 403.** 302.113 (9) (e) of the statutes is created to read:

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

20 *~~4548/2.169~~* **SECTION 404.** 302.113 (9) (f) of the statutes is created to read:

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

1 *~~4548/2.170~~* *~~2889/P3.5~~* **SECTION 405.** 302.113 (9) (g) of the statutes is
2 created to read:

3 302.113 (9) (g) In any case in which there is a hearing before the division of
4 hearings and appeals in the department of administration concerning whether to
5 revoke a person's extended supervision, the person on extended supervision may
6 seek review of a decision to revoke extended supervision and the department of
7 corrections may seek review of a decision to not revoke extended supervision. Review
8 of a decision under this paragraph may be sought only by an action for certiorari.

9 *~~4548/2.171~~* *~~3370/P2.4~~* **SECTION 406.** 302.113 (9g) of the statutes is
10 created to read:

11 302.113 (9g) (a) In this subsection:

12 1. "Program review committee" means the committee at a correctional
13 institution that reviews the security classifications, institution assignments, and
14 correctional programming assignments of inmates confined in the institution.

15 2. "Terminal condition" means an incurable condition afflicting a person,
16 caused by injury, disease, or illness, as a result of which the person has a medical
17 prognosis that his or her life expectancy is 6 months or less, even with available
18 life-sustaining treatment provided in accordance with the prevailing standard of
19 medical care.

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

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

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

3 3. The inmate has a terminal condition.

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

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

19 (d) When a court is notified by the department that it is referring to the court
20 an inmate's petition for modification of the inmate's bifurcated sentence, the court
21 shall set a hearing to determine whether the public interest would be served by a
22 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
23 The inmate and the district attorney have the right to be present at the hearing, and
24 any victim of the inmate's crime has the right to be present at the hearing and to
25 provide a statement concerning the modification of the inmate's bifurcated sentence.

1 The court shall order such notice of the hearing date as it considers adequate to be
2 given to the department, the inmate, the attorney representing the inmate, if
3 applicable, and the district attorney. Victim notification shall be provided as
4 specified under par. (g).

5 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
6 by the greater weight of the credible evidence that a modification of the bifurcated
7 sentence in the manner specified in par. (f) would serve the public interest. If the
8 inmate proves that a modification of the bifurcated sentence in the manner specified
9 in par. (f) would serve the public interest, the court shall modify the inmate's
10 bifurcated sentence in that manner. If the inmate does not prove that a modification
11 of the bifurcated sentence in the manner specified in par. (f) would serve the public
12 interest, the court shall deny the inmate's petition for modification of the bifurcated
13 sentence.

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

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

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

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

23 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
24 shall send a notice of hearing to the victim of the crime committed by the inmate, if
25 the victim has submitted a card under subd. 3. requesting notification. The notice

1 shall inform the victim that he or she may appear at the hearing scheduled under
2 par. (d) and shall inform the victim of the manner in which he or she may provide a
3 statement concerning the modification of the inmate's bifurcated sentence in the
4 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
5 attempt to send the notice of hearing to the last-known address of the inmate's
6 victim, postmarked at least 10 days before the date of the hearing.

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

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

24 (i) If the program review committee denies an inmate's petition under par. (cm),
25 the inmate may not file another petition within one year after the date of the program

1 review committee's denial. If the program review committee approves an inmate's
2 petition for referral to the sentencing court under par. (cm) but the sentencing court
3 denies the petition, the inmate may not file another petition under par. (cm) within
4 one year after the date of the court's decision.

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

14 *~~4548/2.172~~* **SECTION 407.** 302.114 (4) of the statutes is amended to read:

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

19 *~~4548/2.173~~* **SECTION 408.** 302.114 (5) (f) of the statutes is amended to read:

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

1 *~~4548/2.174~~* *~~2889/P3.6~~* **SECTION 409.** 302.114 (6) (b) of the statutes is
2 amended to read:

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

8 *~~4548/2.175~~* *~~2889/P3.7~~* **SECTION 410.** 302.114 (6) (c) of the statutes is
9 amended to read:

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

14 *~~4548/2.176~~* **SECTION 411.** 302.114 (8m) of the statutes is created to read:

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

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