

1           938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
2    caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
3    the Type 2 child caring institution, the child welfare agency operating the Type 2  
4    child caring institution shall notify the county department that has supervision over  
5    the juvenile and, if the county department agrees to a change in placement under this  
6    subdivision, the child welfare agency shall notify the department and the  
7    department, after consulting with the child welfare agency, may place the juvenile  
8    in a Type 1 secured correctional facility under the supervision of the department,  
9    without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed  
10   in a Type 1 secured correctional facility under this subdivision, the county  
11   department that has supervision over the juvenile shall reimburse the child welfare  
12   agency operating the Type 2 child caring institution in which the juvenile was placed  
13   at the rate established under s. 46.037, and that child welfare agency shall reimburse  
14   the department at the rate specified in s. 301.26 (4) (d) 2., ~~3. or 4.~~ or 3., whichever is  
15   applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
16   correctional facility.

17           **\*b2217/2.8\* SECTION 3908g.** 938.46 of the statutes is amended to read:

18           **938.46 New evidence.** A juvenile whose status is adjudicated by the court  
19   under this chapter, or the juvenile's parent, guardian or legal custodian, may at any  
20   time within one year after the entering of the court's order petition the court for a  
21   rehearing on the ground that new evidence has been discovered affecting the  
22   advisability of the court's original adjudication. Upon a showing that such evidence  
23   does exist, the court shall order a new hearing. This section does not apply to motions  
24   made under s. 974.07 (2).

25           **\*-2174/2.6\* SECTION 3910.** 938.532 (1) of the statutes is amended to read:

1           938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410  
2 (3) ~~(bb)~~ and (hm), the department shall provide a juvenile boot camp program for  
3 juveniles who have been placed under the supervision of the department under s.  
4 938.183, 938.34 (4h) or (4m), or 938.357 (4).

5           \*~~0452/1.1~~\* SECTION 3914. 938.533 (2) of the statutes is amended to read:

6           938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.  
7 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve  
8 an average daily population of 136 juveniles, or an average daily population of more  
9 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented  
10 under s. 13.101 or 16.515 and the positions for the program are increased under s.  
11 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily  
12 population are otherwise available, in not less than 3 counties, including Milwaukee  
13 County. The office of juvenile offender review in the department shall evaluate and  
14 select for participation in the program juveniles who have been placed under the  
15 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).  
16 The department shall place a program participant in the community, provide  
17 intensive surveillance of that participant, and provide an average of not more than  
18 \$3,000 per year per slot to purchase community-based treatment services for each  
19 participant. The department shall make the intensive surveillance required under  
20 this subsection available 24 hours a day, 7 days a week, and may purchase or provide  
21 electronic monitoring for the intensive surveillance of program participants. The  
22 department shall provide a report center in Milwaukee County to provide on-site  
23 programming after school and in the evening for juveniles from Milwaukee County  
24 who are placed in the corrective sanctions program. A contact worker providing  
25 services under the program shall have a case load of approximately 10 juveniles and,

1 during the initial phase of placement in the community under the program of a  
2 juvenile who is assigned to that contact worker, shall have not less than one  
3 face-to-face contact per day with that juvenile. Case management services under  
4 the program shall be provided by a corrective sanctions agent who shall have a case  
5 load of approximately 15 juveniles. The department shall promulgate rules to  
6 implement the program.

7 \*~~0446/2.10~~\* SECTION 3915. 938.533 (3) (a) of the statutes is amended to read:

8 938.533 (3) (a) A participant in the corrective sanctions program remains  
9 under the supervision of the department, remains subject to the rules and discipline  
10 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
11 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that  
12 juvenile's participation in the corrective sanctions program the department may,  
13 without a hearing, take the juvenile into custody and place the juvenile in a secured  
14 detention facility or return the juvenile to placement in a Type 1 secured correctional  
15 facility or a secured child caring institution. This paragraph does not preclude a  
16 juvenile who has violated a condition of the juvenile's participation in the corrective  
17 sanctions program from being taken into and held in custody under ss. 938.19 to  
18 938.21.

19 \*~~0446/2.11~~\* SECTION 3916. 938.534 (1) (b) 3m. of the statutes is created to  
20 read:

21 938.534 (1) (b) 3m. Subject to par. (d), subs. 1. and 2. do not preclude a juvenile  
22 who has violated a condition of the juvenile's participation in the program from being  
23 taken into and held in custody under ss. 938.19 to 938.21.

24 \*b1993/2.16\* SECTION 3921d. 938.538 (4) (a) of the statutes is amended to  
25 read:

1           938.538 (4) (a) A participant in the serious juvenile offender program is under  
2 the supervision and control of the department, is subject to the rules and discipline  
3 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).  
4 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
5 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
6 secured correctional facility the department may, without a hearing, take the  
7 participant into custody and return him or her to placement in a Type 1 secured  
8 correctional facility, a secured child caring institution or, if the participant is 17 years  
9 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of  
10 a participant to remain within the extended limits of his or her placement while  
11 participating in the serious juvenile offender program or to return within the time  
12 prescribed by the administrator of the division of intensive sanctions in the  
13 department is considered an escape under s. 946.42 (3) (c). This paragraph does not  
14 preclude a juvenile who has violated a condition of the juvenile's participation in the  
15 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under  
16 ss. 938.19 to 938.21.

17           \*~~0446/2.13~~\* SECTION 3926. 938.539 (3) of the statutes is amended to read:

18           938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a  
19 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2  
20 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his  
21 or her placement in the Type 2 child caring institution or Type 2 secured correctional  
22 facility, the juvenile may be placed in a Type 1 secured correctional facility as  
23 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has  
24 violated a condition of the juvenile's placement in a Type 2 secured correctional

1 facility or a Type 2 child caring institution from being taken into and held in custody  
2 under ss. 938.19 to 938.21.

3 **\*-1617/P3.3\* SECTION 3934.** 939.74 (1) of the statutes is amended to read:

4 939.74 (1) Except as provided in ~~sub.~~ subs. (2), and (2d) and s. 946.88 (1),  
5 prosecution for a felony must be commenced within 6 years and prosecution for a  
6 misdemeanor or for adultery within 3 years after the commission thereof. Within the  
7 meaning of this section, a prosecution has commenced when a warrant or summons  
8 is issued, an indictment is found, or an information is filed.

9 **\*-1617/P3.4\* SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:

10 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
11 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
12 before the victim reaches the age of 31 years or be barred, except as provided in sub.  
13 (2d) (c).

14 **\*b2217/2.9\* SECTION 3936c.** 939.74 (2d) of the statutes is created to read:

15 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means an  
16 individual’s patterned chemical structure of genetic information identified by  
17 analyzing biological material that contains the individual’s deoxyribonucleic acid.

18 (b) If before the time limitation under sub. (1) expired, the state collected  
19 biological material that is evidence of the identity of the person who committed a  
20 violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile  
21 from the biological material, and comparisons of that deoxyribonucleic acid profile  
22 to deoxyribonucleic acid profiles of known persons did not result in a probable  
23 identification of the person who is the source of the biological material, the state may  
24 commence prosecution of the person who is the source of the biological material for  
25 violation of s. 940.225 (1) or (2) within 12 months after comparison of the

1 deoxyribonucleic acid profile relating to the violation results in a probable  
2 identification of the person.

3 (c) If before the time limitation under sub. (2) (c) expired, the state collected  
4 biological material that is evidence of the identity of the person who committed a  
5 violation of s. 948.02 (1) or (2) or 948.025, the state identified a deoxyribonucleic acid  
6 profile from the biological material, and comparisons of that deoxyribonucleic acid  
7 profile to deoxyribonucleic acid profiles of known persons did not result in a probable  
8 identification of the person who is the source of the biological material, the state may  
9 commence prosecution of the person who is the source of the biological material for  
10 violation of s. 948.02 (1) or (2) or 948.025 within 12 months after comparison of the  
11 deoxyribonucleic acid profile relating to the violation results in a probable  
12 identification of the person.

13 \*b0493/3.6\* SECTION 3937j. 940.09 (1d) of the statutes is renumbered 940.09  
14 (1d) (b) and amended to read:

15 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
16 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, ~~as counting~~  
17 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other  
18 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
19 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and  
20 forfeiture of a motor vehicle owned by the person who committed the offense or the  
21 equipping of a motor vehicle owned by the person with an ignition interlock device.

22 \*b0493/3.6\* SECTION 3937k. 940.09 (1d) (a) of the statutes is created to read:

23 940.09 (1d) (a) Notwithstanding par. (b), if the person who committed an  
24 offense under sub. (1) (a), (b), (c), or (d) has 2 or more convictions, suspensions, or  
25 revocations counted under s. 343.307 (1) within any 5-year period, the procedure

1 under s. 343.301 shall be followed if the court enters an order regarding operating  
2 privilege restriction and the installation of an ignition interlock device or enters an  
3 order regarding immobilization.

4 **\*b0493/3.6\* SECTION 3937m.** 940.09 (1d) (a) of the statutes, as created by 2001  
5 Wisconsin Act ... (this act), is renumbered 940.09 (1d) (a) 2.

6 **\*b0493/3.6\* SECTION 3937n.** 940.09 (1d) (a) 1. of the statutes is created to read:

7 940.09 (1d) (a) 1. Except as provided in subd. 2., if the person who committed  
8 an offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions,  
9 suspensions, or revocations, counting convictions under sub. (1) and s. 940.25 in the  
10 person's lifetime, plus other convictions, suspensions, or revocations counted under  
11 s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court enters an  
12 order regarding operating privilege restriction or enters an order regarding  
13 immobilization.

14 **\*b0493/3.6\* SECTION 3937p.** 940.09 (1d) (b) of the statutes, as affected by 2001  
15 Wisconsin Act ... (this act), is amended to read:

16 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
17 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting  
18 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other  
19 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
20 under s. 346.65 (6) ~~may shall~~ be followed ~~regarding the immobilization or if the court~~  
21 ~~orders~~ the seizure and forfeiture of ~~a- the~~ motor vehicle owned by the person ~~who~~  
22 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~  
23 ~~an ignition interlock device and used in the violation.~~

24 **\*b0493/3.6\* SECTION 3938j.** 940.25 (1d) of the statutes is renumbered 940.25  
25 (1d) (b) and amended to read:

1           940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
2 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, as counting  
3 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other  
4 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
5 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and  
6 forfeiture of a motor vehicle owned by the person who committed the offense or the  
7 equipping of a motor vehicle owned by the person with an ignition interlock device.

8           **\*b0493/3.6\* SECTION 3938k.** 940.25 (1d) (a) of the statutes is created to read:

9           940.25 (1d) (a) Notwithstanding par. (b), if the person who committed an  
10 offense under sub. (1) (a), (b), (c), or (d) has 2 or more convictions, suspensions, or  
11 revocations counted under s. 343.307 (1) within any 5-year period, the procedure  
12 under s. 343.301 shall be followed if the court enters an order regarding operating  
13 privilege restriction and the installation of an ignition interlock device or enters an  
14 order regarding immobilization.

15           **\*b0493/3.6\* SECTION 3938m.** 940.25 (1d) (a) of the statutes, as created by 2001  
16 Wisconsin Act ... (this act), is renumbered 940.25 (1d) (a) 2.

17           **\*b0493/3.6\* SECTION 3938n.** 940.25 (1d) (a) 1. of the statutes is created to read:

18           940.25 (1d) (a) 1. Except as provided in subd. 2., if the person who committed  
19 an offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions,  
20 suspensions, or revocations, counting convictions under sub. (1) and s. 940.09 (1) in  
21 the person's lifetime, plus other convictions, suspensions, or revocations counted  
22 under s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court  
23 enters an order regarding operating privilege restriction or enters an order  
24 regarding immobilization.



1           **\*b0493/3.6\* SECTION 3938p.** 940.25 (1d) (b) of the statutes, as affected by 2001  
2 Wisconsin Act .... (this act), is amended to read:

3           940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
4 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting  
5 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other  
6 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
7 under s. 346.65 (6) ~~may shall~~ be followed ~~regarding the immobilization or if the court~~  
8 ~~orders~~ the seizure and forfeiture of ~~-a- the~~ motor vehicle owned by the person ~~who~~  
9 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~  
10 ~~an ignition interlock device and used in the violation.~~

11           **\*b2193/1.24\* SECTION 3938s.** 940.295 (2) (j) of the statutes is amended to read:

12           940.295 (2) (j) The Wisconsin School Educational Services Program for the  
13 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and  
14 Visually Impaired under s. 115.525.

15           **\*b2053/2.5\* SECTION 3938sg.** 942.06 (2m) (b) of the statutes is amended to  
16 read:

17           942.06 (2m) (b) An employee or agent of the department of health and family  
18 services who conducts a lie detector test of a person under ~~the rules promulgated~~  
19 ~~under s. 51.375.~~

20           **\*b2053/2.5\* SECTION 3938sm.** 942.06 (2q) (b) (intro.) of the statutes is  
21 amended to read:

22           942.06 (2q) (b) (intro.) An employee or agent of the department of health and  
23 family services who discloses, to any of the following, the fact that a person has had  
24 a lie detector test under ~~the rules promulgated~~ under s. 51.375 or the results of such  
25 a lie detector test:

1           **\*b2053/2.5\* SECTION 3938t.** 942.06 (2q) (b) 1. of the statutes is amended to  
2 read:

3           942.06 (2q) (b) 1. Another employee or agent of the department of health and  
4 family services or another person to whom disclosure is permitted under s. 51.375  
5 (2) (b).

6           **\*b0675/2.1\* SECTION 3938u.** 943.01 (2) (d) of the statutes is amended to read:  
7           943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced  
8 in value by more than \$1,000 \$2,500. For the purposes of this paragraph, property  
9 is reduced in value by the amount which it would cost either to repair or replace it,  
10 whichever is less.

11           **\*b1403/4.2\* SECTION 3938up.** 943.01 (2d) of the statutes is created to read:  
12           943.01 (2d) (a) In this subsection, “plant research and development” means  
13 research regarding plants or development of plants, if the research or development  
14 is undertaken in conjunction or coordination with the state, a federal or local  
15 government agency, a university, or a private research facility.

16           (b) Any person violating sub. (1) under all of the following circumstances is  
17 guilty of a Class E felony:

18           1. The property damaged is a plant, material taken, extracted, or harvested  
19 from a plant, or a seed or other plant material that is being used or that will be used  
20 to grow or develop a plant.

21           2. The plant referred to in subd. 1. is or was being grown as feed for animals  
22 being used or to be used for commercial purposes, for other commercial purposes, or  
23 in conjunction with plant research and development.

24           **\*b0675/2.1\* SECTION 3938v.** 943.01 (2g) (c) of the statutes is amended to read:

1           943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced  
2 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this  
3 paragraph, property is reduced in value by the amount that it would cost to repair  
4 or replace it, whichever is less, plus other monetary losses associated with the  
5 damage.

6           **\*b0675/2.1\* SECTION 3938w.** 943.017 (2) (d) of the statutes is amended to read:

7           943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced  
8 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property  
9 is reduced in value by the amount which it would cost to repair or replace it or to  
10 remove the marking, drawing, writing or etching, whichever is less.

11           **\*-0857/1.1\* SECTION 3939.** 943.20 (1) (e) of the statutes is amended to read:

12           943.20 (1) (e) Intentionally fails to return any personal property which is in his  
13 or her possession or under his or her control by virtue of a written lease or written  
14 rental agreement, ~~within 10 days~~ after the lease or rental agreement has expired.  
15 This paragraph does not apply to a person who returns personal property, except a  
16 motor vehicle, which is in his or her possession or under his or her control by virtue  
17 of a written lease or written rental agreement, within 10 days after the lease or rental  
18 agreement expires.

19           **\*b0675/2.2\* SECTION 3939b.** 943.20 (3) (a) of the statutes is amended to read:

20           943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,500, is  
21 guilty of a Class A misdemeanor.

22           **\*b0675/2.2\* SECTION 3939c.** 943.20 (3) (b) of the statutes is repealed.

23           **\*b0675/2.2\* SECTION 3939d.** 943.21 (3) (a) of the statutes is amended to read:

1           943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any  
2 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~  
3 \$2,500 or less.

4           **\*b0675/2.2\* SECTION 3939e.** 943.21 (3) (b) of the statutes is amended to read:

5           943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,  
6 lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,500.

7           **\*b0675/2.2\* SECTION 3939f.** 943.24 (1) of the statutes is amended to read:

8           943.24 (1) Whoever issues any check or other order for the payment of not more  
9 than ~~\$1,000~~ \$2,500 which, at the time of issuance, he or she intends shall not be paid  
10 is guilty of a Class A misdemeanor.

11           **\*b0675/2.2\* SECTION 3939g.** 943.24 (2) of the statutes is amended to read:

12           943.24 (2) Whoever issues any single check or other order for the payment of  
13 more than ~~\$1,000~~ \$2,500 or whoever within a 15–day period issues more than one  
14 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$2,500 which,  
15 at the time of issuance, the person intends shall not be paid is guilty of a Class E  
16 felony.

17           **\*b0675/2.2\* SECTION 3939h.** 943.34 (1) (a) of the statutes is amended to read:

18           943.34 (1) (a) A Class A misdemeanor, if the value of the property does not  
19 exceed ~~\$1,000~~ \$2,500.

20           **\*b0675/2.2\* SECTION 3939i.** 943.34 (1) (b) of the statutes is repealed.

21           **\*b0675/2.2\* SECTION 3939j.** 943.395 (2) (a) of the statutes is amended to read:

22           943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or  
23 benefit does not exceed ~~\$1,000~~ \$2,500.

24           **\*b0675/2.2\* SECTION 3939k.** 943.395 (2) (b) of the statutes is amended to read:

1           943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit  
2 exceeds \$1,000 \$2,500.

3           **\*b0675/2.2\* SECTION 3939L.** 943.41 (8) (c) of the statutes is amended to read:

4           943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),  
5 if the value of the money, goods, services or property illegally obtained does not  
6 exceed \$1,000 \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~  
7 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~  
8 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~  
9 ~~person is guilty of a Class E felony; or if.~~ If the value of the money, goods, services  
10 or property exceeds \$2,500, the person is guilty of a Class C felony.

11           **\*b0675/2.2\* SECTION 3939m.** 943.50 (4) (a) of the statutes is amended to read:

12           943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not  
13 exceed \$1,000 \$2,500.

14           **\*b0675/2.2\* SECTION 3939n.** 943.50 (4) (b) of the statutes is repealed.

15           **\*b0675/2.2\* SECTION 3939p.** 943.61 (5) (a) of the statutes is amended to read:

16           943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does  
17 not exceed \$1,000 \$2,500.

18           **\*b0675/2.2\* SECTION 3939q.** 943.61 (5) (b) of the statutes is repealed.

19           **\*b0675/2.2\* SECTION 3939r.** 943.62 (4) (a) of the statutes is amended to read:

20           943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or  
21 required refund, as applicable, does not exceed \$500 \$2,500.

22           **\*b0675/2.2\* SECTION 3939s.** 943.62 (4) (b) of the statutes is repealed.

23           **\*-0795/2.1\* SECTION 3940.** 943.70 (1) (a) of the statutes is renumbered 943.70

24 (1) (am).

25           **\*-0795/2.2\* SECTION 3941.** 943.70 (1) (ag) of the statutes is created to read:

1 943.70 (1) (ag) “Access” means to instruct, communicate with, interact with,  
2 intercept, store data in, retrieve data from, or otherwise use the resources of.

3 **\*-0795/2.3\* SECTION 3942.** 943.70 (1) (gm) of the statutes is created to read:

4 943.70 (1) (gm) “Interruption in service” means inability to access a computer,  
5 computer program, computer system, or computer network, or an inability to  
6 complete a transaction involving a computer.

7 **\*-0795/2.4\* SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to  
8 read:

9 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without  
10 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)  
11 and (c):

12 **\*-0795/2.5\* SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:

13 943.70 (2) (a) 3. Accesses ~~data,~~ computer programs or supporting  
14 documentation.

15 **\*-0795/2.6\* SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:

16 943.70 (2) (am) Whoever intentionally causes an interruption in service by  
17 submitting a message, or multiple messages, to a computer, computer program,  
18 computer system, or computer network that exceeds the processing capacity of the  
19 computer, computer program, computer system, or computer network may be  
20 penalized as provided in pars. (b) and (c).

21 **\*-0795/2.7\* SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to  
22 read:

23 943.70 (2) (b) (intro.) Whoever violates ~~this subsection~~ par. (a) or (am) is guilty  
24 of:

25 **\*-0795/2.8\* SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

1           943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~  
2 4. applies.

3           \*~~-0795/2.9~~\* SECTION 3948. 943.70 (2) (b) 3. of the statutes is amended to read:

4           943.70 (2) (b) 3. A Class ~~D~~ E felony if the offense results in damage is greater  
5 valued at more than \$1,000 but not more than \$2,500 ~~or if it causes an interruption~~  
6 ~~or impairment of governmental operations or public communication, of~~  
7 ~~transportation or of a supply of water, gas or other public service.~~

8           \*~~-0795/2.10~~\* SECTION 3949. 943.70 (2) (b) 3g. of the statutes is created to read:

9           943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at  
10 more than \$2,500.

11           \*~~-0795/2.11~~\* SECTION 3950. 943.70 (2) (b) 3r. of the statutes is created to read:

12           943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or  
13 impairment of governmental operations or public communication, of transportation,  
14 or of a supply of water, gas, or other public service.

15           \*~~-0795/2.12~~\* SECTION 3951. 943.70 (2) (c) of the statutes is created to read:

16           943.70 (2) (c) If a person disguises the identity or location of the computer at  
17 which he or she is working while committing an offense under par. (a) or (am) with  
18 the intent to make it less likely that he or she will be identified with the crime, the  
19 penalties under par. (b) may be increased as follows:

20           1. In the case of a misdemeanor, the maximum fine prescribed by law for the  
21 crime may be increased by not more than \$1,000 and the maximum term of  
22 imprisonment prescribed by law for the crime may be increased so that the revised  
23 maximum term of imprisonment is 12 months.

1           2. In the case of a felony, the maximum fine prescribed by law for the crime may  
2 be increased by not more than \$2,500 and the maximum term of imprisonment  
3 prescribed by law for the crime may be increased by not more than 2 years.

4           **\*b1403/4.3\* SECTION 3951n.** 943.76 of the statutes is created to read:

5           **943.76 Infecting animals with a contagious disease.** (1) In this section,  
6 “livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as defined in  
7 s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,  
8 or other commercial products.

9           (2) (a) Whoever intentionally introduces a contagious or infectious disease into  
10 livestock without the consent of the owner of the livestock is guilty of a Class C felony.

11           (b) Whoever intentionally introduces a contagious or infectious disease into  
12 wild deer without the consent of the department of natural resources is guilty of a  
13 Class C felony.

14           **\*-0795/2.13\* SECTION 3952.** 944.205 (title) of the statutes is amended to read:

15           **944.205 (title) ~~Photographs, motion pictures, videotapes or other~~**  
16 **~~visual representations~~ Recordings showing nudity.**

17           **\*-0795/2.14\* SECTION 3953.** 944.205 (1) of the statutes is renumbered 944.205  
18 (1) (intro.) and amended to read:

19           944.205 (1) (intro.) In this section, ~~“nudity”~~:

20           (b) “Nudity” has the meaning given in s. 948.11 (1) (d).

21           **\*-0795/2.15\* SECTION 3954.** 944.205 (1) (a) of the statutes is created to read:

22           944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

23           **\*-0795/2.16\* SECTION 3955.** 944.205 (1) (c) of the statutes is created to read:

24           944.205 (1) (c) “Recording” has the meaning given in 948.01 (3r).

25           **\*-0795/2.17\* SECTION 3956.** 944.205 (2) (a) of the statutes is amended to read:



1           944.205 (2) (a) ~~Takes a photograph or makes a motion picture, videotape or~~  
2 ~~other visual representation or reproduction that depicts~~ Records an image of nudity  
3 ~~without the knowledge and consent of the person who is depicted nude~~ while that  
4 ~~person is nude in a place and circumstance in which he or she has a reasonable~~  
5 ~~expectation of privacy, if the person recording the image~~ knows or has reason to know  
6 that the person who is depicted nude does not know of and consent to the ~~taking or~~  
7 ~~making of the photograph, motion picture, videotape or other visual representation~~  
8 ~~or reproduction~~ recording.

9           \***-0795/2.18\*** SECTION 3957. 944.205 (2) (b) of the statutes is repealed and  
10 recreated to read:

11           944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of  
12 an image if all of the following apply:

13           1. The recording was done in violation of par. (a) or was previously copied in  
14 violation of this paragraph.

15           2. The actor knows or has reason to know that the violation described under  
16 subd. 1. has occurred.

17           3. The person depicted nude in the recording did not consent to the copying,  
18 possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

19           4. The recording depicts the same nudity recorded in violation of par. (a).

20           \***-0795/2.19\*** SECTION 3958. 944.205 (3) of the statutes is amended to read:

21           944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a  
22 photograph, motion picture, videotape or other visual representation or reproduction  
23 recording of an image is a child and the ~~making~~ recording, copying, possession,  
24 exhibition, storage, or distribution of the photograph, motion picture, videotape or

1 ~~other visual representation or reproduction recording~~ does not violate s. 948.05 or  
2 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

3 (a) ~~Make and Record, copy, possess, exhibit, or store the photograph, motion~~  
4 ~~picture, videotape or other visual representation reproduction of the child recording.~~

5 (b) Distribute a ~~photograph, motion picture, videotape or other visual~~  
6 ~~representation or reproduction made or recording that was recorded, copied,~~  
7 ~~possessed, exhibited, or stored~~ under par. (a) if the distribution is not for commercial  
8 purposes.

9 **\*-0795/2.20\* SECTION 3959.** 944.205 (4) of the statutes is amended to read:

10 944.205 (4) This section does not apply to a person who receives a ~~photograph,~~  
11 ~~motion picture, videotape or other visual representation or reproduction of recording~~  
12 ~~of an image depicting~~ a child from a parent, guardian, or legal custodian of the child  
13 under sub. (3) (b), if the possession ~~and, copying, exhibition, storage, or distribution~~  
14 ~~are is~~ not for commercial purposes.

15 **\*-0795/2.21\* SECTION 3960.** 944.21 (2) (am) of the statutes is created to read:

16 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

17 **\*-0795/2.22\* SECTION 3961.** 944.21 (2) (c) (intro.) of the statutes is amended  
18 to read:

19 944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, sound  
20 ~~recording or film which, or other recording that:~~

21 **\*-0795/2.23\* SECTION 3962.** 944.21 (2) (dm) of the statutes is created to read:

22 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

23 **\*-0795/2.24\* SECTION 3963.** 944.21 (3) (a) of the statutes is amended to read:

24 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,  
25 publishes, exhibits, ~~plays, or transfers distributes~~ any obscene material.

1           \***-0795/2.25\*** SECTION 3964. 944.21 (4) (a) and (b) of the statutes are amended  
2 to read:

3           944.21 (4) (a) ~~Transfers or~~ Distributes, exhibits, or plays any obscene material  
4 to a person under the age of 18 years.

5           (b) Has in his or her possession with intent to ~~transfer or~~ distribute, exhibit,  
6 or play to a person under the age of 18 years any obscene material.

7           \***-0795/2.26\*** SECTION 3965. 944.21 (9) of the statutes is amended to read:

8           944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and  
9 3., a judge or jury shall examine individual pictures, recordings of images, or  
10 passages in the context of the work in which they appear.

11           \***-0795/2.27\*** SECTION 3966. 944.25 of the statutes is created to read:

12           **944.25 Sending obscene or sexually explicit electronic messages. (1)**  
13 In this section:

14           (a) “Electronic mail solicitation” means an electronic mail message, including  
15 any attached program or document, that is sent for the purpose of encouraging a  
16 person to purchase property, goods, or services.

17           (b) “Obscene material” has the meaning given in s. 944.21 (2) (c).

18           (c) “Sexually explicit conduct” has the meaning given in s. 948.01 (7).

19           (2) Whoever sends an unsolicited electronic mail solicitation to a person that  
20 contains obscene material or a depiction of sexually explicit conduct without  
21 including the words “ADULT ADVERTISEMENT” in the subject line of the  
22 electronic mail solicitation is guilty of a Class A misdemeanor.

23           \***b0408/2.1\*** SECTION 3966h. 945.05 (1) (intro.) of the statutes is amended to  
24 read:

1 945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever  
2 manufactures, transfers commercially or possesses with intent to transfer  
3 commercially either of the following is guilty of a Class E felony:

4 **\*b0408/2.1\* SECTION 3966j.** 945.05 (1e) of the statutes is renumbered 945.05  
5 (1e) (b) (intro.) and amended to read:

6 945.05 (1e) (b) (intro.) Subsection (1) does not apply to a person who  
7 manufactures, transfers commercially or possesses with intent to transfer  
8 commercially gambling devices described in sub. (1) (a) and (b) to a any of the  
9 following:

10 2. A nonprofit or public educational institution that provides an educational  
11 program for which it awards a bachelor's or higher degree for the use in a casino  
12 gaming management class.

13 **\*b0408/2.1\* SECTION 3966m.** 945.05 (1e) (a) of the statutes is created to read:  
14 945.05 (1e) (a) In this subsection, “authorized gambling facility” means any of  
15 the following:

- 16 1. An Indian gaming facility, as defined in s. 569.01 (1j).
- 17 2. A gaming establishment located on lands acquired after October 17, 1998,  
18 by the U.S. secretary of the interior in trust for the benefit of an Indian tribe.
- 19 3. A facility at which gambling lawfully takes place.

20 **\*b0408/2.1\* SECTION 3966q.** 945.05 (1e) (b) 1. of the statutes is created to read:  
21 945.05 (1e) (b) 1. An authorized gambling facility.

22 **\*b0675/2.3\* SECTION 3966r.** 946.82 (4) of the statutes is amended to read:

23 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961  
24 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
25 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

1 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
2 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
3 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
4 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), ~~(2d)~~, or (2g), 943.011,  
5 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~  
6 ~~and~~ (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,  
7 943.30, 943.32, 943.34 (1) ~~(b) and~~ (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),  
8 943.50 (4) ~~(b) and~~ (c), 943.60, 943.70, ~~943.76~~, 944.205, 944.21 (5) (c) and (e), 944.32,  
9 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,  
10 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,  
11 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

12 **\*-0795/2.28\* SECTION 3967.** 948.01 (1d) of the statutes is created to read:

13 948.01 (1d) “Exhibit,” with respect to a recording of an image that is not  
14 viewable in its recorded form, means to convert the recording of the image into a form  
15 in which the image may be viewed.

16 **\*-0795/2.29\* SECTION 3968.** 948.01 (3r) of the statutes is created to read:

17 948.01 (3r) “Recording” includes the creation of a reproduction of an image or  
18 a sound or the storage of data representing an image or a sound.

19 **\*-0795/2.30\* SECTION 3969.** 948.05 (1) (a) of the statutes is amended to read:

20 948.05 (1) (a) Employs, uses, persuades, induces, entices, or coerces any child  
21 to engage in sexually explicit conduct for the purpose of ~~photographing, filming,~~  
22 ~~videotaping,~~ recording the sounds of or displaying in any way the conduct.

23 **\*-0795/2.31\* SECTION 3970.** 948.05 (1) (b) of the statutes is amended to read:

24 948.05 (1) (b) ~~Photographs, films, videotapes, records the sounds of~~ Records or  
25 displays in any way a child engaged in sexually explicit conduct.

1           \*~~0795/2.32~~\* SECTION 3971. 948.05 (1m) of the statutes is amended to read:

2           948.05 (1m) Whoever produces, performs in, profits from, promotes, imports  
3 into the state, reproduces, advertises, sells, distributes, or possesses with intent to  
4 sell or distribute, any undeveloped film, photographic negative, photograph, motion  
5 picture, videotape, sound recording or other reproduction of a child engaging in  
6 sexually explicit conduct is guilty of a Class C felony if the person knows the  
7 character and content of the sexually explicit conduct involving the child and if the  
8 person knows or reasonably should know that the child engaging in the sexually  
9 explicit conduct has not attained the age of 18 years.

10          \*~~0795/2.33~~\* SECTION 3972. 948.07 (4) of the statutes is amended to read:

11          948.07 (4) ~~Taking a picture or making an audio recording of~~ Recording the child  
12 engaging in sexually explicit conduct.

13          \*~~0795/2.34~~\* SECTION 3973. 948.11 (1) (ar) 2. of the statutes is amended to  
14 read:

15          948.11 (1) (ar) 2. Any book, pamphlet, magazine, printed matter however  
16 reproduced or ~~sound~~ recording that contains any matter enumerated in subd. 1., or  
17 explicit and detailed verbal descriptions or narrative accounts of sexual excitement,  
18 sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and  
19 that, taken as a whole, is harmful to children.

20          \*~~0795/2.35~~\* SECTION 3974. 948.11 (1) (bm) of the statutes is repealed.

21          \*~~0795/2.36~~\* SECTION 3975. 948.11 (1) (c) of the statutes is repealed.

22          \*~~0795/2.37~~\* SECTION 3976. 948.11 (2) (a) of the statutes is renumbered 948.11  
23 (2) (a) (intro.) and amended to read:

24          948.11 (2) (a) (intro.) Whoever, with knowledge of the nature character and  
25 content of the material, sells, rents, exhibits, ~~transfers~~ plays, distributes, or loans to

1 a child any harmful material, with or without monetary consideration, is guilty of a  
2 Class E felony. if any of the following applies:

3 \*~~0795/2.38~~\* SECTION 3977. 948.11 (2) (a) 1. and 2. of the statutes are created  
4 to read:

5 948.11 (2) (a) 1. The person knows or reasonably should know that the child  
6 has not attained the age of 18 years.

7 2. The person has face-to-face contact with the child before or during the sale,  
8 rental, exhibit, playing, distribution, or loan.

9 \*~~0795/2.39~~\* SECTION 3978. 948.11 (2) (am) of the statutes is renumbered  
10 948.11 (2) (am) (intro.) and amended to read:

11 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with  
12 knowledge of the nature character and content of the description or narrative  
13 account, verbally communicates, by any means, a harmful description or narrative  
14 account to a child, with or without monetary consideration, is guilty of a Class E  
15 felony. if any of the following applies:

16 \*~~0795/2.40~~\* SECTION 3979. 948.11 (2) (am) 1. and 2. of the statutes are created  
17 to read:

18 948.11 (2) (am) 1. The person knows or reasonably should know that the child  
19 has not attained the age of 18 years.

20 2. The person has face-to-face contact with the child before or during the  
21 communication.

22 \*~~0795/2.41~~\* SECTION 3980. 948.11 (2) (b) of the statutes is renumbered 948.11  
23 (2) (b) (intro.) and amended to read:

24 948.11 (2) (b) (intro.) Whoever, with knowledge of the nature character and  
25 content of the material, possesses harmful material with the intent to sell, rent,

1 exhibit, ~~transfer~~ play, distribute, or loan the material to a child is guilty of a Class A  
2 misdemeanor: if any of the following applies:

3 \***-0795/2.42\* SECTION 3981.** 948.11 (2) (b) 1. and 2. of the statutes are created  
4 to read:

5 948.11 (2) (b) 1. The person knows or reasonably should know that the child  
6 has not attained the age of 18 years.

7 2. The person has face-to-face contact with the child.

8 \***-0795/2.43\* SECTION 3982.** 948.11 (2) (c) of the statutes is amended to read:

9 948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of ~~this~~  
10 section pars. (a) 2., (am) 2., and (b) 2. if the defendant had reasonable cause to believe  
11 that the child had attained the age of 18 years, and the child exhibited to the  
12 defendant a draft card, driver's license, birth certificate or other official or  
13 apparently official document purporting to establish that the child had attained the  
14 age of 18 years. A defendant who raises this affirmative defense has the burden of  
15 proving this defense by a preponderance of the evidence.

16 \***-0795/2.44\* SECTION 3983.** 948.12 of the statutes is renumbered 948.12 (1m),  
17 and 948.12 (1m) (intro.) and (b), as renumbered, are amended to read:

18 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic  
19 negative, photograph, motion picture, videotape, or other ~~pictorial reproduction, or~~  
20 ~~audio~~ recording of a child engaged in sexually explicit conduct under all of the  
21 following circumstances is guilty of a Class E felony:

22 (b) The person knows the character and content of the sexually explicit conduct  
23 ~~shown~~ in the material.

24 \***-0795/2.45\* SECTION 3984.** 948.12 (2m) of the statutes is created to read:



1           948.12 (2m) Whoever exhibits or plays a recording of a child engaged in  
2 sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

3           (a) The person knows that he or she has exhibited or played the recording.

4           (b) Before the person exhibited or played the recording, he or she knew the  
5 character and content of the sexually explicit conduct.

6           (c) Before the person exhibited or played the recording, he or she knew or  
7 reasonably should have known that the child engaged in sexually explicit conduct  
8 had not attained the age of 18 years.

9           **\*b2217/2.10\* SECTION 3984j.** 950.04 (1v) (s) of the statutes is amended to read:

10           950.04 (1v) (s) To have any stolen or other personal property expeditiously  
11 returned by law enforcement agencies when no longer needed as evidence, subject  
12 to s. 968.205. If feasible, all such property, except weapons, currency, contraband,  
13 property subject to evidentiary analysis, property subject to preservation under s.  
14 968.205, and property the ownership of which is disputed, shall be returned to the  
15 person within 10 days of being taken.

16           **\*b0568/1.7\* SECTION 3984m.** 950.04 (1v) (v) of the statutes is amended to read:

17           950.04 (1v) (v) To have the department of corrections make a reasonable  
18 attempt to notify the victim under s. 301.046 (4) regarding community residential  
19 confinements, under s. 301.048 (4m) regarding participation in the intensive  
20 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under  
21 s. 301.46 (3) regarding persons registered under s. 301.45, under s. ~~302.115~~ 302.105  
22 regarding release upon expiration of certain sentences, under s. 304.063 regarding  
23 extended supervision and parole releases, and under s. 938.51 regarding release or  
24 escape of a juvenile from correctional custody.

25           **\*b2217/2.11\* SECTION 3984p.** 950.04 (1v) (yd) of the statutes is created to read:

1           950.04 (1v) (yd) To have the appropriate clerk of court make a reasonable  
2 attempt to send the victim a copy of a motion made under s. 974.07 (2) for  
3 postconviction deoxyribonucleic acid testing of certain evidence and notification of  
4 any hearing on that motion, as provided under s. 974.07 (4).

5           **\*h2221/3.146\* SECTION 3984t.** 951.01 (4) of the statutes is amended to read:

6           951.01 (4) “Law enforcement officer” has the meaning assigned under s. 967.02  
7 (5), but does not include a conservation warden appointed under s. 23.10 or a state  
8 forest ranger.

9           **\*-0991/P1.1\* SECTION 3985.** 961.14 (7) (p) of the statutes is created to read:

10          961.14 (7) (p) 4-methylthioamphetamine, commonly known as “4-MTA.”

11          **\*-0991/P1.2\* SECTION 3986.** 961.41 (1) (b) of the statutes is amended to read:

12          961.41 (1) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other  
13 controlled substance included in schedule I, II or III, or a controlled substance analog  
14 of any other controlled substance included in schedule I or II, may be fined not more  
15 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

16          **\*-0991/P1.3\* SECTION 3987.** 961.41 (1) (hm) of the statutes is created to read:

17          961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,  
18 3,4-methylenedioxymethamphetamine,  
19 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
20 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
21 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,  
22 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
23 subject to the following penalties if the amount manufactured, distributed, or  
24 delivered is:

1           1. Three grams or less, the person shall be fined not less than \$1,000 nor more  
2 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

3           2. More than 3 grams but not more than 10 grams, the person shall be fined  
4 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than  
5 6 months nor more than 7 years and 6 months.

6           3. More than 10 grams but not more than 50 grams, the person shall be fined  
7 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
8 one year nor more than 22 years and 6 months.

9           4. More than 50 grams but not more than 200 grams, the person shall be fined  
10 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
11 3 years nor more than 22 years and 6 months.

12           5. More than 200 grams but not more than 400 grams, the person shall be fined  
13 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
14 5 years nor more than 22 years and 6 months.

15           6. More than 400 grams, the person shall be fined not less than \$1,000 nor more  
16 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45  
17 years.

18           \***-0991/P1.4\*** SECTION 3988. 961.41 (1) (im) of the statutes is renumbered  
19 961.41 (1) (im) (intro.) and amended to read:

20           961.41 (1) (im) (intro.) Flunitrazepam, ~~may be fined not more than \$15,000 or~~  
21 ~~imprisoned for not more than 7 years and 6 months or both.~~ is subject to the following  
22 penalties if the amount manufactured, distributed, or delivered is:

23           \***-0991/P1.5\*** SECTION 3989. 961.41 (1) (im) 1. to 6. of the statutes are created  
24 to read:

1           961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than  
2 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and  
3 6 months.

4           2. More than 3 grams but not more than 10 grams, the person shall be fined  
5 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than  
6 6 months nor more than 7 years and 6 months.

7           3. More than 10 grams but not more than 50 grams, the person shall be fined  
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
9 one year nor more than 22 years and 6 months.

10          4. More than 50 grams but not more than 200 grams, the person shall be fined  
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
12 3 years nor more than 22 years and 6 months.

13          5. More than 200 grams but not more than 400 grams, the person shall be fined  
14 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
15 5 years nor more than 22 years and 6 months.

16          6. More than 400 grams, the person shall be fined not less than \$1,000 nor more  
17 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45  
18 years.

19          \*~~0991/P1.6~~\* SECTION 3990. 961.41 (1m) (b) of the statutes is amended to read:

20          961.41 (1m) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other  
21 controlled substance included in schedule I, II or III, or a controlled substance analog  
22 of any other controlled substance included in schedule I or II, may be fined not more  
23 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

24          \*~~0991/P1.7~~\* SECTION 3991. 961.41 (1m) (hm) of the statutes is created to  
25 read:

1           961.41 (1m) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,  
2           3,4-methylenedioxymethamphetamine  
3           4-bromo-2,5-dimethoxy-beta-phenylethylamine,     4-methylthioamphetamine,  
4           ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
5           gamma-butyrolactone,                                 3,4-methylenedioxymethamphetamine  
6           4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
7           subject to the following penalties if the amount possessed, with intent to  
8           manufacture, distribute, or deliver is:

9           1. Three grams or less, the person shall be fined not less than \$1,000 nor more  
10          than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

11          2. More than 3 grams but not more than 10 grams, the person shall be fined  
12          not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than  
13          6 months nor more than 7 years and 6 months.

14          3. More than 10 grams but not more than 50 grams, the person shall be fined  
15          not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
16          one year nor more than 22 years and 6 months.

17          4. More than 50 grams but not more than 200 grams, the person shall be fined  
18          not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
19          3 years nor more than 22 years and 6 months.

20          5. More than 200 grams but not more than 400 grams, the person shall be fined  
21          not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
22          5 years nor more than 22 years and 6 months.

23          6. More than 400 grams, the person shall be fined not less than \$1,000 nor more  
24          than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45  
25          years.

1           \***-0991/P1.8\*** SECTION 3992. 961.41 (1m) (im) of the statutes is renumbered  
2 961.41 (1m) (im) (intro.) and amended to read:

3           961.41 (1m) (im) (intro.) Flunitrazepam, ~~may be fined not more than \$15,000~~  
4 ~~or imprisoned for not more than 7 years and 6 months or both.~~ is subject to the  
5 following penalties if the amount possessed, with intent to manufacture, distribute,  
6 or deliver, is:

7           \***-0991/P1.9\*** SECTION 3993. 961.41 (1m) (im) 1. to 6. of the statutes are created  
8 to read:

9           961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than  
10 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and  
11 6 months.

12           2. More than 3 grams but not more than 10 grams, the person shall be fined  
13 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than  
14 6 months nor more than 7 years and 6 months.

15           3. More than 10 grams but not more than 50 grams, the person shall be fined  
16 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
17 one year nor more than 22 years and 6 months.

18           4. More than 50 grams but not more than 200 grams, the person shall be fined  
19 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
20 3 years nor more than 22 years and 6 months.

21           5. More than 200 grams but not more than 400 grams, the person shall be fined  
22 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than  
23 5 years nor more than 22 years and 6 months.



1           968.20 (1) (intro.) Any person claiming the right to possession of property  
2 seized pursuant to a search warrant or seized without a search warrant may apply  
3 for its return to the circuit court for the county in which the property was seized or  
4 where the search warrant was returned. The court shall order such notice as it  
5 deems adequate to be given the district attorney and all persons who have or may  
6 have an interest in the property and shall hold a hearing to hear all claims to its true  
7 ownership. If the right to possession is proved to the court's satisfaction, it shall  
8 order the property, other than contraband or property covered under sub. (1m) or (1r)  
9 or s. 173.12 ~~or~~, 173.21 (4), or 968.205, returned if:

10           **\*b2217/2.12\* SECTION 3998e.** 968.20 (2) of the statutes is amended to read:

11           968.20 (2) Property not required for evidence or use in further investigation,  
12 unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 or 968.205,  
13 may be returned by the officer to the person from whom it was seized without the  
14 requirement of a hearing.

15           **\*b2217/2.12\* SECTION 3998g.** 968.20 (4) of the statutes is amended to read:

16           968.20 (4) Any property seized, other than property covered under s. 968.205,  
17 ~~which that~~ poses a danger to life or other property in storage, transportation or use  
18 and ~~which that~~ is not required for evidence or further investigation shall be safely  
19 disposed of upon command of the person in whose custody they are committed. The  
20 city, village, town or county shall by ordinance or resolution establish disposal  
21 procedures. Procedures may include provisions authorizing an attempt to return to  
22 the rightful owner substances which have a commercial value in normal business  
23 usage and do not pose an immediate threat to life or property. If enacted, any such  
24 provision shall include a presumption that if the substance appears to be or is  
25 reported stolen an attempt will be made to return the substance to the rightful owner.



1           **\*b2217/2.12\* SECTION 3998i.** 968.205 of the statutes is created to read:

2           **968.205 Preservation of certain evidence. (1)** In this section:

3           (a) “Custody” means actual custody of a person under a sentence of  
4 imprisonment, custody of a probationer, parolee, or person on extended supervision  
5 by the department of corrections, actual or constructive custody of a person pursuant  
6 to a dispositional order under ch. 938, supervision of a person, whether in  
7 institutional care or on conditional release, pursuant to a commitment order under  
8 s. 971.17 and supervision of a person under ch. 980, whether in detention before trial  
9 or while in institutional care or on supervised release pursuant to a commitment  
10 order.

11           (b) “Discharge date” means the date on which a person is released or discharged  
12 from custody that resulted from a criminal action, a delinquency proceeding under  
13 ch. 938, or a commitment proceeding under s. 971.17 or ch. 980 or, if the person is  
14 serving consecutive sentences of imprisonment, the date on which the person is  
15 released or discharged from custody under all of the sentences.

16           (2) Except as provided in sub. (3), if physical evidence that is in the possession  
17 of a law enforcement agency includes any biological material that was collected in  
18 connection with a criminal investigation that resulted in a criminal conviction,  
19 delinquency adjudication, or commitment under s. 971.17 or 980.06, the law  
20 enforcement agency shall preserve the physical evidence until every person in  
21 custody as a result of the conviction, adjudication, or commitment has reached his  
22 or her discharge date.

23           (3) Subject to sub. (5), a law enforcement agency may destroy biological  
24 material before the expiration of the time period specified in sub. (2) if all of the  
25 following apply:

1 (a) The law enforcement agency sends a notice of its intent to destroy the  
2 biological material to all persons who remain in custody as a result of the criminal  
3 conviction, delinquency adjudication, or commitment, and to either the attorney of  
4 record for each person in custody or the state public defender.

5 (b) No person who is notified under par. (a) does either of the following within  
6 90 days after the date on which the person received the notice:

7 1. Files a motion for testing of the biological material under s. 974.07 (2).

8 2. Submits a written request to preserve the biological material to the law  
9 enforcement agency or district attorney.

10 (c) No other provision of federal or state law requires the law enforcement  
11 agency to preserve the biological material.

12 (4) A notice provided under sub. (3) (a) shall clearly inform the recipient that  
13 the biological material will be destroyed unless, within 90 days after the date on  
14 which the person receives the notice, either a motion for testing of the material is  
15 filed under s. 974.07 (2) or a written request to preserve the material is submitted  
16 to the law enforcement agency.

17 (5) If, after providing notice under sub. (3) (a) of its intent to destroy biological  
18 material, a law enforcement agency receives a written request to preserve the  
19 material, the law enforcement agency shall preserve the material until the discharge  
20 date of the person who made the request or on whose behalf the request was made,  
21 subject to a court order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court  
22 orders destruction or transfer of the biological material under s. 974.07 (9) (b) or (10)  
23 (a) 5.

24 \*b2217/2.12\* SECTION 3998n. 971.04 (3) of the statutes is amended to read:

1           971.04 (3) If the defendant is present at the beginning of the trial and  
2 thereafter, during the progress of the trial or before the verdict of the jury has been  
3 returned into court, voluntarily absents himself or herself from the presence of the  
4 court without leave of the court, the trial or return of verdict of the jury in the case  
5 shall not thereby be postponed or delayed, but the trial or submission of said case to  
6 the jury for verdict and the return of verdict thereon, if required, shall proceed in all  
7 respects as though the defendant were present in court at all times. A defendant  
8 need not be present at the pronouncement or entry of an order granting or denying  
9 relief under s. 974.02 ~~or~~, 974.06, or 974.07. If the defendant is not present, the time  
10 for appeal from any order under ss. 974.02 ~~and~~, 974.06, and 974.07 shall commence  
11 after a copy has been served upon the attorney representing the defendant, or upon  
12 the defendant if he or she appeared without counsel. Service of such an order shall  
13 be complete upon mailing. A defendant appearing without counsel shall supply the  
14 court with his or her current mailing address. If the defendant fails to supply the  
15 court with a current and accurate mailing address, failure to receive a copy of the  
16 order granting or denying relief shall not be a ground for tolling the time in which  
17 an appeal must be taken.

18           \*~~0423/1.3~~\* SECTION 3999. 971.14 (2) (d) of the statutes is amended to read:

19           971.14 (2) (d) If the court orders that the examination be conducted on an  
20 inpatient basis, ~~it shall arrange for the transportation of the sheriff of the county in~~  
21 which the court is located shall transport any defendant not free on bail to the  
22 examining facility within a reasonable time after the examination is ordered and ~~for~~  
23 shall transport the defendant ~~to be returned to the jail within a reasonable time after~~  
24 receiving the sheriff and county department of community programs of the county

1 in which the court is located receive notice from the examining facility that the  
2 examination has been completed.

3 \*b2217/2.13\* SECTION 4002r. 971.23 (1) (e) of the statutes is amended to read:

4 971.23 (1) (e) Any relevant written or recorded statements of a witness named  
5 on a list under par. (d), including any videotaped oral statement of a child under s.  
6 908.08, any reports or statements of experts made in connection with the case or, if  
7 an expert does not prepare a report or statement, a written summary of the expert's  
8 findings or the subject matter of his or her testimony, and the results of any physical  
9 or mental examination, scientific test, experiment or comparison that the district  
10 attorney intends to offer in evidence at trial. ~~This paragraph does not apply to~~  
11 ~~reports subject to disclosure under s. 972.11 (5).~~

12 \*b2217/2.13\* SECTION 4002t. 971.23 (2m) (am) of the statutes is amended to  
13 read:

14 971.23 (2m) (am) Any relevant written or recorded statements of a witness  
15 named on a list under par. (a), including any reports or statements of experts made  
16 in connection with the case or, if an expert does not prepare a report or statement,  
17 a written summary of the expert's findings or the subject matter of his or her  
18 testimony, and including the results of any physical or mental examination, scientific  
19 test, experiment or comparison that the defendant intends to offer in evidence at  
20 trial. ~~This paragraph does not apply to reports subject to disclosure under s. 972.11~~  
21 ~~(5).~~

22 \*b2217/2.13\* SECTION 4002v. 971.23 (9) of the statutes is created to read:

23 971.23 (9) DEOXYRIBONUCLEIC ACID EVIDENCE. (a) In this subsection  
24 "deoxyribonucleic acid profile" has the meaning given in s. 939.74 (2d) (a).

1 (b) Notwithstanding sub. (1) (e) or (2m) (am), if either party intends to submit  
2 deoxyribonucleic acid profile evidence at a trial to prove or disprove the identity of  
3 a person, the party seeking to introduce the evidence shall notify the other party of  
4 the intent to introduce the evidence in writing by mail at least 45 days before the date  
5 set for trial; and shall provide the other party, within 15 days of request, the material  
6 identified under sub. (1) (e), or par. (2m) (am), whichever is appropriate, that relates  
7 to the evidence.

8 (c) The court shall exclude deoxyribonucleic acid profile evidence at trial, if the  
9 notice and production deadlines under par. (b) are not met, except the court may  
10 waive the 45 day notice requirement or may extend the 15 day production  
11 requirement upon stipulation of the parties, or for good cause, if the court finds that  
12 no party will be prejudiced by the waiver or extension. The court may in appropriate  
13 cases grant the opposing party a recess or continuance.

14 **\*-0181/2.3\* SECTION 4003.** 971.23 (10) of the statutes is amended to read:

15 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT  
16 DEFENDANTS. When the state public defender or a private attorney appointed under  
17 s. 977.08 requests photocopies of any item that is discoverable under this section, the  
18 state public defender shall pay any fee charged for the photocopies from the  
19 appropriation under s. 20.550 (1) ~~(a)~~ (f). If the person providing photocopies under  
20 this section charges the state public defender a fee for the photocopies, the fee may  
21 not exceed the actual, necessary and direct cost of photocopying.

22 **\*b2217/2.14\* SECTION 4003r.** 972.11 (1) of the statutes is amended to read:

23 972.11 (1) Except as provided in subs. (2) to ~~(5)~~ (4), the rules of evidence and  
24 practice in civil actions shall be applicable in all criminal proceedings unless the  
25 context of a section or rule manifestly requires a different construction. No guardian

1 ad litem need be appointed for a defendant in a criminal action. Chapters 885 to 895,  
2 except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in all criminal  
3 proceedings.

4 \*b2217/2.14\* SECTION 4003t. 972.11 (5) of the statutes is repealed.

5 \*b0924/2.7\* SECTION 4014d. 973.013 (3m) of the statutes is amended to read:

6 973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
7 to the Wisconsin state prisons, the department of corrections shall place the person  
8 at a secured juvenile correctional facility or a secured child caring institution, unless  
9 the department of corrections determines that placement in an institution under s.  
10 302.01 is appropriate based on the person's prior record of adjustment in a  
11 correctional setting, if any; the person's present and potential vocational and  
12 educational needs, interests and abilities; the adequacy and suitability of available  
13 facilities; the services and procedures available for treatment of the person within  
14 the various institutions; the protection of the public; and any other considerations  
15 promulgated by the department of corrections by rule. The department may not  
16 place any person under the age of 18 years in the correctional institution authorized  
17 in s. 301.16 (1n). This subsection does not preclude the department of corrections  
18 from designating an adult correctional institution, other than the correctional  
19 institution authorized in s. 301.16 (1n), as a reception center for the person and  
20 subsequently transferring the person to a secured juvenile correctional facility or a  
21 secured child caring institution. Section 302.11 and ch. 304 apply to all persons  
22 placed in a secured juvenile correctional facility or a secured child caring institution  
23 under this subsection.

24 \*-1394/2.113\* SECTION 4015. 973.05 (1) of the statutes is amended to read:

1           973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
2 permission for the payment of the fine, of the penalty assessment imposed by s.  
3 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
4 assistance surcharge under s. 973.045, the crime laboratories and drug law  
5 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid  
6 analysis surcharge under s. 973.046, any applicable drug abuse program  
7 improvement surcharge imposed by s. 961.41 (5), any applicable consumer  
8 information protection assessment imposed by s. 100.261, any applicable domestic  
9 abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
10 improvement surcharge imposed by s. 346.655, any applicable truck driver  
11 education assessment imposed by s. 349.04, any applicable enforcement assessment  
12 imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed by s.  
13 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any  
14 applicable environmental assessment imposed by s. 299.93, any applicable wild  
15 animal protection assessment imposed by s. 29.983, any applicable natural resources  
16 assessment imposed by s. 29.987, and any applicable natural resources restitution  
17 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If  
18 no such permission is embodied in the sentence, the fine, the penalty assessment, the  
19 jail assessment, the crime victim and witness assistance surcharge, the crime  
20 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
21 acid analysis surcharge, any applicable drug abuse program improvement  
22 surcharge, any applicable consumer information protection assessment, any  
23 applicable domestic abuse assessment, any applicable driver improvement  
24 surcharge, any applicable truck driver education assessment, any applicable  
25 enforcement assessment, any applicable weapons assessment, any applicable

1 uninsured employer assessment, any applicable environmental assessment, any  
2 applicable wild animal protection assessment, any applicable natural resources  
3 assessment, and any applicable natural resources restitution payment shall be  
4 payable immediately.

5 **\*-1394/2.114\* SECTION 4016.** 973.05 (2) of the statutes is amended to read:

6 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
7 probation, the court may make the payment of the fine, the penalty assessment, the  
8 jail assessment, the crime victim and witness assistance surcharge, the crime  
9 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
10 acid analysis surcharge, any applicable drug abuse program improvement  
11 surcharge, any applicable consumer ~~information~~ protection assessment, any  
12 applicable domestic abuse assessment, any applicable uninsured employer  
13 assessment, any applicable driver improvement surcharge, any applicable truck  
14 driver education assessment, any applicable enforcement assessment under s.  
15 253.06 (4) (c), any applicable weapons assessment, any applicable environmental  
16 assessment, any applicable wild animal protection assessment, any applicable  
17 natural resources assessment, and any applicable natural resources restitution  
18 payments a condition of probation. When the payments are made a condition of  
19 probation by the court, payments thereon shall be applied first to payment of the  
20 penalty assessment until paid in full, shall then be applied to the payment of the jail  
21 assessment until paid in full, shall then be applied to the payment of part A of the  
22 crime victim and witness assistance surcharge until paid in full, shall then be  
23 applied to part B of the crime victim and witness assistance surcharge until paid in  
24 full, shall then be applied to the crime laboratories and drug law enforcement  
25 assessment until paid in full, shall then be applied to the deoxyribonucleic acid



1 analysis surcharge until paid in full, shall then be applied to the drug abuse  
2 improvement surcharge until paid in full, shall then be applied to payment of the  
3 driver improvement surcharge until paid in full, shall then be applied to the truck  
4 driver education assessment if applicable until paid in full, shall then be applied to  
5 payment of the domestic abuse assessment until paid in full, shall then be applied  
6 to payment of the consumer ~~information~~ protection assessment until paid in full,  
7 shall then be applied to payment of the natural resources assessment if applicable  
8 until paid in full, shall then be applied to payment of the natural resources  
9 restitution payment until paid in full, shall then be applied to the payment of the  
10 environmental assessment if applicable until paid in full, shall then be applied to the  
11 payment of the wild animal protection assessment if applicable until paid in full,  
12 shall then be applied to payment of the weapons assessment until paid in full, shall  
13 then be applied to payment of the uninsured employer assessment until paid in full,  
14 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)  
15 (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

16 \*–1394/2.115\* SECTION 4017. 973.055 (2) (b) of the statutes is amended to read:

17 973.055 (2) (b) If the assessment is imposed by a municipal court, after a  
18 determination by the court of the amount due, the court shall collect and transmit  
19 the amount to the treasurer of the county, city, town, or village, and that treasurer  
20 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

21 \*–1394/2.116\* SECTION 4018. 973.07 of the statutes is amended to read:

22 **973.07 Failure to pay fine or costs or to comply with certain**  
23 **community service work.** If the fine, costs, penalty assessment, jail assessment,  
24 crime victim and witness assistance surcharge, crime laboratories and drug law  
25 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,

1 applicable drug abuse program improvement surcharge, applicable consumer  
2 ~~information protection~~ assessment, applicable domestic abuse assessment,  
3 applicable driver improvement surcharge, applicable truck driver education  
4 assessment, applicable enforcement assessment under s. 253.06 (4) (c), applicable  
5 weapons assessment, applicable uninsured employer assessment, applicable  
6 environmental assessment, applicable wild animal protection assessment,  
7 applicable natural resources assessment, and applicable natural resources  
8 restitution payments are not paid or community service work under s. 943.017 (3)  
9 is not completed as required by the sentence, the defendant may be committed to the  
10 county jail until the fine, costs, penalty assessment, jail assessment, crime victim  
11 and witness assistance surcharge, crime laboratories and drug law enforcement  
12 assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug  
13 abuse program improvement surcharge, applicable consumer ~~information~~  
14 protection assessment, applicable domestic abuse assessment, applicable driver  
15 improvement surcharge, applicable truck driver education assessment, applicable  
16 enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment,  
17 applicable uninsured employer assessment, applicable environmental assessment,  
18 applicable wild animal protection assessment, applicable natural resources  
19 assessment or applicable natural resources restitution payments are paid or  
20 discharged, or the community service work under s. 943.017 (3) is completed, for a  
21 period fixed by the court not to exceed 6 months.

22 \*b0675/2.4\* SECTION 4018f. 973.075 (1) (b) 1m. e. of the statutes is amended  
23 to read:

24 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,500 worth of criminal  
25 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

1           **\*b0675/2.4\* SECTION 4018h.** 973.075 (2) (d) of the statutes is amended to read:

2           973.075 (2) (d) The officer has probable cause to believe that the property was  
3 derived from or realized through a crime or that the property is a vehicle which was  
4 used to transport any property or weapon used or to be used or received in the  
5 commission of any felony, which was used in the commission of a crime relating to  
6 a submerged cultural resource in violation of s. 44.47, or which was used to cause  
7 more than \$1,000 \$2,500 worth of criminal damage to cemetery property in violation  
8 of s. 943.01 (2) (d) or 943.012.

9           **\*b0586/2.1\* SECTION 4026g.** 973.09 (4) of the statutes is renumbered 973.09  
10 (4) (a) and amended to read:

11           973.09 (4) (a) The court may also require as a condition of probation that the  
12 probationer be confined during such period of the term of probation as the court  
13 prescribes, but not to exceed one year. The court may grant the privilege of leaving  
14 the county jail, Huber facility, work camp, or tribal jail during the hours or periods  
15 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this  
16 subsection. The court may specify the necessary and reasonable hours or periods  
17 during which the probationer may leave the jail, Huber facility, work camp, or tribal  
18 jail or the court may delegate that authority to the sheriff. In those counties without  
19 a Huber facility under s. 303.09, a work camp under s. 303.10, or an agreement under  
20 s. 302.445, the probationer shall be confined in the county jail. In those counties with  
21 a Huber facility under s. 303.09, the sheriff shall determine whether confinement  
22 under this subsection is to be in that facility or in the county jail. In those counties  
23 with a work camp under s. 303.10, the sheriff shall determine whether confinement  
24 is to be in the work camp or the county jail. The sheriff may transfer persons confined  
25 under this subsection between a Huber facility or a work camp and the county jail.

1 In those counties with an agreement under s. 302.445, the sheriff shall determine  
2 whether ~~confinement a person who is confined~~ under this subsection but who is not  
3 subject to an order under par. (b) is to be confined in the tribal jail or the county jail,  
4 unless otherwise provided under the agreement. In those counties, the sheriff may  
5 transfer persons confined under this subsection between a tribal jail and a county  
6 jail, unless otherwise provided under the agreement.

7 (c) While subject to this subsection, the probationer is subject to s. 303.08 (1),  
8 (3) to (6), (8) to (12), and (14) or to s. 303.10, whichever is applicable, and to all the  
9 rules of the ~~county jail, Huber facility, work camp or tribal jail~~ facility to which the  
10 probationer is confined, and to the discipline of the department, if confined to a  
11 facility under par. (b), or the sheriff.

12 \*b0586/2.1\* SECTION 4026r. 973.09 (4) (b) of the statutes is created to read:

13 973.09 (4) (b) With the consent of the department and when recommended in  
14 the presentence investigation, the court may order that a felony offender subject to  
15 this subsection be confined in a facility located in the city of Milwaukee under s.  
16 301.13 or 301.16 (1q), for the purpose of allowing the offender to complete an alcohol  
17 and other drug abuse treatment program.

18 \*b2034/1.6\* SECTION 4028b. 973.20 (1r) of the statutes is amended to read:

19 973.20 (1r) When imposing sentence or ordering probation for any crime, other  
20 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
21 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition  
22 to any other penalty authorized by law, shall order the defendant to make full or  
23 partial restitution under this section to any victim of a crime considered at  
24 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
25 substantial reason not to do so and states the reason on the record. When imposing

1 sentence or ordering probation for a crime involving conduct that constitutes  
2 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was  
3 convicted or that was considered at sentencing, the court, in addition to any other  
4 penalty authorized by law, shall order the defendant to make full or partial  
5 restitution under this section to any victim of a crime or, if the victim is deceased, to  
6 his or her estate, unless the court finds that imposing full or partial restitution will  
7 create an undue hardship on the defendant or victim and describes the undue  
8 hardship on the record. Restitution ordered under this section is a condition of  
9 probation, extended supervision or parole served by the defendant for a crime for  
10 which the defendant was convicted. After the termination of probation, extended  
11 supervision or parole, or if the defendant is not placed on probation, extended  
12 supervision or parole, restitution ordered under this section is enforceable in the  
13 same manner as a judgment in a civil action by the victim named in the order to  
14 receive restitution or enforced under ch. 785.

15 **\*b2217/2.15\* SECTION 4028c.** 974.02 (1) of the statutes is amended to read:

16 974.02 (1) A motion for postconviction relief other than under s. 974.06 or  
17 974.07 (2) by the defendant in a criminal case shall be made in the time and manner  
18 provided in ss. 809.30 and 809.40. An appeal by the defendant in a criminal case from  
19 a judgment of conviction or from an order denying a postconviction motion or from  
20 both shall be taken in the time and manner provided in ss. 808.04 (3), 809.30 and  
21 809.40. An appeal of an order or judgment on habeas corpus remanding to custody  
22 a prisoner committed for trial under s. 970.03 shall be taken under ss. 808.03 (2) and  
23 809.50, with notice to the attorney general and the district attorney and opportunity  
24 for them to be heard.

25 **\*b2217/2.15\* SECTION 4028g.** 974.05 (1) (b) of the statutes is amended to read:

1           974.05 (1) (b) Order granting postconviction relief under s. 974.02 ~~or~~, 974.06,  
2           or 974.07.

3           **\*b2217/2.15\* SECTION 4028j.** 974.07 of the statutes is created to read:

4           **974.07 Motion for postconviction deoxyribonucleic acid testing of**  
5           **certain evidence. (1)** In this section:

6           (a) “Government agency” means any department, agency, or court of the federal  
7           government, of this state, or of a city, village, town, or county in this state.

8           (b) “Movant” means a person who makes a motion under sub. (2).

9           (2) At any time after being convicted of a crime, adjudicated delinquent, or  
10          found not guilty by reason of mental disease or defect, a person may make a motion  
11          in the court in which he or she was convicted, adjudicated delinquent, or found not  
12          guilty by reason of mental disease or defect for an order requiring forensic  
13          deoxyribonucleic acid testing of evidence to which all of the following apply:

14          (a) The evidence is relevant to the investigation or prosecution that resulted  
15          in the conviction, adjudication, or finding of not guilty by reason of mental disease  
16          or defect.

17          (b) The evidence is in the actual or constructive possession of a government  
18          agency.

19          (c) The evidence has not previously been subjected to forensic deoxyribonucleic  
20          acid testing or, if the evidence has previously been tested, it may now be subjected  
21          to another test using a scientific technique that was not available or was not utilized  
22          at the time of the previous testing and that provides a reasonable likelihood of more  
23          accurate and probative results.

24          (3) A movant or, if applicable, his or her attorney shall serve a copy of the  
25          motion made under sub. (2) on the district attorney’s office that prosecuted the case

1 that resulted in the conviction, adjudication, or finding of not guilty by reason of  
2 mental disease or defect. The court in which the motion is made shall also notify the  
3 appropriate district attorney's office that a motion has been made under sub. (2) and  
4 shall give the district attorney an opportunity to respond to the motion. Failure by  
5 a movant to serve a copy of the motion on the appropriate district attorney's office  
6 does not deprive the court of jurisdiction and is not grounds for dismissal of the  
7 motion.

8 (4) (a) The clerk of the circuit court in which a motion under sub. (2) is made  
9 shall send a copy of the motion and, if a hearing on the motion is scheduled, a notice  
10 of the hearing to the victim of the crime or delinquent act committed by the movant,  
11 if the clerk is able to determine an address for the victim. The clerk of the circuit court  
12 shall make a reasonable attempt to send the copy of the motion to the address of the  
13 victim within 7 days of the date on which the motion is filed and shall make a  
14 reasonable attempt to send a notice of hearing, if a hearing is scheduled, to the  
15 address of the victim, postmarked at least 10 days before the date of the hearing.

16 (b) Notwithstanding the limitation on the disclosure of mailing addresses from  
17 completed information cards submitted by victims under ss. 51.37 (10) (dx), 301.046  
18 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 304.063 (4), 938.51 (2),  
19 971.17 (6m) (d), and 980.11 (4), the department of corrections, the parole commission,  
20 and the department of health and family services shall, upon request, assist clerks  
21 of court in obtaining information regarding the mailing address of victims for the  
22 purpose of sending copies of motions and notices of hearings under par. (a).

23 (5) Upon receiving under sub. (3) a copy of a motion made under sub. (2) or  
24 notice from a court that a motion has been made, whichever occurs first, the district  
25 attorney shall take all actions necessary to ensure that all biological material that

1 was collected in connection with the investigation or prosecution of the case and that  
2 remains in the actual or constructive custody of a government agency is preserved  
3 pending completion of the proceedings under this section.

4 (6) (a) Upon demand the district attorney shall disclose to the movant or his  
5 or her attorney whether biological material has been tested and shall make available  
6 to the movant or his or her attorney the following material:

7 1. Findings based on testing of biological materials.

8 2. Physical evidence that is in the actual or constructive possession of a  
9 government agency and that contains biological material or on which there is  
10 biological material.

11 (b) Upon demand the movant or his or her attorney shall disclose to the district  
12 attorney whether biological material has been tested and shall make available to the  
13 district attorney the following material:

14 1. Findings based on testing of biological materials.

15 2. The movant's biological specimen.

16 (c) Upon motion of the district attorney or the movant, the court may impose  
17 reasonable conditions on availability of material requested under pars. (a) 2. and (b)  
18 2. in order to protect the integrity of the evidence.

19 (d) This subsection does not apply unless the information being disclosed or the  
20 material being made available is relevant to the movant's claim at issue in the motion  
21 made under sub. (2).

22 (7) (a) A court in which a motion under sub. (2) is filed shall order forensic  
23 deoxyribonucleic acid testing if all of the following apply:

24 1. The movant claims that he or she is innocent of the offense at issue in the  
25 motion under sub. (2).



1           2. It is reasonably probable that the movant would not have been prosecuted,  
2 convicted, found not guilty by reason of mental disease or defect, or adjudicated  
3 delinquent for the offense at issue in the motion under sub. (2), if exculpatory  
4 deoxyribonucleic acid testing results had been available before the prosecution,  
5 conviction, finding of not guilty, or adjudication for the offense.

6           3. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

7           4. The chain of custody of the evidence to be tested establishes that the evidence  
8 has not been tampered with, replaced, or altered in any material respect or, if the  
9 chain of custody does not establish the integrity of the evidence, the testing itself can  
10 establish the integrity of the evidence.

11           (b) A court in which a motion under sub. (2) is filed may order forensic  
12 deoxyribonucleic acid testing if all of the following apply:

13           1. It is reasonably probable that the outcome of the proceedings that resulted  
14 in the conviction, the finding of not guilty by reason of mental disease or defect, or  
15 the delinquency adjudication for the offense at issue in the motion under sub. (2), or  
16 the terms of the sentence, the commitment under s. 971.17, or the disposition under  
17 ch. 938, would have been more favorable to the movant if the results of  
18 deoxyribonucleic acid testing had been available before he or she was prosecuted,  
19 convicted, found not guilty by reason of mental disease or defect, or adjudicated  
20 delinquent for the offense.

21           2. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

22           3. The chain of custody of the evidence to be tested establishes that the evidence  
23 has not been tampered with, replaced, or altered in any material respect or, if the  
24 chain of custody does not establish the integrity of the evidence, the testing itself can  
25 establish the integrity of the evidence.

1           (8) The court may impose reasonable conditions on any testing ordered under  
2 this section in order to protect the integrity of the evidence and the testing process.  
3 If appropriate and if stipulated to by the movant and the district attorney, the court  
4 may order the state crime laboratories to perform the testing as provided under s.  
5 165.77 (2m).

6           (9) If a court in which a motion under sub. (2) is filed does not order forensic  
7 deoxyribonucleic acid testing, or if the results of forensic deoxyribonucleic acid  
8 testing ordered under this section are not supportive of the movant's claim, the court  
9 shall determine the disposition of the evidence specified in the motion subject to the  
10 following:

11           (a) If a person other than the movant is in custody, as defined in s. 968.205 (1)  
12 (a), the evidence is relevant to the criminal, delinquency, or commitment proceeding  
13 that resulted in the person being in custody, the person has not been denied  
14 deoxyribonucleic acid testing or postconviction relief under this section, and the  
15 person has not waived his or her right to preserve the evidence under s. 165.81 (3),  
16 757.54 (2), 968.205, or 978.08, the court shall order the evidence preserved until all  
17 persons entitled to have the evidence preserved are released from custody, and the  
18 court shall designate who shall preserve the evidence. The court may not issue an  
19 order under this paragraph requiring that an agency transfer evidence to a crime  
20 laboratory specified under s. 165.75 for the purpose of preservation of the evidence  
21 by the crime laboratory, unless the crime laboratory consents to the transfer.

22           (b) If the conditions in par. (a) are not present, the court shall determine the  
23 disposition of the evidence, and, if the evidence is to be preserved, by whom and for  
24 how long. The court shall issue appropriate orders concerning the disposition of the  
25 evidence based on its determinations. The court may not issue an order under this