



SENATE BILL 55

1 ✓ ***b0549/1.5* SECTION 3830m.** 814.04 (intro.) of the statutes, as affected by 2001
2 Wisconsin Act 6, is amended to read:

3 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
4 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d), 769.313, 814.025,
5 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212
6 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

7 ✓ ~~***-0454/3.8* SECTION 3832.**~~ 814.60 (2) (ai) of the statutes is amended to read:
8 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.
9 100.261.

10 ✓ ***b0246/1.1* SECTION 3832k.** 814.615 (1) (a) 3. of the statutes is amended to
11 read:

12 814.615 (1) (a) 3. For a study under s. 767.11 (14), a fee of ~~\$300~~ \$500.

13 ✓ ***b0336/2.22* SECTION 3832m.** 814.60 (2) (eg) of the statutes is created to read:
14 814.60 (2) (eg) Truck driver education assessment imposed by s. 349.04.

15 ✓ ***b0338/1.6* SECTION 3832m.** 814.63 (1) (c) of the statutes is amended to read:
16 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
17 101.123 (2) (a), (am) 1., (ar) ~~or~~, (bm), or (br) or (5) or a safety belt use violation under
18 s. 347.48 (2m).

19 ✓ ~~***-0454/3.9* SECTION 3834.**~~ 814.63 (3) (ai) of the statutes is amended to read:
20 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.
21 100.261.

22 ✓ ***b0336/2.23* SECTION 3834m.** 814.63 (3) (g) of the statutes is created to read:
23 814.63 (3) (g) Truck driver education assessment imposed by s. 349.04[?].

24 ✓ ***b0247/3.1* SECTION 3836d.** 814.67 (1) (b) 2. of the statutes is amended to
25 read:

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1 814.67 (1) (b) 2. For interpreters, ~~\$35 per one-half day~~ \$20 per hour.

2 ✓***b0703/1.2* SECTION 3836r.** 814.69 (1) (b) of the statutes is amended to read:

3 814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party
4 requesting the transcript at the rate of ~~\$1.75~~ \$2.25 per 25-line page for the original
5 and ~~60~~ 50 cents per 25-line page for each copy. If the request is by the state or any
6 political subdivision thereof, the fees of the reporter shall be at the rates provided in
7 par. (a).

8 ✓***b0703/1.2* SECTION 3836s.** 814.69 (1) (bm) of the statutes is created to read:

9 814.69 (1) (bm) If a party requests that a transcript under s. 757.57 (5) be
10 prepared within 7 days after the request and the transcript is not required by
11 supreme court rule or statute to be prepared within that 7-day period, a fee in
12 addition to the fee under par. (b) of 75 cents per 25-line page for the original and 25
13 cents for each copy. The fee under this paragraph does not apply to a request made
14 by the state or a political subdivision of the state.

15 ✓***-0433/4.1* SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended
16 to read:

17 867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the
18 department of health and family services may collect from the property of a decedent,
19 including funds of a decedent that are held by the decedent immediately before death
20 in a joint account or a P.O.D. account, by affidavit under ~~this section~~ sub. (2) or by
21 lien under sub. (2m) an amount equal to the medical assistance that is recoverable
22 under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that
23 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable
24 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or

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1 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the
2 decedent or the decedent's spouse, if all of the following conditions are satisfied:

3 ✓~~*-0433/4.2*~~ **SECTION 3844.** 867.035 (1) (a) 1. of the statutes is amended to read:

4 867.035 (1) (a) 1. No person files a petition for administration or summary
5 settlement or assignment of the decedent's estate within 20 days of death.

6 ✓~~*-0433/4.3*~~ **SECTION 3845.** 867.035 (1) (bm) (intro.) of the statutes is amended
7 to read:

8 867.035 (1) (bm) (intro.) The department of health and family services ~~may not~~
9 ~~collect by affidavit under this section from any of~~ shall reduce the amount of its
10 recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to
11 allow the decedent's heirs or beneficiaries under the decedent's will to retain the
12 following personal property of the decedent:

13 ✓~~*-0433/4.4*~~ **SECTION 3846.** 867.035 (1) (bm) 1. of the statutes is repealed.

14 ✓~~*-0433/4.5*~~ **SECTION 3847.** 867.035 (1) (bm) 2. of the statutes is amended to
15 read:

16 867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

17 ✓~~*-0433/4.6*~~ **SECTION 3848.** 867.035 (1) (bm) 3. of the statutes is amended to
18 read:

19 867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

20 ✓~~*-0433/4.7*~~ **SECTION 3849.** 867.035 (1) (bm) 4. of the statutes is repealed and
21 recreated to read:

22 867.035 (1) (bm) 4. Other tangible personal property not used in trade,
23 agriculture, or other business, not exceeding in value the amount specified in s.
24 861.33 (1) (a) 4.

25 ✓~~*-0433/4.8*~~ **SECTION 3850.** 867.035 (2) of the statutes is amended to read:

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1 867.035 (2) A person who possesses property of a decedent shall transmit the
2 property to the department of health and family services, if the conditions in sub. (1)
3 (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the
4 secretary of health and family services to administer this section showing that the
5 conditions in sub. (1) (a) are satisfied department paid on behalf of the decedent or
6 the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,
7 the person is released from any obligation to other creditors or heirs of the decedent.

8 ✓ ***-0433/4.9* SECTION 3851.** 867.035 (2m) of the statutes is created to read:

9 867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the
10 department of health and family services shall have a lien in the amount that it may
11 recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.
12 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien
13 in the office of the register of deeds of the county in which the real property is located.
14 The department may enforce the lien by foreclosure in the same manner as a
15 mortgage on real property, unless any of the following is alive:

16 1. The decedent's spouse.

17 2. A child of the decedent if the child is under age 21 or disabled, as defined in
18 s. 49.468 (1) (a) 1.

19 (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health
20 and family services shall have a lien in the amount that it may recover under sub.
21 (1) (a) on any interest in any real property of the decedent transferred under s. 867.03
22 (1g). The department may record the lien in the office of the register of deeds of the
23 county in which the real property is located and may enforce the lien by foreclosure
24 in the same manner as a mortgage on real property.

25 ✓ ***-0094/5.3* SECTION 3852.** 885.37 (title) of the statutes is amended to read:

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1 **885.37 (title) Interpreters for persons with language difficulties or**
2 **hearing or speaking impairments limited English proficiency.**

3 ✓ ***-0094/5.4* SECTION 3853.** 885.37 (1) of the statutes is renumbered 885.37
4 (1m), and 885.37 (1m) (b), as renumbered, is amended to read:

5 885.37 (1m) (b) If a court has notice that a person who fits any of the criteria
6 under par. (a) has ^{plain space → only 1 space Stricken} ~~a language difficulty because of the inability to speak or~~
7 ~~understand English, has a hearing impairment, is unable to speak or has a speech~~
8 ~~defect the court shall make a factual determination of whether the language~~
9 ~~difficulty or the hearing or speaking impairment is sufficient to prevent the~~
10 ~~individual from communicating with his or her attorney, reasonably understanding~~
11 ~~the English testimony or reasonably being understood in English. If the court~~
12 ~~determines that, limited English proficiency and that an interpreter is necessary, the~~
13 ~~court shall advise the person that he or she has a right to a qualified interpreter and~~
14 ~~that, if the person cannot afford one, an interpreter will be provided for him or her~~
15 ~~at the public's expense. Any waiver of the right to an interpreter is effective only if~~
16 ~~made voluntarily in person, in open court and on the record.~~

STEP

17 ✓ ***-0094/5.5* SECTION 3854.** 885.37 (1g) of the statutes is created to read:

18
19 ✓ **885.37 (1g)** In this section, "limited English proficiency" means any of the
20 following:

21 ✓ (a) The inability, because of the use of a language other than English, to
22 adequately understand or communicate effectively in English in a court proceeding.

23 ✓ (b) The inability, due to a speech impairment, hearing loss, deafness,
24 deaf-blindness, or other disability, to adequately hear, understand, or communicate
25 effectively in English in a court proceeding.

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1 ✓~~0094/5.6~~* SECTION 3855. 885.37 (2) of the statutes is amended to read:

2 885.37 (2) A court may authorize the use of an interpreter in actions or
3 proceedings in addition to those specified in sub. (1) (1m).

4 ✓~~0094/5.7~~* SECTION 3856. 885.37 (3) (b) of the statutes is amended to read:

5 885.37 (3) (b) In any administrative contested case proceeding before a state,
6 county, or municipal agency, if the agency conducting the proceeding has notice that
7 a party to the proceeding has ^{plain space} a language difficulty because of the inability to speak
8 or understand English, has a hearing impairment, is unable to speak or has a speech
9 defect, ~~the agency shall make a factual determination of whether the language~~
10 ~~difficulty or hearing or speaking impairment is sufficient to prevent the party from~~
11 ~~communicating with others, reasonably understanding the English testimony or~~
12 ~~reasonably being understood in English. If the agency determines limited English~~
13 ~~proficiency and that an interpreter is necessary, the agency shall advise the party~~
14 ~~that he or she has a right to a qualified interpreter. After considering the party's~~
15 ~~ability to pay and the other needs of the party, the agency may provide for an~~
16 ~~interpreter for the party at the public's expense. Any waiver of the right to an~~
17 ~~interpreter is effective only if made at the administrative contested case proceeding.~~

18 ✓~~0094/5.8~~* SECTION 3857. 885.37 (3m) of the statutes is amended to read:

19 885.37 (3m) Any agency may authorize the use of ~~an~~ a qualified interpreter in
20 a contested case proceeding for a person who is not a party but who has a substantial
21 interest in the proceeding.

22 ✓~~0094/5.9~~* SECTION 3858. 885.37 (4) (a) (intro.) of the statutes is amended to
23 read:

24 885.37 (4) (a) (intro.) The necessary expense of furnishing ~~an~~ a qualified
25 interpreter for an indigent person under sub. (1) (1m) or (2) shall be paid as follows:

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SECTION 3859

1 ✓ ***-0094/5.10* SECTION 3859.** 885.37 (4) (b) of the statutes is amended to read:

2 885.37 (4) (b) The necessary expense of furnishing ~~an~~ a qualified interpreter
3 for an indigent party under sub. (3) shall be paid by the unit of government for which
4 the proceeding is held.

5 ✓ ***-0094/5.11* SECTION 3860.** 885.37 (5) (a) of the statutes is amended to read:

6 885.37 (5) (a) If a court under sub. ~~(1)~~ (1m) or (2) or an agency under sub. (3)
7 decides to appoint an interpreter, the court or agency shall follow the applicable
8 procedure under par. (b) or (c).

9 ✓ ***-0094/5.12* SECTION 3861.** 885.37 (6) to (10) of the statutes are created to
10 read:

11 885.37 (6) (a) If a person with limited English proficiency requests the
12 assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may
13 provide the assistance of a qualified interpreter to respond to the person's inquiry.

14 (b) A qualified interpreter appointed under this section may, with the approval
15 of the court, provide interpreter services outside the court room that are related to
16 the court proceedings, including during court-ordered psychiatric or medical exams
17 or mediation.

18 (7) (a) A person with limited English proficiency may waive the right to a
19 qualified interpreter at any point in the court proceeding if the court advises the
20 person of the nature and effect of the waiver and determines on the record that the
21 waiver has been made knowingly, intelligently, and voluntarily.

22 (b) At any point in the court proceeding, for good cause, the person with limited
23 English proficiency may retract his or her waiver and request that a qualified
24 interpreter be appointed.

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1 (c) Any party to a court proceeding may object to the use of any qualified
2 interpreter for good cause. The court may remove a qualified interpreter for good
3 cause.

4 (8) Every qualified interpreter, before commencing his or her duties in a court
5 proceeding, shall take a sworn oath that he or she will make a true and impartial
6 interpretation. The supreme court may approve a uniform oath for qualified
7 interpreters.

8 (9) The delay resulting from the need to locate and appoint a qualified
9 interpreter may constitute good cause for the court to toll the time limitations in the
10 court proceeding.

11 ✓*b0218/2.1* SECTION 3862c. 891.45 of the statutes is renumbered 891.45 (2)
12 and amended to read:

13 891.45 (2) In any proceeding involving the application by a state, county, or
14 municipal fire fighter or his or her beneficiary for disability or death benefits under
15 ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable
16 to fire fighters, where at the time of death or filing of application for disability
17 benefits the deceased or disabled ~~municipal fire fighter~~ had served a total of 5 years
18 as a state, county, or municipal fire fighter and a qualifying medical examination
19 given prior to the time of his or her ~~joining the department~~ becoming a state, county,
20 or municipal fire fighter showed no evidence of heart or respiratory impairment or
21 disease, and where the disability or death is found to be caused by heart or
22 respiratory impairment or disease, such finding shall be presumptive evidence that
23 such impairment or disease was caused by such employment. ~~In this section,~~
24 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~

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SECTION 3862c

1 under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during
2 the 5-year qualifying period took up at least two-thirds of his or her working hours.

3 ✓*b0218/2.1* SECTION 3862h. 891.45 (1) of the statutes is created to read:

4 891.45 (1) (intro.) In this section:

5 (a) "County fire fighter" means any person employed by a county whose duties
6 primarily include active fire suppression or prevention.

7 (b) "Municipal fire fighter" includes any person designated as primarily a fire
8 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter
9 during the 5-year qualifying period took up at least two-thirds of his or her working
10 hours.

11 (c) "State fire fighter" means any person employed by the state whose duties
12 primarily include active fire suppression or prevention and who is a protective
13 occupation participant, as defined in s. 40.02 (48).

14 ✓*b0218/2.1* SECTION 3862p. 891.455 (1) of the statutes is amended to read:

15 891.455 (1) In this section, "state, county, or municipal fire fighter" means a
16 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66
17 whose duties as a fire fighter during the 10-year qualifying period specified in sub.
18 (2) took up at least two-thirds of his or her working hours.

19 ✓*b0218/2.1* SECTION 3862t. 891.455 (2) of the statutes is amended to read:

20 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~
21 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an
22 application by a state, county, or municipal fire fighter or his or her beneficiary for
23 disability or death benefits under s. ~~66.191, 1981 stats.,~~ or s. 40.65 (2) or any pension
24 or retirement system applicable to fire fighters, where at the time of death or filing
25 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter

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1 had served a total of 10 years as a state, county, or municipal fire fighter and a
2 qualifying medical examination given prior to the time of his or her ~~joining the~~
3 ~~department becoming a state, county, or municipal fire fighter~~ showed no evidence
4 of cancer, and where the disability or death is found to be caused by cancer, such
5 finding shall be presumptive evidence that the cancer was caused by such
6 employment.

7 ~~✓~~ *b0459/2.1* SECTION 3862m. 893.335 of the statutes is created to read:

8 **893.335 Actions concerning property development rights.** (1) In this
9 section:

10 (a) “Nonprofit organization” means an organization defined in s. 94.10 (1) (b)
11 that has jointly pursued or is currently pursuing the acquisition of property
12 development rights with the state, a state agency, or a political subdivision.

13 (b) “Political subdivision” means a city, village, town, or county, or a
14 department, division board, or other agency of a city, village, town, or county.

15 (c) “Property development rights” means the holder’s nonpossessory interest
16 in real property imposing any limitation or affirmative obligation the purpose of
17 which may include retaining or protecting natural, scenic, or open space values of
18 real property, assuring the availability of real property for agricultural, forest,
19 recreational, or open space use, protecting natural resources, maintaining or
20 enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b),
21 or preserving the historical, architectural, archaeological, or cultural aspects of real
22 property.

23 (d) “Value” means the amount paid for comparable property development
24 rights in an arm’s-length sale completed within 12 months before the sale in
25 question.

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1 (2) (a) A person who sells the property development rights for a period of 30
2 years or longer in real property or his or her heir or devisee shall bring an action
3 within 3 years after the sale of the property development rights to recover the
4 difference between the value of the property development rights and the sale price
5 of those rights or be barred.

6 (b) A person may bring an action under this subsection only if all of the
7 following conditions are met:

8 1. The purchaser is a nonprofit organization, the state, an agency of the state,
9 or a political subdivision.

10 2. The amount paid for the property development rights was at least 5% below
11 the value of the property development rights.

12 (c) If the transfer of the property development rights involved a gift, a person
13 may only recover for the portion of the transfer that was not a gift.

14 (3) The person who has the right to bring an action under sub. (2) may request
15 that the department of justice bring the action on behalf of the person.

16 (4) If the person under sub. (2) or the department of justice under sub. (3) is
17 successful in obtaining a judgment under this section, the court shall include in the
18 judgment compounded interest from the date that the property was sold, using the
19 interest rate charged for delinquent property taxes by the county in which the
20 property is located.

21 ✓*b0618/1.1* SECTION 3862q. 893.587 of the statutes is amended to read:

22 **893.587 Incest Sexual assault of a child; limitation.** An action to recover
23 damages for injury caused by ~~incest~~ an act that would constitute a violation of s.
24 948.02, 948.025, 948.06, or 948.095 shall be commenced within 2 5 years after the
25 plaintiff discovers the fact and the probable cause, or with the exercise of reasonable

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1 diligence should have discovered the fact and the probable cause, of the injury,
2 whichever occurs first. This section does not shorten the period to commence an
3 action provided under s. 893.16 (1).

4 ✓*-1528/8.30* **SECTION 3863.** 895.11 of the statutes is created to read:

5 **895.11 Payments under the tobacco settlement agreement.** (1) In this
6 section, “tobacco settlement agreement” means the Attorneys General Master
7 Tobacco Settlement Agreement of November 23, 1998.

8 (2) The state’s participation in the tobacco settlement agreement is affirmed.

9 (3) All payments received and to be received by the state under the tobacco
10 settlement agreement are the property of the state, to be used as provided by law,
11 including a sale, assignment, or transfer of the right to receive the payments under
12 s. 16.63. No political subdivision of the state, and no officer or agent of any political
13 subdivision of the state, shall have or seek to maintain any claim related to the
14 tobacco settlement agreement or any claim against any party that was released from
15 liability by the state under the tobacco settlement agreement.

16 ✓*-0549/1.19* **SECTION 3864.** 895.483 (title) of the statutes is amended to read:

17 **895.483 (title) Civil liability exemption; regional and county local**
18 **emergency response teams and their sponsoring agencies.**

19 ✓*-0549/1.20* **SECTION 3865.** 895.483 (2) of the statutes is amended to read:

20 895.483 (2) A county local emergency response team, a member of such a team
21 and the county, city, village, or town that contracts to provide the emergency response
22 team to the county are immune from civil liability for acts or omissions related to
23 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

24 ✓*-0094/5.13* **SECTION 3872.** 905.015 of the statutes is amended to read:

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SECTION 3872

1 **905.015 Interpreters for persons with language difficulties, limited**
2 **English proficiency, or hearing or speaking impairments.** If an interpreter
3 for a person with a language difficulty, limited English proficiency, as defined in s.
4 885.37 (1g), or a hearing or speaking impairment interprets as an aid to a
5 communication which is privileged by statute, rules adopted by the supreme court,
6 or the U.S. or state constitution, the interpreter may be prevented from disclosing
7 the communication by any person who has a right to claim the privilege. The
8 interpreter may claim the privilege but only on behalf of the person who has the
9 right. The authority of the interpreter to do so is presumed in the absence of evidence
10 to the contrary.

11 ✓***-1855/2.31* SECTION 3873.** 908.08 (1) of the statutes is amended to read:

12 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
13 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
14 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
15 videotaped oral statement of a child who is available to testify, as provided in this
16 section.

17 ✓***-0447/3.7* SECTION 3879.** 938.183 (3) of the statutes is amended to read:

18 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place
19 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)
20 or (2) in a secured correctional facility or a secured child caring institution. When
21 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age
22 of 17 15 years, the department may place the juvenile in a state prison named in s.
23 302.01. If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15
24 years of age or over, the department may transfer the juvenile to the Racine youthful
25 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A

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1 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
2 committed before December 31, 1999, is eligible for parole under s. 304.06.

3 ✓*-0448/3.2* SECTION 3880. 938.185 (2) of the statutes is amended to read:

4 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538
5 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the
6 juvenile's county of residence has changed, or the parent of the juvenile has resided
7 in a different county of this state for 6 months. In either case, the court may, upon
8 a motion and for good cause shown, transfer the case, along with all appropriate
9 records, to the county of residence of the juvenile or parent.

10 ✓*-0446/2.1* SECTION 3881. 938.19 (1) (d) 6. of the statutes is amended to read:

11 938.19 (1) (d) 6. The juvenile has violated ~~the terms~~ a condition of
12 court-ordered supervision or aftercare supervision administered by the department
13 or a county department, a condition of the juvenile's placement in a Type 2 secured
14 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's
15 participation in the intensive supervision program under s. 938.534.

16 ✓*-0446/2.2* SECTION 3882. 938.20 (2) (cm) of the statutes is amended to read:

17 938.20 (2) (cm) If the juvenile has violated ~~the terms~~ a condition of aftercare
18 supervision administered by the department or a county department, a condition of
19 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child
20 caring institution, or a condition of the juvenile's participation in the intensive
21 supervision program under s. 938.534, the person who took the juvenile into custody
22 may release the juvenile to the department or county department, whichever has
23 aftercare supervision over the juvenile.

24 ✓*-0446/2.3* SECTION 3883. 938.20 (7) (c) 1m. of the statutes is amended to read:

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1 938.20 (7) (c) 1m. In the case of a juvenile who has violated ~~the terms a~~
2 condition of aftercare supervision administered by the department or a county
3 department, a condition of the juvenile's placement in a Type 2 secured correctional
4 facility or a Type 2 child caring institution, or a condition of the juvenile's
5 participation in the intensive supervision program under s. 938.534, to the
6 department or county department, whichever has aftercare supervision of the
7 juvenile.

8 ✓ ***-0446/2.4* SECTION 3884.** 938.20 (8) of the statutes is amended to read:

9 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
10 juvenile's parent, guardian, and legal custodian of the reasons for holding the
11 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe
12 that notice would present imminent danger to the juvenile. If a juvenile who has
13 violated ~~the terms a condition~~ of aftercare supervision administered by the
14 department or a county department, a condition of the juvenile's placement in a Type
15 2 secured correctional facility or a Type 2 child caring institution, or a condition of
16 the juvenile's participation in the intensive supervision program under s. 938.534 is
17 held in custody, the intake worker shall also notify the department or county
18 department, whichever has supervision over the juvenile, of the reasons for holding
19 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the
20 detention hearing required under s. 938.21. The parent, guardian, and legal
21 custodian shall also be notified of the time and place of the detention hearing
22 required under s. 938.21, the nature and possible consequences of that hearing, and
23 the right to present and cross-examine witnesses at the hearing. If the parent,
24 guardian, or legal custodian is not immediately available, the intake worker or
25 another person designated by the court shall provide notice as soon as possible.

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1 When the juvenile is alleged to have committed a delinquent act, the juvenile shall
2 receive the same notice about the detention hearing as the parent, guardian, or legal
3 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,
4 guardian, or legal custodian.

5 ✓~~-0446/2.5~~* SECTION 3885. 938.205 (1) (c) of the statutes is amended to read:

6 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
7 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division
8 of hearings and appeals in the department of administration for revocation of
9 aftercare supervision, or action by the department or county department relating to
10 a violation of a condition of the juvenile's placement in a Type 2 secured correctional
11 facility or a Type 2 child caring institution or a condition of the juvenile's
12 participation in the intensive supervision program under s. 938.534.

13 ✓~~-0446/2.6~~* SECTION 3886. 938.208 (1) (intro.) of the statutes is amended to
14 read:

15 938.208 (1) (intro.) Probable cause exists to believe that the juvenile has
16 committed a delinquent act and either presents a substantial risk of physical harm
17 to another person or a substantial risk of running away so as to be unavailable for
18 a court hearing ~~or~~, a revocation hearing ~~for juveniles on~~ of aftercare supervision
19 hearing, or action by the department or county department relating to a violation of
20 a condition of the juvenile's placement in a Type 2 secured correctional facility or a
21 Type 2 child caring institution or a condition of the juvenile's participation in the
22 intensive supervision program under s. 938.534. For juveniles who have been
23 adjudged delinquent, the delinquent act referred to in this section may be the act for
24 which the juvenile was adjudged delinquent. If the intake worker determines that

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1 any of the following conditions applies, the juvenile is considered to present a
2 substantial risk of physical harm to another person:

3 ✓*-0094/5.14* **SECTION 3890.** 938.315 (1) (h) of the statutes is created to read:

4 938.315 (1) (h) Any period of delay resulting from the need to appoint a
5 qualified interpreter.

6
7 ✓*-0446/2.7* **SECTION 3898.** 938.355 (6d) (a) 4. of the statutes is created to read:

8 938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
9 who has been adjudged delinquent and who has violated a condition specified in sub.
10 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

11 ✓*-0446/2.8* **SECTION 3899.** 938.355 (6d) (b) 4. of the statutes is created to read:

12 938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
13 who has violated a condition of aftercare supervision administered by a county
14 department from being taken into and held in custody under ss. 938.19 to 938.21.

15 ✓*-0446/2.9* **SECTION 3900.** 938.355 (6d) (c) 4. of the statutes is created to read:

16 938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
17 who has been found to be in need of protection or services and who has violated a
18 condition specified in sub. (2) (b) 7. from being taken into and held in custody under
19 ss. 938.19 to 938.21.

20 ✓*-0449/4.6* **SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:

21 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
22 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
23 the Type 2 child caring institution, the child welfare agency operating the Type 2
24 child caring institution shall notify the county department that has supervision over
25 the juvenile and, if the county department agrees to a change in placement under this

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

12 ✓ ~~0447/3.8~~* **SECTION 3903.** 938.357 (4) (d) of the statutes is repealed.

13 ✓ ~~2174/2.6~~* **SECTION 3910.** 938.532 (1) of the statutes is amended to read:

14 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410
15 (3) ~~(bb) and (hm)~~, the department shall provide a juvenile boot camp program for
16 juveniles who have been placed under the supervision of the department under s.
17 938.183, 938.34 (4h) or (4m), or 938.357 (4).

18 ✓ ~~0452/1.1~~* **SECTION 3914.** 938.533 (2) of the statutes is amended to read:

19 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
20 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
21 an average daily population of 136 juveniles, or an average daily population of more
22 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented
23 under s. 13.101 or 16.515 and the positions for the program are increased under s.
24 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily
25 population are otherwise available, in not less than 3 counties, including Milwaukee

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1 County. The office of juvenile offender review in the department shall evaluate and
2 select for participation in the program juveniles who have been placed under the
3 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).
4 The department shall place a program participant in the community, provide
5 intensive surveillance of that participant, and provide an average of not more than
6 \$3,000 per year per slot to purchase community-based treatment services for each
7 participant. The department shall make the intensive surveillance required under
8 this subsection available 24 hours a day, 7 days a week, and may purchase or provide
9 electronic monitoring for the intensive surveillance of program participants. The
10 department shall provide a report center in Milwaukee County to provide on-site
11 programming after school and in the evening for juveniles from Milwaukee County
12 who are placed in the corrective sanctions program. A contact worker providing
13 services under the program shall have a case load of approximately 10 juveniles and,
14 during the initial phase of placement in the community under the program of a
15 juvenile who is assigned to that contact worker, shall have not less than one
16 face-to-face contact per day with that juvenile. Case management services under
17 the program shall be provided by a corrective sanctions agent who shall have a case
18 load of approximately 15 juveniles. The department shall promulgate rules to
19 implement the program.

20 ✓ ***-0446/2.10* SECTION 3915.** 938.533 (3) (a) of the statutes is amended to read:
21 938.533 (3) (a) A participant in the corrective sanctions program remains
22 under the supervision of the department, remains subject to the rules and discipline
23 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
24 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
25 juvenile's participation in the corrective sanctions program the department may,

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1 without a hearing, take the juvenile into custody and place the juvenile in a secured
2 detention facility or return the juvenile to placement in a Type 1 secured correctional
3 facility or a secured child caring institution. This paragraph does not preclude a
4 juvenile who has violated a condition of the juvenile's participation in the corrective
5 sanctions program from being taken into and held in custody under ss. 938.19 to
6 938.21.

7 ✓*-0446/2.11* SECTION 3916. 938.534 (1) (b) 3m. of the statutes is created to
8 read:

9 938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
10 who has violated a condition of the juvenile's participation in the program from being
11 taken into and held in custody under ss. 938.19 to 938.21.

12 ✓*-0448/3.3* SECTION 3917. 938.538 (3) (a) 1. of the statutes is amended to read:

13 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
14 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
15 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~
16 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,~~
17 unless that period is extended under sub. (4m) (a) 1. or 2. or both.

****NOTE: This is reconciled s. 938.538 (3) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0448/2 and LRB-0447/2.

18 ✓*-0447/3.9* SECTION 3918. 938.538 (3) (a) 1m. of the statutes is amended to
19 read:

20 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
21 committing an act that would be a Class A felony if committed by an adult, placement
22 in a Type 1 secured correctional facility, ~~or a secured child caring institution or, if the~~
23 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~

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1 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant
2 reaches 25 years of age, unless the participant is released sooner, subject to a
3 mandatory minimum period of confinement of not less than one year.

4 ✓ ***-0447/3.10* SECTION 3919.** 938.538 (3) (a) 2. of the statutes is amended to
5 read:

6 938.538 (3) (a) 2. Intensive or other field supervision, including corrective
7 sanctions supervision under s. 938.533, or aftercare supervision or, if the participant
8 is 17 years of age or over, intensive sanctions supervision under s. 301.048.

9 ✓ ***-0448/3.4* SECTION 3920.** 938.538 (3) (b) of the statutes is amended to read:

10 938.538 (3) (b) The department may provide the sanctions under par. (a) in any
11 order, may provide more than one sanction at a time and, may return a participant
12 to a sanction that was used previously for -a- the participant, and, in returning a
13 participant to the sanction provided in par. (a) 1., may extend the period specified in
14 par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period
15 as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and
16 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing
17 regarding the department's exercise of authority under this subsection unless the
18 department provides for a hearing by rule.

19 ✓ ***-0447/3.11* SECTION 3921.** 938.538 (4) (a) of the statutes is amended to read:

20 938.538 (4) (a) A participant in the serious juvenile offender program is under
21 the supervision and control of the department, is subject to the rules and discipline
22 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
23 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
24 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
25 secured correctional facility the department may, without a hearing, take the

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1 participant into custody and return him or her to placement in a Type 1 secured
2 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
3 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional
4 failure of a participant to remain within the extended limits of his or her placement
5 while participating in the serious juvenile offender program ~~or to return within the~~
6 ~~time prescribed by the administrator of the division of intensive sanctions in the~~
7 ~~department~~ is considered an escape under s. 946.42 (3) (c).

8 ✓ ***-0446/2.12* SECTION 3922.** 938.538 (4) (a) of the statutes, as affected by 2001
9 Wisconsin Act (this act), is amended to read:

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

✓
***NOTE: This is reconciled s. 938.538 (4) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0446/1 and LRB-0447/2.

23 ✓ ***-0448/3.5* SECTION 3923.** 938.538 (4m) of the statutes is created to read:

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1 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department
2 may extend the period for which a participant may be placed as described in sub. (3)
3 (a) 1. for an additional period of not more than 30 days. A participant is not entitled
4 to a hearing regarding the department's exercise of authority under this subdivision
5 unless the department provides for a hearing by rule.

6 2. The department or the district attorney of the county in which the
7 dispositional order was entered may petition the court to extend the period for which
8 a participant may be placed as described in sub. (3) (a) 1. for an additional period of
9 not more than 2 years. The petition shall set forth in detail facts showing that the
10 participant is in need of the supervision, care, and rehabilitation that a placement
11 described in sub. (3) (a) 1. provides and that public safety considerations require that
12 the participant be placed in that placement. The court shall hold a hearing on the
13 petition, unless written waivers of objection to the extension are signed by all parties
14 entitled to receive notice and the court approves. If a hearing is held, the court shall
15 provide notice of the hearing, together with a copy of the petition, to the participant,
16 the participant's parent, guardian, and legal custodian, all parties bound by the
17 dispositional order, and the district attorney of the county in which the dispositional
18 order was entered at least 3 days prior to the hearing and, at the hearing, any of those
19 persons may present evidence relevant to the issue of extension and make
20 alternative placement recommendations. If the court finds by a preponderance of the
21 evidence that the participant is in need of the supervision, care, and rehabilitation
22 that a placement described in sub. (3) (a) 1. provides and that public safety
23 considerations require that the participant be placed in that placement, the court
24 may extend the period for which the participant may be placed as described in sub
25 (3) (a) 1. for an additional period of not more than 2 years.

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1 3. An extension of a participant's placement under subd. 1. does not preclude
2 an extension of that participant's placement under subd. 2., and vice versa.

3 (b) By the first day of the 2nd month beginning after the effective date of this
4 paragraph [revisor inserts date], the department shall provide notice to all
5 participants in the serious juvenile offender program that a placement under sub.
6 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.
7 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to
8 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the
9 serious juvenile offender program on the effective date of this paragraph [revisor
10 inserts date], based on acts committed by that participant prior to the date on which
11 the notice under this paragraph is given to that participant.

12 ✓*-0447/3.12* **SECTION 3924.** 938.538 (5) (c) of the statutes is amended to read:
13 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
14 placement and revisions of orders for a juvenile who is a participant in the serious
15 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~
16 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

17 ✓*-0447/3.13* **SECTION 3925.** 938.538 (6) of the statutes is amended to read:
18 938.538 (6) **PURCHASE OF SERVICES.** The department of corrections may contract
19 with the department of health and family services, a county department, or any
20 public or private agency for the purchase of goods, care, and services for participants
21 in the serious juvenile offender program. The department of corrections shall
22 reimburse a person from whom it purchases goods, care, or services under this
23 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
24 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~

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1 301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the
2 appropriate appropriation under s. 20.410 (1).

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

4 938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a
5 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2
6 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his
7 or her placement in the Type 2 child caring institution or Type 2 secured correctional
8 facility, the juvenile may be placed in a Type 1 secured correctional facility as
9 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has
10 violated a condition of the juvenile's placement in a Type 2 secured correctional
11 facility or a Type 2 child caring institution from being taken into and held in custody
12 under ss. 938.19 to 938.21.

13 ✓ ~~*-0447/3.14*~~ **SECTION 3929.** 938.992 (3) of the statutes is amended to read:

14 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not
15 include a person subject to an order under s. 48.366 who is confined to a state prison
16 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
17 ~~of age or over.~~

18 ✓ ~~*-1855/2.32*~~ **SECTION 3930.** 939.32 (1) (title) of the statutes is created to read:

19 939.32 (1) (title) **GENERALLY.**

20 ✓ ~~*-1855/2.33*~~ **SECTION 3931.** 939.32 (1m) of the statutes is created to read:

21 939.32 (1m) **BIFURCATED SENTENCES.** (a) Subject to s. 973.01 (2) (d), if the court
22 imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime
23 that is punishable under sub. (1) (intro.), the following requirements apply:

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1 1. If the completed crime is a classified felony, the maximum term of
2 confinement in prison is one-half of the maximum term of confinement in prison for
3 the classified felony.

4 2. If the completed crime is not a classified felony, the maximum term of
5 confinement is 75% of the maximum term of imprisonment under sub. (1) (intro.) for
6 an attempt to commit the crime.

7 (b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison
8 specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the
9 maximum term of confinement in prison specified in par. (a) is increased under this
10 paragraph, the maximum term of imprisonment under sub. (1) is increased by the
11 same amount.

12 ✓*-1855/2.34* SECTION 3932. 939.32 (2) (title) of the statutes is created to read:
13 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

14 ✓*-1855/2.35* SECTION 3933. 939.32 (3) (title) of the statutes is created to read:
15 939.32 (3) (title) REQUIREMENTS.

16 ✓*-1617/P3.3* SECTION 3934. 939.74 (1) of the statutes is amended to read:
17 939.74 (1) Except as provided in ~~sub. subs.~~ subs. (2), and (2d) and s. 946.88 (1),
18 prosecution for a felony must be commenced within 6 years and prosecution for a
19 misdemeanor or for adultery within 3 years after the commission thereof. Within the
20 meaning of this section, a prosecution has commenced when a warrant or summons
21 is issued, an indictment is found, or an information is filed.

22 ✓*-1617/P3.4* SECTION 3935. 939.74 (2) (c) of the statutes is amended to read:
23 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
24 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced

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1 before the victim reaches the age of 31 years or be barred, except as provided in sub.
2 (2d) (c).

3 ✓ ***-1617/P3.5* SECTION 3936.** 939.74 (2d) of the statutes is created to read:

4 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means any
5 analysis of deoxyribonucleic acid that results in the identification of an individual’s
6 patterned chemical structure of genetic information.

7 (b) If the state has evidence of a deoxyribonucleic acid profile of a person who
8 committed a violation of s. 940.225 (1) or (2), the evidence was collected before the
9 time limitation under sub. (1) expired, and comparisons of the evidence to
10 deoxyribonucleic acid profiles of known persons made before the time limitation
11 expired did not result in a probable identification of the person, the state may
12 commence prosecution of the person within 12 months after comparison of the
13 deoxyribonucleic evidence relating to the violation results in a probable
14 identification of the person.

15 (c) If the state has evidence of a deoxyribonucleic acid profile of a person who
16 committed a violation of s. 948.02 (1) or (2) or 948.025, the evidence was collected
17 before the time limitation under sub. (2) (c) expired, and comparisons of the evidence
18 to deoxyribonucleic acid profiles of known persons made before the time limits
19 expired did not result in a probable identification of the person, the state may
20 commence prosecution of the person within 12 months after comparison of the
21 deoxyribonucleic evidence relating to the violation results in a probable
22 identification of the person.

23 ✓ ***b0493/3.6* SECTION 3937j.** 940.09 (1d) of the statutes is renumbered 940.09
24 (1d) (b) and amended to read:

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1 940.09 (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. 940.25 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
9

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

10 940.09 (1d) (a) Notwithstanding par. (b), if the person who committed an
11 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
12 or revocations counted under s. 343.307 (1) within a 5-year period, the procedure
13 under s. 343.301 shall be followed if the court orders that the person's operating
14 privilege for the operation of "Class D" vehicles be restricted to operating "Class D"
15 vehicles that are equipped with an ignition interlock device and the court orders the
16 installation of an ignition interlock device in each motor vehicle titled in the name
17 of the person or if the court orders that each motor vehicle titled in the name of the
18 person be immobilized.

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

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

22 940.09 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an
23 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
24 or revocations, counting convictions under sub. (1) and s. 940.25 in the person's
25 lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307

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1 (1), the procedure under s. 343.301 shall be followed if the court orders that the
2 person's operating privilege for the operation of "Class D" vehicles be restricted to
3 operating "Class D" vehicles that are equipped with an ignition interlock device or
4 if the court orders that the motor vehicle used during the refusal or violation and
5 owned by the person be immobilized.

6

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

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

17 ✓*b0493/3.6* SECTION 3938j. 940.25 (1d) of the statutes is renumbered 940.25
18 (1d) (b) and amended to read:

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

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1 ✓ ***b0493/3.6* SECTION 3938k.** 940.25 (1d) (a) of the statutes is created to read:
2 940.25 (1d) (a) Notwithstanding par. (b), if the person who committed an
3 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
4 or revocations counted under s. 343.307 (1) within a 5–year period, the procedure
5 under s. 343.301 shall be followed if the court orders that the person’s operating
6 privilege for the operation of “Class D” vehicles be restricted to operating “Class D”
7 vehicles that are equipped with an ignition interlock device and the court orders the
8 installation of an ignition interlock device in each motor vehicle titled in the name
9 of the person or if the court orders that each motor vehicle titled in the name of the
10 person be immobilized.

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

13 ✓ ***b0493/3.6* SECTION 3938n.** 940.25 (1d) (a) 1. of the statutes is created to read:
14 940.25 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an
15 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
16 or revocations, counting convictions under sub. (1) and s. 940.09 (1) in the person’s
17 lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307
18 (1), the procedure under s. 343.301 shall be followed if the court orders that the
19 person’s operating privilege for the operation of “Class D” vehicles be restricted to
20 operating “Class D” vehicles that are equipped with an ignition interlock device or
21 if the court orders that the motor vehicle used during the refusal or violation and
22 owned by the person be immobilized.

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

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SECTION 3938p

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, 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 shall~~ be followed ~~regarding the immobilization or if the court~~
6 ~~orders~~ the seizure and forfeiture of ~~a the~~ motor vehicle owned by the person ~~who~~
7 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~
8 ~~an ignition interlock device and used in the violation.~~

9 ✓ *b0675/2.1* SECTION 3938u. 943.01 (2) (d) of the statutes is amended to read:

10 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
11 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
12 is reduced in value by the amount which it would cost either to repair or replace it,
13 whichever is less.

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

15 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced
16 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this
17 paragraph, property is reduced in value by the amount that it would cost to repair
18 or replace it, whichever is less, plus other monetary losses associated with the
19 damage.

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

21 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
22 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
23 is reduced in value by the amount which it would cost to repair or replace it or to
24 remove the marking, drawing, writing or etching, whichever is less.

25 ✓ *-0857/1.1* SECTION 3939. 943.20 (1) (e) of the statutes is amended to read:

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1 943.20 (1) (e) Intentionally fails to return any personal property which is in his
2 or her possession or under his or her control by virtue of a written lease or written
3 rental agreement, ~~within 10 days after the lease or rental agreement has expired.~~
4 This paragraph does not apply to a person who returns personal property, except a
5 motor vehicle, which is in his or her possession or under his or her control by virtue
6 of a written lease or written rental agreement, within 10 days after the lease or rental
7 agreement expires.

8 ✓ *b0675/2.2* SECTION 3939b. 943.20 (3) (a) of the statutes is amended to read:
9 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,500, is
10 guilty of a Class A misdemeanor.

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

12 ✓ *b0675/2.2* SECTION 3939d. 943.21 (3) (a) of the statutes is amended to read:
13 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
14 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~
15 \$2,500 or less.

16 ✓ *b0675/2.2* SECTION 3939e. 943.21 (3) (b) of the statutes is amended to read:
17 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
18 lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,500.

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

20 943.24 (1) Whoever issues any check or other order for the payment of not more
21 than ~~\$1,000~~ \$2,500 which, at the time of issuance, he or she intends shall not be paid
22 is guilty of a Class A misdemeanor.

23 ✓ *b0675/2.2* SECTION 3939g. 943.24 (2) of the statutes is amended to read:
24

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SECTION 3939g

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

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

7 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
8 exceed \$1,000 \$2,500.

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

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

11 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
12 benefit does not exceed \$1,000 \$2,500.

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

14 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
15 exceeds \$1,000 \$2,500.

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

17 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
18 if the value of the money, goods, services or property illegally obtained does not
19 exceed \$1,000 \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~
20 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~
21 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~
22 ~~person is guilty of a Class E felony; or if.~~ If the value of the money, goods, services
23 or property exceeds \$2,500, the person is guilty of a Class C felony.

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

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

3 ✓ ~~*b0675/2.2*~~ SECTION 3939n. 943.50 (4) (b) of the statutes is repealed.

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

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

7 ✓ ~~*b0675/2.2*~~ SECTION 3939q. 943.61 (5) (b) of the statutes is repealed.

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

9 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
10 required refund, as applicable, does not exceed \$500 \$2,500.

11 ✓ ~~*b0675/2.2*~~ SECTION 3939s. 943.62 (4) (b) of the statutes is repealed.

12 ✓ ~~*-0795/2.1*~~ SECTION 3940. 943.70 (1) (a) of the statutes is renumbered 943.70

13 (1) (am).

14 ✓ ~~*-0795/2.2*~~ SECTION 3941. 943.70 (1) (ag) of the statutes is created to read:

15 943.70 (1) (ag) "Access" means to instruct, communicate with, interact with,
16 intercept, store data in, retrieve data from, or otherwise use the resources of.

17 ✓ ~~*-0795/2.3*~~ SECTION 3942. 943.70 (1) (gm) of the statutes is created to read:

18 943.70 (1) (gm) "Interruption in service" means inability to access a computer,
19 computer program, computer system, or computer network, or an inability to
20 complete a transaction involving a computer.

21 ✓ ~~*-0795/2.4*~~ SECTION 3943. 943.70 (2) (a) (intro.) of the statutes is amended to
22 read:

23 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without
24 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)
25 and (c):

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SECTION 3944

1 ✓*-0795/2.5* SECTION 3944. 943.70 (2) (a) 3. of the statutes is amended to read:

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

4 ✓*-0795/2.6* SECTION 3945. 943.70 (2) (am) of the statutes is created to read:

5 943.70 (2) (am) Whoever intentionally causes an interruption in service by
6 submitting a message, or multiple messages, to a computer, computer program,
7 computer system, or computer network that exceeds the processing capacity of the
8 computer, computer program, computer system, or computer network may be
9 penalized as provided in pars. (b) and (c).

10 ✓*-0795/2.7* SECTION 3946. 943.70 (2) (b) (intro.) of the statutes is amended to
11 read:

12 943.70 (2) (b) (intro.) Whoever violates ~~this subsection par. (a) or (am)~~ is guilty
13 of:

14 ✓*-0795/2.8* SECTION 3947. 943.70 (2) (b) 1. of the statutes is amended to read:

15 943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~
16 4. applies.

17 ✓*-0795/2.9* SECTION 3948. 943.70 (2) (b) 3. of the statutes is amended to read:

18 943.70 (2) (b) 3. A Class D E felony if the offense results in damage is greater
19 valued at more than \$1,000 but not more than \$2,500 ~~or if it causes an interruption~~
20 ~~or impairment of governmental operations or public communication, of~~
21 ~~transportation or of a supply of water, gas or other public service.~~

22 ✓*-0795/2.10* SECTION 3949. 943.70 (2) (b) 3g. of the statutes is created to read:

23 943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at
24 more than \$2,500.

25 ✓*-0795/2.11* SECTION 3950. 943.70 (2) (b) 3r. of the statutes is created to read:

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1 943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or
2 impairment of governmental operations or public communication, of transportation,
3 or of a supply of water, gas, or other public service.

4 ✓*-0795/2.12* **SECTION 3951.** 943.70 (2) (c) of the statutes is created to read:

5 943.70 (2) (c) If a person disguises the identity or location of the computer at
6 which he or she is working while committing an offense under par. (a) or (am) with
7 the intent to make it less likely that he or she will be identified with the crime, the
8 penalties under par. (b) may be increased as follows:

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

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

16 ✓*-0795/2.13* **SECTION 3952.** 944.205 (title) of the statutes is amended to read:

17 **944.205 (title) ~~Photographs, motion pictures, videotapes or other~~**
18 **~~visual representations~~ Recordings showing nudity.**

19 ✓*-0795/2.14* **SECTION 3953.** 944.205 (1) of the statutes is renumbered 944.205
20 (1) (intro.) and amended to read:

21 944.205 (1) (intro.) In this section, ~~“nudity”~~:

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

23 ✓*-0795/2.15* **SECTION 3954.** 944.205 (1) (a) of the statutes is created to read:

24 944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

25 ✓*-0795/2.16* **SECTION 3955.** 944.205 (1) (c) of the statutes is created to read:

SENATE BILL 55**SECTION 3955**

1 944.205 (1) (c) "Recording" has the meaning given in 948.01 (3r).

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

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

11 ✓ ***-0795/2.18* SECTION 3957.** 944.205 (2) (b) of the statutes is repealed and
12 recreated to read:

13 944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of
14 an image if all of the following apply:

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

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

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

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

22 ✓ ***-0795/2.19* SECTION 3958.** 944.205 (3) of the statutes is amended to read:

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

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1 ~~exhibition, storage, or distribution of the photograph, motion picture, videotape or~~
2 ~~other visual representation or reproduction~~ recording does not violate s. 948.05 or
3 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

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

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

10 ✓ ~~*-0795/2.20*~~ **SECTION 3959.** 944.205 (4) of the statutes is amended to read:

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

16 ✓ ~~*-0795/2.21*~~ **SECTION 3960.** 944.21 (2) (am) of the statutes is created to read:

17 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

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

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

22 ✓ ~~*-0795/2.23*~~ **SECTION 3962.** 944.21 (2) (dm) of the statutes is created to read:

23 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

24 ✓ ~~*-0795/2.24*~~ **SECTION 3963.** 944.21 (3) (a) of the statutes is amended to read:

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1 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,
2 publishes, exhibits, plays, or ~~transfers~~ distributes any obscene material.

3 ~~/*-0795/2.25*~~ **SECTION 3964.** 944.21 (4) (a) and (b) of the statutes are amended
4 to read:

5 944.21 (4) (a) ~~Transfers or~~ Distributes, exhibits, or plays any obscene material
6 to a person under the age of 18 years.

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

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

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

13 ~~/*-0795/2.27*~~ **SECTION 3966.** 944.25 of the statutes is created to read:

14 **944.25 Sending obscene or sexually explicit electronic messages. (1)**

15 In this section:

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

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

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

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

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

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

6 ✓ *b0408/2.1* SECTION 3966j. 945.05 (1e) of the statutes is renumbered 945.05
7 (1e) (b) (intro.) and amended to read:

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

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

15 ✓ *b0408/2.1* SECTION 3966m. 945.05 (1e) (a) of the statutes is created to read:
16 945.05 (1e) (a) In this subsection, “authorized gambling facility” means any of
17 the following:

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

22 ✓ *b0408/2.1* SECTION 3966q. 945.05 (1e) (b) 1. of the statutes is created to read:
23 945.05 (1e) (b) 1. An authorized gambling facility.

24 ✓ *b0675/2.3* SECTION 3966n. 946.82 (4) of the statutes is amended to read:

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1 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
2 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
3 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
4 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
5 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
6 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
7 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
8 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~
9 and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
10 943.30, 943.32, 943.34 (1) ~~(b) and (c)~~, 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
11 943.50 (4) ~~(b) and (c)~~, 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33
12 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
13 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
14 947.015, 948.05, 948.08, 948.12, and 948.30.

15 ✓*-0795/2.28* **SECTION 3967.** 948.01 (1d) of the statutes is created to read:

16 948.01 (1d) "Exhibit," with respect to a recording of an image that is not
17 viewable in its recorded form, means to convert the recording of the image into a form
18 in which the image may be viewed.

19 ✓*-0795/2.29* **SECTION 3968.** 948.01 (3r) of the statutes is created to read:

20 948.01 (3r) "Recording" includes the creation of a reproduction of an image or
21 a sound or the storage of data representing an image or a sound.

22 ✓*-0795/2.30* **SECTION 3969.** 948.05 (1) (a) of the statutes is amended to read:

23 948.05 (1) (a) Employs, uses, persuades, induces, entices, or coerces any child
24 to engage in sexually explicit conduct for the purpose of ~~photographing, filming,~~
25 ~~videotaping, recording the sounds of~~ or displaying in any way the conduct.

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

2 948.05 (1) (b) ~~Photographs, films, videotapes, records the sounds of~~ Records or
3 displays in any way a child engaged in sexually explicit conduct.

4 ✓ ***-0795/2.32* SECTION 3971.** 948.05 (1m) of the statutes is amended to read:

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

13 ✓ ***-0795/2.33* SECTION 3972.** 948.07 (4) of the statutes is amended to read:

14 948.07 (4) ~~Taking a picture or making an audio recording of~~ Recording the child
15 engaging in sexually explicit conduct.

16 ✓ ***-0795/2.34* SECTION 3973.** 948.11 (1) (ar) 2. of the statutes is amended to
17 read:

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

23 ✓ ***-0795/2.35* SECTION 3974.** 948.11 (1) (bm) of the statutes is repealed.

24 ✓ ***-0795/2.36* SECTION 3975.** 948.11 (1) (c) of the statutes is repealed.