

SENATE BILL 55**SECTION 3976**

1 ✓ ***-0795/2.37* SECTION 3976.** 948.11 (2) (a) of the statutes is renumbered 948.11
2 (2) (a) (intro.) and amended to read:

3 948.11 (2) (a) (intro.) Whoever, with knowledge of the ~~nature~~ the character and
4 content of the material, sells, rents, exhibits, ~~transfers~~ plays, distributes, or loans to
5 a child any harmful material, with or without monetary consideration, is guilty of a
6 Class E felony. if any of the following applies:

7 ✓ ***-0795/2.38* SECTION 3977.** 948.11 (2) (a) 1. and 2. of the statutes are created
8 to read:

9 948.11 (2) (a) 1. The person knows or reasonably should know that the child
10 has not attained the age of 18 years.

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

13 ✓ ***-0795/2.39* SECTION 3978.** 948.11 (2) (am) of the statutes is renumbered
14 948.11 (2) (am) (intro.) and amended to read:

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

20 ✓ ***-0795/2.40* SECTION 3979.** 948.11 (2) (am) 1. and 2. of the statutes are created
21 to read:

22 948.11 (2) (am) 1. The person knows or reasonably should know that the child
23 has not attained the age of 18 years.

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

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1 ✓ ***-0795/2.41* SECTION 3980.** 948.11 (2) (b) of the statutes is renumbered 948.11
2 (2) (b) (intro.) and amended to read:

3 948.11 (2) (b) (intro.) Whoever, with knowledge of the ~~nature~~ character and
4 content of the material, possesses harmful material with the intent to sell, rent,
5 exhibit, ~~transfer~~ play, distribute, or loan the material to a child is guilty of a Class A
6 misdemeanor. if any of the following applies:

7 ✓ ***-0795/2.42* SECTION 3981.** 948.11 (2) (b) 1. and 2. of the statutes are created
8 to read:

9 948.11 (2) (b) 1. The person knows or reasonably should know that the child
10 has not attained the age of 18 years.

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

12 ✓ ***-0795/2.43* SECTION 3982.** 948.11 (2) (c) of the statutes is amended to read:

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

20 ✓ ***-0795/2.44* SECTION 3983.** 948.12 of the statutes is renumbered 948.12 (1m),
21 and 948.12 (1m) (intro.) and (b), as renumbered, are amended to read:

22 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
23 negative, photograph, motion picture, videotape, or other ~~pictorial reproduction,~~ or
24 audio recording of a child engaged in sexually explicit conduct under all of the
25 following circumstances is guilty of a Class E felony:

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1 (b) The person knows the character and content of the sexually explicit conduct
2 shown in the material.

3 ✓ ***-0795/2.45* SECTION 3984.** 948.12 (2m) of the statutes is created to read:

4 948.12 (2m) Whoever exhibits or plays a recording of a child engaged in
5 sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

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

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

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

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

13 950.04 (1v) (v) To have the department of corrections make a reasonable
14 attempt to notify the victim under s. 301.046 (4) regarding community residential
15 confinements, under s. 301.048 (4m) regarding participation in the intensive
16 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under
17 s. 301.46 (3) regarding persons registered under s. 301.45, under s. ~~302.115~~ 302.105
18 regarding release upon expiration of certain sentences, under s. 304.063 regarding
19 extended supervision and parole releases, and under s. 938.51 regarding release or
20 escape of a juvenile from correctional custody.

21 ✓ ***-0991/P1.1* SECTION 3985.** 961.14 (7) (p) of the statutes is created to read:

22 961.14 (7) (p) 4-methylthioamphetamine, commonly known as “4-MTA.”

23 ✓ ***-0991/P1.2* SECTION 3986.** 961.41 (1) (b) of the statutes is amended to read:

24 961.41 (1) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
25 controlled substance included in schedule I, II or III, or a controlled substance analog

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1 of any other controlled substance included in schedule I or II, may be fined not more
2 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

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

4 961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
3,4-methylenedioxyamphetamine,

5 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,

6 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,

7 gamma-butyrolactone, 3,4-methylenedioxyamphetamine,

8 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

9 subject to the following penalties if the amount manufactured, distributed, or

10 delivered is:

11
12 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
13 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

14 2. More than 3 grams but not more than 10 grams, the person shall be fined
15 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
16 6 months nor more than 7 years and 6 months.

17 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months.

20 4. More than 50 grams but not more than 200 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 3 years nor more than 22 years and 6 months.

23 5. More than 200 grams but not more than 400 grams, the person shall be fined
24 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
25 5 years nor more than 22 years and 6 months.

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

4 ✓ ***-0991/P1.4* SECTION 3988.** 961.41 (1) (im) of the statutes is renumbered
5 961.41 (1) (im) (intro.) and amended to read:

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

9 ✓ ***-0991/P1.5* SECTION 3989.** 961.41 (1) (im) 1. to 6. of the statutes are created
10 to read:

11 961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than
12 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
13 6 months.

14 2. More than 3 grams but not more than 10 grams, the person shall be fined
15 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
16 6 months nor more than 7 years and 6 months.

17 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months.

20 4. More than 50 grams but not more than 200 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 3 years nor more than 22 years and 6 months.

23 5. More than 200 grams but not more than 400 grams, the person shall be fined
24 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
25 5 years nor more than 22 years and 6 months.

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

4 ✓ ***-0991/P1.6* SECTION 3990.** 961.41 (1m) (b) of the statutes is amended to read:

5 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
6 controlled substance included in schedule I, II or III, or a controlled substance analog
7 of any other controlled substance included in schedule I or II, may be fined not more
8 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

9 ✓ ***-0991/P1.7* SECTION 3991.** 961.41 (1m) (hm) of the statutes is created to
10 read:

11 961.41 (1m) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
12 3,4-methylenedioxyamphetamine
13 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
14 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
15 gamma-butyrolactone, 3,4-methylenedioxyamphetamine
16 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
17 subject to the following penalties if the amount possessed, with intent to
18 manufacture, distribute, or deliver is :

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

21 2. More than 3 grams but not more than 10 grams, the person shall be fined
22 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
23 6 months nor more than 7 years and 6 months.

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

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

7 5. More than 200 grams but not more than 400 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 5 years nor more than 22 years and 6 months.

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

13 ✓ ***-0991/P1.8* SECTION 3992.** 961.41 (1m) (im) of the statutes is renumbered
14 961.41 (1m) (im) (intro.) and amended to read:

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

19 ✓ ***-0991/P1.9* SECTION 3993.** 961.41 (1m) (im) 1. to 6. of the statutes are created
20 to read:

21 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
22 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
23 6 months.

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1 distribution, delivery, or possession with intent to manufacture, distribute, or
2 deliver, of the genuine controlled substance under sub. (1) or (1m).

3 ✓ ***-0991/P1.12* SECTION 3996.** 961.41 (2) (cm) of the statutes is amended to
4 read:

5 961.41 (2) (cm) A counterfeit substance which is flunitrazepam, ~~may be fined~~
6 ~~not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both~~
7 is punishable by the applicable fine and imprisonment for manufacture,
8 distribution, delivery, or possession with intent to manufacture, distribute, or
9 deliver, of the genuine controlled substance under sub. (1) or (1m).

10 ✓ ***-1855/2.36* SECTION 3998.** 967.04 (9) of the statutes is amended to read:

11 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
12 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
13 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
14 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
15 hearing examiner may order and preside at the taking of a videotaped deposition
16 using the procedure provided in subs. (7) and (8) and may admit the videotaped
17 deposition into evidence without an additional hearing under s. 908.08.

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

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

3 ✓ *–1855/2.37* *–0590/P5.409* SECTION 4000. 971.17 (1) of the statutes is
4 renumbered 971.17 (1) (a) and amended to read:

5 971.17 (1) (a) *Felonies committed before the effective date of this paragraph*....
6 *[revisor inserts date]*. ~~When~~ Except as provided in par. (c), when a defendant is found
7 not guilty by reason of mental disease or mental defect of a felony committed before
8 the effective date of this paragraph *[revisor inserts date]*, the court shall commit
9 the person to the department of health and family services for a specified period not
10 exceeding two-thirds of the maximum term of imprisonment that could be imposed
11 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
12 felony, including imprisonment authorized by ss. ~~346.65 (2) (f), (2j) (d) or (3m),~~
13 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
14 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, as applicable,
15 subject to the credit provisions of s. 973.155.

16 (c) *Felonies punishable by life imprisonment*. ~~If the maximum term of~~
17 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
18 mental defect of a felony that is punishable by life imprisonment, the commitment
19 period specified by the court may be life, subject to termination under sub. (5).

20 ✗ *–1855/2.38* *–0590/P5.410* SECTION 4001. 971.17 (1) (b) of the statutes is
21 created to read:

22 971.17 (1) (b) *Crimes committed on or after the effective date of this paragraph*
23 *.... [revisor inserts date] for which a bifurcated sentence may be imposed*. When a
24 defendant is found not guilty by reason of mental disease or mental defect of a crime
25 committed on or after the effective date of this paragraph *[revisor inserts date]*,

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1 and the crime is one for which a court may impose a bifurcated sentence under s.
2 973.01, the court shall commit the person to the department of health and family
3 services for a specified period not exceeding the maximum term of confinement in
4 prison that could be imposed on an offender convicted of the same crime, including
5 imprisonment authorized by any applicable penalty enhancement statutes, subject
6 to the credit provisions of s. 973.155.

7 ~~*/-1855/2.39* *-0590/P5.411*~~ **SECTION 4002.** 971.17 (1) (d) of the statutes is
8 created to read:

9 971.17 (1) (d) *Misdemeanors for which a bifurcated sentence may not be*
10 *imposed.* When a defendant is found not guilty by reason of mental disease or mental
11 defect of one of the following misdemeanors, the court shall commit the person to the
12 department of health and family services for a specified period not exceeding
13 two-thirds of the maximum term of imprisonment that could be imposed against an
14 offender convicted of the same misdemeanor, including imprisonment authorized by
15 any applicable penalty enhancement statutes, subject to the credit provisions of s.
16 973.155:

17 1. A misdemeanor committed before the effective date of this subdivision
18 [revisor inserts date].

19 2. A misdemeanor committed on or after the effective date of this subdivision
20 [revisor inserts date], for which a court may not impose a bifurcated sentence
21 under s. 973.01.

22 ~~*/-0181/2.3*~~ **SECTION 4003.** 971.23 (10) of the statutes is amended to read:

23 971.23 (10) **PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT**
24 **DEFENDANTS.** When the state public defender or a private attorney appointed under
25 s. 977.08 requests photocopies of any item that is discoverable under this section, the

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1 state public defender shall pay any fee charged for the photocopies from the
2 appropriation under s. 20.550 (1) ~~(a)~~ (f). If the person providing photocopies under
3 this section charges the state public defender a fee for the photocopies, the fee may
4 not exceed the actual, necessary and direct cost of photocopying.

5 ✓ ***-1855/2.40* SECTION 4004.** 972.15 (2c) of the statutes is amended to read:

6 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
7 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
8 the presentence investigation report shall include in the report a recommendation
9 as to whether the defendant should be eligible for the challenge incarceration
10 program under s. 302.045.

11 ✓ ***-1855/2.41* SECTION 4005.** 973.01 (1) of the statutes is amended to read:

12 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
13 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
14 for a felony committed on or after December 31, 1999, or a misdemeanor committed
15 on or after the effective date of this subsection [revisor inserts date], the court
16 shall impose a bifurcated sentence that consists of a term of confinement in prison
17 followed by a term of extended supervision under s. 302.113.

18 ✓ ***-1855/2.42* SECTION 4006.** 973.01 (2) (intro.) of the statutes is amended to
19 read:

20 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
21 that An order imposing a bifurcated sentence imposed under sub. (1) complies shall
22 comply with all of the following:

23 ✓ ***-1855/2.43* SECTION 4007.** 973.01 (2) (a) of the statutes is amended to read:

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SECTION 4007

1 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
2 the total length of the bifurcated sentence may not exceed the maximum period of
3 imprisonment for the felony crime.

4 ✓*-1855/2.44* SECTION 4008. 973.01 (2) (b) (intro.) of the statutes is amended
5 to read:

6 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
7 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
8 in prison may not be less than one year, subject to any minimum sentence prescribed
9 for the felony crime, and, except as provided in par. (c), ~~may not exceed~~ is subject to
10 whichever of the following limits is applicable:

11 ✓*-1855/2.45* SECTION 4009. 973.01 (2) (b) 6. of the statutes is renumbered
12 973.01 (2) (b) 6. (intro.) and amended to read:

13 973.01 (2) (b) 6. (intro.) For any felony crime other than a ~~felony specified in~~
14 ~~subds. 1. to 5. one of the following~~, the term of confinement in prison may not exceed
15 75% of the total length of the bifurcated sentence.:

16 ✓*-1855/2.46* SECTION 4010. 973.01 (2) (b) 6. a. and b. of the statutes are
17 created to read:

18 973.01 (2) (b) 6. a. A felony specified in subds. 1. to 5.

19 b. An attempt to commit a classified felony if the attempt is punishable under
20 s. 939.32 (1) (intro.).

21 ✓*-1855/2.47* SECTION 4011. 973.01 (2) (d) of the statutes is amended to read:

22 973.01 (2) (d) *Minimum term of extended supervision.* The term of extended
23 supervision ~~that follows the term of confinement in prison~~ may not be less than 25%
24 of the length of the term of confinement in prison imposed under par. (b).

25 ✓*-1855/2.48* SECTION 4013. 973.01 (6) of the statutes is amended to read:

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1 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under
2 sub. (1) is not eligible for release on parole under that sentence.

3 ✓ ***-0447/3.15* SECTION 4014.** 973.013 (3m) of the statutes is amended to read:

4 973.013 (3m) If a person who has not attained the age of ~~16~~ 15 years is
5 sentenced to the Wisconsin state prisons, the department of corrections shall place
6 the person at a secured juvenile correctional facility or a secured child caring
7 institution, unless the department of corrections determines that placement in an
8 institution under s. 302.01 is appropriate based on the person's prior record of
9 adjustment in a correctional setting, if any; the person's present and potential
10 vocational and educational needs, interests, and abilities; the adequacy and
11 suitability of available facilities; the services and procedures available for treatment
12 of the person within the various institutions; the protection of the public; and any
13 other considerations promulgated by the department of corrections by rule. This
14 subsection does not preclude the department of corrections from designating an
15 adult correctional institution as a reception center for the person and subsequently
16 transferring the person to a secured juvenile correctional facility or a secured child
17 caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured
18 juvenile correctional facility or a secured child caring institution under this
19 subsection.

20 ✓ ***-1394/2.113* SECTION 4015.** 973.05 (1) of the statutes is amended to read:

21 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
22 permission for the payment of the fine, of the penalty assessment imposed by s.
23 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
24 assistance surcharge under s. 973.045, the crime laboratories and drug law
25 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid

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

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✓ ***NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

1 ✓ *-1394/2.114* SECTION 4016. 973.05 (2) of the statutes is amended to read:
2 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
3 probation, the court may make the payment of the fine, the penalty assessment, the
4 jail assessment, the crime victim and witness assistance surcharge, the crime
5 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
6 acid analysis surcharge, any applicable drug abuse program improvement
7 surcharge, any applicable consumer ~~information~~ protection assessment, any
8 applicable domestic abuse assessment, any applicable uninsured employer
9 assessment, any applicable driver improvement surcharge, any applicable truck
10 driver education assessment, any applicable enforcement assessment under s.
11 253.06 (4) (c), any applicable weapons assessment, any applicable environmental
12 assessment, any applicable wild animal protection assessment, any applicable
13 natural resources assessment, and any applicable natural resources restitution
14 payments a condition of probation. When the payments are made a condition of
15 probation by the court, payments thereon shall be applied first to payment of the
16 penalty assessment until paid in full, shall then be applied to the payment of the jail
17 assessment until paid in full, shall then be applied to the payment of part A of the
18 crime victim and witness assistance surcharge until paid in full, shall then be
19 applied to part B of the crime victim and witness assistance surcharge until paid in
20 full, shall then be applied to the crime laboratories and drug law enforcement
21 assessment until paid in full, shall then be applied to the deoxyribonucleic acid
22 analysis surcharge until paid in full, shall then be applied to the drug abuse
23 improvement surcharge until paid in full, shall then be applied to payment of the

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

✓ ****NOTE: This is reconciled s. 973.05 (2). This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

14 ✓ ~~-1394/2.115~~* **SECTION 4017.** 973.055 (2) (b) of the statutes is amended to read:

15 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
16 determination by the court of the amount due, the court shall collect and transmit
17 the amount to the treasurer of the county, city, town, or village, and that treasurer
18 shall make payment to the state treasurer as provided in s. 66.0114 (1) (b) (bm).

19 ✓ ~~-1394/2.116~~* **SECTION 4018.** 973.07 of the statutes is amended to read:

20 **973.07 Failure to pay fine or costs or to comply with certain**
21 **community service work.** If the fine, costs, penalty assessment, jail assessment,
22 crime victim and witness assistance surcharge, crime laboratories and drug law
23 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,

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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, ^{check spacing} 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.

move NOTE from p. 1330 HERE

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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.

****NOTE: This is reconciled s. 973.07. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

move to p. 1301
~~1328~~,
after line 21

9 ✓*-1855/2.49* SECTION 4019. 973.09 (1) (a) of the statutes is amended to read:

10 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
11 particular offense by statute, if a person is convicted of a crime, the court, by order,
12 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
13 and in either case place the person on probation to the department for a stated period,
14 stating in the order the reasons therefor. The court may impose any conditions which
15 appear to be reasonable and appropriate. The period of probation may be made
16 consecutive to a sentence on a different charge, whether imposed at the same time
17 or previously. If the court imposes an increased term of probation, as authorized
18 under sub. (2) (a) (am) 2. or (b) 2., it shall place its reasons for doing so on the record.

19 ✓*-1855/2.50* SECTION 4020. 973.09 (2) (intro.) and (a) 1. of the statutes are
20 consolidated, renumbered 973.09 (2) (am) 1. and amended to read:

21 973.09 (2) (am) 1. The Subject to subd. 2., the original term of probation for an
22 indeterminate sentence misdemeanor shall be: (a) 1. Except as provided in subd. 2.,
23 for misdemeanors, not less than 6 months nor more than 2 years.

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1 ✓ *-1855/2.51* SECTION 4021. 973.09 (2) (a) 2. of the statutes is renumbered
2 973.09 (2) (am) 2. and amended to read:

3 973.09 (2) (am) 2. If the probationer is convicted of not less than 2 nor more than
4 4 indeterminate sentence misdemeanors at the same time, the maximum original
5 term of probation may be increased by one year. If the probationer is convicted of 5
6 or more indeterminate sentence misdemeanors at the same time, the maximum
7 original term of probation may be increased by 2 years.

8 ✓ *-1855/2.52* SECTION 4022. 973.09 (2) (ag) of the statutes is created to read:
9 973.09 (2) (ag) *Definitions*. In this subsection:

10 1. “Bifurcated sentence misdemeanor” means a misdemeanor committed on or
11 after the effective date of this subdivision [revisor inserts date], for which a court
12 may impose a bifurcated sentence under s. 973.01.

13 2. “Indeterminate sentence misdemeanor” means a misdemeanor other than
14 a bifurcated sentence misdemeanor.

15 ✓ *-1855/2.53* SECTION 4023. 973.09 (2) (am) (title) of the statutes is created to
16 read:

17 973.09 (2) (am) (title) *Misdemeanors for which a bifurcated sentence may not*
18 *be imposed.*

19 ✓ *-1855/2.54* SECTION 4024. 973.09 (2) (b) (title) of the statutes is created to
20 read:

21 973.09 (2) (b) (title) *Crimes for which a bifurcated sentence may be imposed.*

22 ✓ *-1855/2.55* SECTION 4025. 973.09 (2) (b) 1. of the statutes is amended to read:

23 973.09 (2) (b) 1. ~~Except as provided in~~ Subject to subd. 2., the original term of
24 probation for felonies, and bifurcated sentence misdemeanors shall be not less than

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1 one year nor more than either the statutory maximum term of imprisonment
2 confinement in prison for the crime or 3 years, whichever is greater.

3 ✓***-1855/2.56*** SECTION 4026. 973.09 (2) (b) 2. of the statutes is amended to read:

4 973.09 (2) (b) 2. If the probationer is convicted of 2 or more crimes, including
5 at least one felony or bifurcated sentence misdemeanor, at the same time, the
6 maximum original term of probation may be increased by one year for each felony
7 conviction for a felony or a bifurcated sentence misdemeanor.

8 ✓***b0586/2.1*** SECTION 4026g. 973.09 (4) of the statutes is amended to read:

9 973.09 (4) (a) The court may also require as a condition of probation that the
10 probationer be confined during such period of the term of probation as the court
11 prescribes, but not to exceed one year. The court may grant the privilege of leaving
12 the county jail, Huber facility, work camp, or tribal jail during the hours or periods
13 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this
14 subsection. The court may specify the necessary and reasonable hours or periods
15 during which the probationer may leave the jail, Huber facility, work camp, or tribal
16 jail or the court may delegate that authority to the sheriff. In those counties without
17 a Huber facility under s. 303.09, a work camp under s. 303.10, or an agreement under
18 s. 302.445, the probationer shall be confined in the county jail. In those counties with
19 a Huber facility under s. 303.09, the sheriff shall determine whether confinement
20 under this subsection is to be in that facility or in the county jail. In those counties
21 with a work camp under s. 303.10, the sheriff shall determine whether confinement
22 is to be in the work camp or the county jail. The sheriff may transfer persons confined
23 under this subsection between a Huber facility or a work camp and the county jail.
24 In those counties with an agreement under s. 302.445, the sheriff shall determine
25 whether confinement under this subsection is to be in the tribal jail or the county jail,

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1 unless otherwise provided under the agreement. In those counties, the sheriff may
2 transfer persons confined under this subsection between a tribal jail and a county
3 jail, unless otherwise provided under the agreement.

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

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

10 973.09 (4) (b) With the consent of the department and when recommended in
11 the presentence investigation, the court may order that a felony offender subject to
12 this subsection be confined in a facility located in the city of Milwaukee under s.
13 301.13 or 301.16 (1q), for the purpose of allowing the offender to complete an alcohol
14 and other drug abuse treatment program.

15 ✓ *-1855/2.57* SECTION 4027. 973.15 (2m) of the statutes is created to read:

16 973.15 (2m) (a) *Definitions*. In this subsection:

17 1. "Determinate sentence" means a bifurcated sentence imposed under s.
18 973.01 or a life sentence under which a person is eligible for release to extended
19 supervision under s. 973.014 (1g) (a) 1. or 2.

20 2. "Indeterminate sentence" means a sentence to the Wisconsin state prisons
21 other than one of the following:

22 a. A determinate sentence.

23 b. A sentence under which the person is not eligible for release on parole under
24 s. 939.62 (2m) (c) or 973.014 (1) (c).

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1 3. “Period of confinement in prison,” with respect to any sentence to the
2 Wisconsin state prisons, means any time during which a person is incarcerated
3 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
4 (3), or 302.114 (3) and any period of confinement in prison required to be served under
5 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

6 (b) *Determinate sentences imposed to run concurrent with or consecutive to*
7 *determinate sentences.* 1. If a court provides that a determinate sentence is to run
8 concurrent with another determinate sentence, the person sentenced shall serve the
9 periods of confinement in prison under the sentences concurrently and the terms of
10 extended supervision under the sentences concurrently.

11 2. If a court provides that a determinate sentence is to run consecutive to
12 another determinate sentence, the person sentenced shall serve the periods of
13 confinement in prison under the sentences consecutively and the terms of extended
14 supervision under the sentences consecutively and in the order in which the
15 sentences have been pronounced.

16 (c) *Determinate sentences imposed to run concurrent with or consecutive to*
17 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run
18 concurrent with an indeterminate sentence, the person sentenced shall serve the
19 period of confinement in prison under the determinate sentence concurrent with the
20 period of confinement in prison under the indeterminate sentence and the term of
21 extended supervision under the determinate sentence concurrent with the parole
22 portion of the indeterminate sentence.

23 2. If a court provides that a determinate sentence is to run consecutive to an
24 indeterminate sentence, the person sentenced shall serve the period of confinement
25 in prison under the determinate sentence consecutive to the period of confinement

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1 in prison under the indeterminate sentence and the parole portion of the
2 indeterminate sentence consecutive to the term of extended supervision under the
3 determinate sentence.

4 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
5 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run
6 concurrent with a determinate sentence, the person sentenced shall serve the period
7 of confinement in prison under the indeterminate sentence concurrent with the
8 period of confinement in prison under the determinate sentence and the parole
9 portion of the indeterminate sentence concurrent with the term of extended
10 supervision required under the determinate sentence.

11 2. If a court provides that an indeterminate sentence is to run consecutive to
12 a determinate sentence, the person sentenced shall serve the period of confinement
13 in prison under the indeterminate sentence consecutive to the period of confinement
14 in prison under the determinate sentence and the parole portion of the
15 indeterminate sentence consecutive to the term of extended supervision under the
16 determinate sentence.

17 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
18 determinate sentences and extended supervision is revoked in each case, or if a
19 person is serving a determinate sentence concurrent with an indeterminate sentence
20 and both extended supervision and parole are revoked, the person shall concurrently
21 serve any periods of confinement in prison required under those sentences under s.
22 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

23 ✓-1855/2.58* **SECTION 4028.** 973.155 (1) (b) of the statutes is amended to read:
24 973.155 (1) (b) The categories in par. (a) include custody of the convicted
25 offender which is in whole or in part the result of a probation, extended supervision

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1 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
2 upon the person for the same course of conduct as that resulting in the new
3 conviction.

4 ✓ ~~*-0447/3.16*~~ **SECTION 4029.** 976.08 of the statutes is amended to read:

5 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
6 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
7 state prison ~~and any person subject to an order under s. 938.34 (4h) who is 17 years~~
8 ~~of age or older.~~

9 ✓ ~~*-0052/1.1*~~ **SECTION 4030.** 977.05 (6) (c) of the statutes is repealed.

10 ✓ ~~*-0052/1.2*~~ **SECTION 4031.** 977.05 (6) (cm) of the statutes is repealed.

11 ✓ ~~*b0585/1.4*~~ **SECTION 4032m.** 978.13 (1) (d) of the statutes is amended to read:

12 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
13 and fringe benefit costs of 2 clerk positions providing clerical services to the
14 prosecutors in the district attorney’s office handling cases involving the unlawful
15 possession or use of firearms. The state treasurer shall pay the amount authorized
16 under this paragraph to the county treasurer from the appropriation under s. 20.475
17 (1) (f) pursuant to a voucher submitted by the district attorney to the department of
18 administration. The amount paid under this paragraph may not exceed \$51,300 in
19 ~~the 1999–2000 fiscal year and \$64,000 in the 2000–01 fiscal year~~ the amount
20 appropriated under s. 20.475 (1) (f).

21 ✓ ~~*b0457/2.3*~~ **SECTION 4033g.** 979.01 (1m) of the statutes is amended to read:

22 979.01 (1m) The coroner or medical examiner receiving notification under sub.
23 (1) shall immediately notify the attorney general and district attorney.

24 ✓ ~~*b0457/2.3*~~ **SECTION 4033k.** 979.015 of the statutes is amended to read:

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1 **979.015 Subpoena for documents.** Upon the request of the coroner, medical
2 examiner, attorney general, or district attorney, a court shall issue a subpoena
3 requiring the production of documents necessary for the determination of a
4 decedent's cause of death. The documents may include the decedent's patient health
5 care records and treatment records, as defined in ss. 51.30 and 146.81 (4). The
6 documents shall be returnable to the officer named in the subpoena.

7 √*b0457/2.3* **SECTION 4033n.** 979.02 of the statutes is amended to read:

8 **979.02 Autopsies.** The coroner, medical examiner, attorney general, or
9 district attorney may order ~~the conducting of~~ an autopsy upon the body of a dead
10 person any place within the state in cases where an inquest might be had as provided
11 in s. 979.04 notwithstanding the fact that no such inquest is ordered or conducted.
12 The autopsy shall be conducted by a licensed physician who has specialized training
13 in pathology. The attorney general or district attorney may move the circuit court
14 for the county in which the body is buried for an order disinterring the body for
15 purposes of autopsy. The order shall be granted by the circuit court upon a
16 reasonable showing that any of the criteria specified in s. 979.04 exists. This section
17 does not prevent additional autopsies or examinations of the body if there are
18 unanswered pathological questions concerning the death and the causes of death.

19 √*-1606/3.1* **SECTION 4034.** 979.025 of the statutes is created to read:

20 **979.025 Autopsy of correctional inmate.** (1) INMATE CONFINED TO AN
21 INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody
22 of the department and confined to a correctional facility located in this state, the
23 coroner or medical examiner of the county where the death occurred shall perform
24 an autopsy on the deceased individual. If the coroner or medical examiner who
25 performs the autopsy determines that the individual's death may have been the

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1 result of any of the situations that would permit the district attorney to order an
2 inquest under s. 979.04 (1), the coroner or medical examiner shall follow the
3 procedures under s. 979.04 (2).

4 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies
5 while he or she is in the legal custody of the department and confined to a correctional
6 facility in another state under a contract under s. 301.07, 301.21, or 302.25, the
7 department shall have an autopsy performed by an appropriate authority in the
8 other state or by the coroner or medical examiner of the county in which the circuit
9 court is located that sentenced the individual to the custody of the department. If
10 the coroner or medical examiner who performs the autopsy in this state determines
11 that the individual's death may have been the result of any of the situations that
12 would permit the district attorney to order an inquest under s. 979.04 (1), the coroner
13 or medical examiner shall forward the results of the autopsy to the appropriate
14 authority in the other state.

15 (3) COSTS OF AN AUTOPSY. The costs of an autopsy performed under sub. (1) or
16 (2) shall be paid by the department.

17 ✓*b0457/2.4* SECTION 4034b. 979.04 (1) of the statutes is amended to read:

18 979.04 (1) If the attorney general or district attorney has notice of the death
19 of any person and there is reason to believe from the circumstances surrounding the
20 death that felony murder, first-degree or 2nd-degree intentional homicide,
21 first-degree or 2nd-degree reckless homicide, homicide by negligent handling of a
22 dangerous weapon, explosives, or fire, homicide by negligent operation of a vehicle,
23 homicide resulting from negligent control of a vicious animal, or homicide by
24 intoxicated user of a vehicle or firearm may have been committed, or that death may
25 have been due to suicide or unexplained or suspicious circumstances, the attorney

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1 general or district attorney may order that an inquest be conducted for the purpose
2 of inquiring how the person died. The attorney general or district attorney shall
3 appear in any such inquest representing the state in presenting all evidence ~~which~~
4 that may be relevant or material to the inquiry of the inquest. The inquest may be
5 held in any county in this state in which venue would lie for the trial of any offense
6 charged as the result of or involving the death. An inquest may only be ordered by
7 the attorney general or district attorney under this subsection or by the circuit judge
8 under sub. (2).

9 ✓*b0457/2.4* **SECTION 4034c.** 979.04 (2) of the statutes is amended to read:

10 979.04 (2) If the coroner or medical examiner has knowledge of the death of any
11 person in the manner described under sub. (1), he or she shall immediately notify the
12 attorney general and district attorney. The notification shall include information
13 concerning the circumstances surrounding the death. The coroner or medical
14 examiner may request the attorney general and district attorney to order an inquest
15 under sub. (1). If the attorney general and district attorney ~~refuses~~ refuse to order
16 the inquest, a coroner or medical examiner may petition the circuit court to order an
17 inquest. The court may issue the order if it finds that the attorney general or district
18 attorney has abused his or her discretion in not ordering an inquest.

19 ✓*b0457/2.4* **SECTION 4034d.** 979.04 (3) of the statutes is amended to read:

20 979.04 (3) Subsequent to receipt of notice of the death, the attorney general or
21 district attorney may request the coroner or medical examiner to conduct a
22 preliminary investigation and report back to the attorney general or district
23 attorney. The attorney general or district attorney may determine the scope of the
24 preliminary investigation. This subsection does not limit or prevent any other

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1 investigation into the death by any law enforcement agency with jurisdiction over
2 the investigation.

3 ✓*b0457/2.4* SECTION 4034f. 979.05 (2) of the statutes is amended to read:

4 979.05 (2) The inquest shall be conducted before a jury unless the attorney
5 general, district attorney, coroner, or medical examiner requests that the inquest be
6 conducted before only the judge or court commissioner only. If the inquest is to be
7 conducted before a jury, a sufficient number of names of prospective jurors shall be
8 selected from the prospective juror list for the county in which the inquest is to be
9 held by the clerk of circuit court in the manner provided in s. 756.06. The judge or
10 court commissioner conducting the inquest shall summon the prospective jurors to
11 appear before the judge or court commissioner at the time fixed in the summons. The
12 summons may be served by mail, or by personal service if the judge, court
13 commissioner, attorney general, or district attorney determines personal service to
14 be appropriate. The summons shall be in the form used to summon petit jurors in
15 the circuit courts of the county. Any person who fails to appear when summoned as
16 an inquest juror is subject to a forfeiture of not more than \$40. The inquest jury shall
17 consist of 6 jurors. If 6 jurors do not remain from the number originally summoned
18 after establishment of qualifications, the judge or court commissioner conducting the
19 inquest may require the clerk of the circuit court to select sufficient additional jurors'
20 names. Those persons shall be summoned forthwith by the sheriff of the county.

21 ✓*b0457/2.4* SECTION 4034g. 979.05 (3) of the statutes is amended to read:

22 979.05 (3) The judge or court commissioner shall examine on oath or
23 affirmation each person who is called as a juror to discover whether the juror is
24 related by blood, marriage, or adoption to the decedent, any member of the decedent's
25 family, the attorney general, district attorney, any other attorney appearing in the

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1 case, or any members of the office of the attorney general, district attorney, or of the
2 office of any other attorney appearing in the case,; has expressed or formed any
3 opinion regarding the matters ~~being inquired into in~~ of the inquest; or is aware of or
4 has any bias or prejudice concerning the matters ~~being inquired into in~~ of the
5 inquest. If any prospective juror is found to be not indifferent or is found to have
6 formed an opinion ~~which~~ that cannot be laid aside, that juror shall be excused. The
7 judge or court commissioner may select one or more alternate jurors if the inquest
8 is likely to be protracted. This subsection does not limit the right of the attorney
9 general or district attorney to supplement the judge's or court commissioner's
10 examination of any prospective jurors as to qualifications.

11 ✓ ***b0457/2.4* SECTION 4034h.** 979.05 (5) of the statutes is amended to read:

12 979.05 (5) Prior to the submission of evidence to the jury, the judge or court
13 commissioner may instruct the jury on its duties and on the substantive law
14 regarding the issues ~~which may be inquired into~~ before the jury. The attorney
15 general or district attorney may, at any time during the course of the inquest, make
16 statements to the jury relating to procedural or evidentiary matters that he or she
17 and the judge or court commissioner deem appropriate. Section 972.12 applies to the
18 conduct of the inquest jury.

19 ✓ ***b0457/2.4* SECTION 4034j.** 979.05 (6) of the statutes is amended to read:

20 979.05 (6) The judge or court commissioner conducting the inquest may order
21 that proceedings be secret if the attorney general or district attorney so requests or
22 concurs.

23 ✓ ***b0457/2.4* SECTION 4034m.** 979.06 (1) of the statutes is amended to read:

24 979.06 (1) The judge or court commissioner may issue subpoenas for witnesses
25 at the request of the coroner or medical examiner and shall issue subpoenas for

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1 witnesses requested by the attorney general or district attorney. Subpoenas are
2 returnable at the time and place stated therein. Persons who are served with a
3 subpoena may be compelled to attend proceedings in the manner provided in s.
4 885.12.

5 ✓ ***b0457/2.4* SECTION 4034n.** 979.06 (2) of the statutes is amended to read:

6 979.06 (2) The judge or court commissioner conducting the inquest and the
7 attorney general or district attorney may require by subpoena the attendance of one
8 or more expert witnesses, including physicians, surgeons, and pathologists, for the
9 purposes of conducting an examination of the body and all relevant and material
10 scientific and medical tests connected with the examination and testifying as to the
11 results of the examination and tests. The expert witnesses so subpoenaed shall
12 receive reasonable fees determined by the attorney general or district attorney and
13 the judge or court commissioner conducting the inquest.

14 ✓ ***b0457/2.4* SECTION 4034p.** 979.07 (1) (a) of the statutes is amended to read:

15 979.07 (1) (a) If a person refuses to testify or to produce books, papers, or
16 documents when required to do so before an inquest for the reason that the testimony
17 or evidence required of the person may tend to incriminate him or her or subject him
18 or her to a forfeiture or penalty, the person may be compelled to testify or produce the
19 evidence by order of the circuit court of the county in which the inquest is convened
20 on motion of the attorney general or district attorney. A person who testifies or
21 produces evidence in obedience to the command of the court in that case is not subject
22 to any forfeiture or penalty for or on account of testifying or producing evidence,
23 except the person is subject to prosecution and punishment for perjury or false
24 swearing committed in so testifying.

25 ✓ ***b0457/2.4* SECTION 4034r.** 979.08 (1) of the statutes is amended to read:

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1 979.08 (1) When the evidence is concluded and the testimony closed, the judge
2 or court commissioner shall instruct the jury on its duties and on the substantive law
3 regarding the issues ~~inquired into~~ before the jury. The attorney general or district
4 attorney shall prepare a written set of appropriate requested instructions and shall
5 submit them to the judge or court commissioner who, together with the attorney
6 general or district attorney, shall compile the final set of instructions ~~which that~~ shall
7 be given. The instructions shall include those criminal offenses for which the judge
8 or court commissioner believes a reasonable jury might return a verdict based upon
9 a finding of probable cause.

10 ✓ ***b0457/2.4* SECTION 4034t.** 979.08 (5) of the statutes is amended to read:

11 979.08 (5) The verdict delivered by the inquest jury is advisory and does not
12 preclude or require the issuance of any criminal charges by the attorney general or
13 district attorney.

14 ✓ ***b0457/2.4* SECTION 4034u.** 979.08 (6) of the statutes is amended to read:

15 979.08 (6) Any verdict so rendered, after being validated and signed by the
16 judge or court commissioner, together with the record of the inquest, shall be
17 delivered to the attorney general or district attorney for consideration. After
18 considering the verdict and record, the attorney general or district attorney may
19 deliver the entire inquest record or any part thereof to the coroner or medical
20 examiner for safekeeping.

21 ✓ ***b0457/2.4* SECTION 4034v.** 979.09 of the statutes is amended to read:

22 **979.09 Burial of body.** If any judge or court commissioner conducts an
23 inquest as to the death of a stranger or of a person whose identity is unknown or
24 whose body is unclaimed, or if the attorney general or district attorney determines
25 that no inquest into the death of such a person is necessary and the circuit judge has

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1 not ordered an inquest under s. 979.04 (2), the coroner or medical examiner shall
2 cause the body to be decently buried or cremated and shall certify to all the charges
3 incurred in taking any inquest by him or her and to the expenses of burial or
4 cremation of the dead body. The If the district attorney or circuit court ordered the
5 inquest, charges and expenses shall be audited by the county board of the proper
6 county and paid out of the county treasury. If the attorney general ordered the
7 inquest, charges and expenses, except as provided under s. 979.11, shall be audited
8 and paid by the department of justice.

9 ✓ *b0457/2.4* SECTION 4034w. 979.10 (2) of the statutes is amended to read:

10 979.10 (2) If a corpse is to be cremated, the coroner or medical examiner shall
11 make a careful personal inquiry into the cause and manner of death, and conduct an
12 autopsy or order the conducting of an autopsy, if in his or her or the attorney general's
13 or district attorney's opinion it is necessary to determine the cause and manner of
14 death. If the coroner or medical examiner determines that no further examination
15 or judicial inquiry is necessary he or she shall certify that fact. Upon written request
16 by the attorney general or district attorney the coroner or medical examiner shall
17 obtain the concurrence of the attorney general or district attorney before issuing the
18 certification. If the coroner or medical examiner determines that further
19 examination or judicial inquiry is necessary, he or she shall notify the attorney
20 general and district attorney under s. 979.04 (2).

21 ✓ *b0457/2.4* SECTION 4034y. 979.11 of the statutes is amended to read:

22 **979.11 Compensation of officers.** The sole compensation of the coroner and
23 deputy coroners for attendance at an inquest and for any preliminary investigation
24 under this chapter at the direction of the attorney general or district attorney shall
25 be a reasonable sum set by the county board for each day actually and necessarily

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1 required for the purpose, and a sum set by the county board for each mile actually
2 and necessarily traveled in performing the duty. Any coroner or deputy coroner may
3 be paid an annual salary and allowance for traveling expenses to be established by
4 the county board under s. 59.22 which shall be in lieu of all fees, per diem and
5 compensation for services rendered.

6 ✓ *b0471/1.1* **SECTION 4034m.** 980.08 (5m) of the statutes is created to read:

7 980.08 (5m) (a) In this subsection:

8 1. "Building complex" means a group of contiguous buildings under common
9 ownership.

10 2. "Sex offender registrant" means a person on probation, parole, or extended
11 supervision who is required to register as a sex offender under s. 301.45.

12 (b) The department or a county may not place a person who is on supervised
13 release in a residential building or building complex that is within 2,500 feet of
14 another residential building or building complex in which a sex offender registrant
15 or another person on supervised release is placed. This subsection does not prohibit
16 the department or county from placing a person who is on supervised release in the
17 same residential building or building complex in which a sex offender registrant or
18 another person on supervised release is placed.

19 ✓ *b0497/1.1* **SECTION 4034m.** 992.14 of the statutes is created to read:

20 **992.14 Revenue limit agreement.** Notwithstanding s. 121.91, if a school
21 district held a referendum before February 5, 2001, to exceed its revenue limit under
22 s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in
23 the question submitted to the electors specified a mill rate to be used to calculate the
24 revenue limit increase, the amount by which the school district's revenue limit is
25 increased as a result of the referendum for each year specified in the referendum is

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SECTION 4034m

1 the dollar amount agreed to by the department of public instruction and the school
2 board of that school district.

3 ✓ ***-0451/1.1* SECTION 4035.** 1997 Wisconsin Act 4, section 4 (1) (a), as last
4 affected by 1999 Wisconsin Act 9, section 3261, is amended to read:

5 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
6 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
7 until July 1, ~~2001~~ 2003, operate the secured correctional facility, as defined in section
8 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
9 (26v), as a state prison named in section 302.01 of the statutes, as affected by this
10 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
11 who are not more than 21 years of age and who are not violent offenders, as
12 determined by the department of corrections.

13 ✓ ***-1825/1.2* SECTION 4036.** 1997 Wisconsin Act 27, section 1622d is repealed.

14 ✓ ***-1825/1.3* SECTION 4037.** 1997 Wisconsin Act 27, section 1623d is repealed.

15 ✓ ***-1825/1.4* SECTION 4038.** 1997 Wisconsin Act 27, section 1624d is repealed.

16 ✓ ***b0670/3.25* SECTION 4039b.** 1997 Wisconsin Act 27, section 9101 (11m) is
17 amended to read:

18 [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION
19 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2006, the land
20 information board and Wisconsin land council shall report to the legislature in the
21 manner provided under section 13.172 (2) of the statutes and to the governor
22 concerning the issue of continuation of their functions, including the feasibility of
23 combination of their functions.

24 ✓ ***b0479/2.3* SECTION 4039p.** 1997 Wisconsin Act 27, section 9123 (6) is
25 repealed.

Nevermind!

~~SECTION 4039b. 1997 Wisconsin Act 27, section 9101 (11m) is repealed.~~

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1 ✓ *b0479/2.3* SECTION 4039q. 1997 Wisconsin Act 27, section 9123 (6m) is
2 repealed.

3 ✓ *b0479/2.3* SECTION 4039r. 1997 Wisconsin Act 27, section 9123 (10g) is
4 repealed.

5 ✓ *-1825/1.5* SECTION 4040. 1997 Wisconsin Act 27, section 9423 (10f) is
6 repealed.

7 ✓ *b0670/3.26* SECTION 4041b. 1997 Wisconsin Act 27, section 9456 (3m) is
8 amended to read:

9 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
10 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
11 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
12 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
13 (e), 36.25 (12m) (intro.), ~~59.43 (2) (ag) 1. and (e)~~, 59.72 (1) (a) and (b), (3) (intro.), (a)
14 and (b) and (5) and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2)
15 and ~~(4) and (5)~~, 16.967, 20.505 (1) (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and
16 59.72 (1) (am), (3) (c) and (4) of the statutes and SECTION 9101 (1) of this act take effect
17 on September 1, ~~2003~~ 2007.

18 ✓ *b0006/15.35* SECTION 4041m. 1997 Wisconsin Act 237, section 82er is
19 repealed.

20 ✓ *b0006/15.35* SECTION 4041n. 1997 Wisconsin Act 237, section 9452 is
21 repealed.

***NOTE: This treatment is necessary to abolish the land information board on the effective date of the biennial budget act.

22 ✓ *-1825/1.6* SECTION 4042. 1997 Wisconsin Act 252, section 51 is repealed.

23 ✓ *-1825/1.7* SECTION 4043. 1997 Wisconsin Act 252, section 53 is repealed.

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SECTION 4044

1 ✓~~*~~-1825/1.8* SECTION 4044. 1997 Wisconsin Act 252, section 201 (1) is repealed.

2 ✓~~*~~-2309/3.2* SECTION 4045. 1999 Wisconsin Act 9, section 11ac is repealed.

3 ✓~~*~~-2309/3.3* SECTION 4046. 1999 Wisconsin Act 9, section 593ac is repealed.

4 ✓~~*~~b0326/3.2* SECTION 4046v. 1999 Wisconsin Act 9, section 9123 (3) (a) is
5 amended to read:

6 [1999 Wisconsin Act 9] Section 9123 (3) (a) From the ~~appropriations under~~
7 ~~section 20.435 (6) (a) of the statutes, as affected by this act, and section 20.435 (6) (n)~~
8 appropriation account under section 20.435 (7) (md) of the statutes, the department
9 of health and family services shall expend up to \$398,000 in state fiscal year 2001–02
10 and up to \$38,000 in state fiscal year 2002–03 to contract with counties or federally
11 recognized American Indian tribes or bands to provide up to 4 demonstration projects
12 in state fiscal year 2000–01, except that the department is not precluded from also
13 awarding funds for this purpose under section 46.54 of the statutes, as affected by
14 this act. The demonstration projects shall be to provide mental health and alcohol
15 or other drug abuse services under managed care programs to persons who suffer
16 from mental illness, alcohol or other drug dependency, or both mental illness and
17 alcohol or other drug dependency.

18 ✓~~*~~b0359/4.10* SECTION 4046g. 1999 Wisconsin Act 9, section 1278t is repealed.

19 ✓~~*~~b0447/2.4* SECTION 4046m. 1999 Wisconsin Act 9, section 9136 (10) is
20 repealed.

21 ✓~~*~~-1394/2.117* SECTION 4047. 1999 Wisconsin Act 9, section 9201 (2m) is
22 repealed.

23 ✓~~*~~-1394/2.118* SECTION 4048. 1999 Wisconsin Act 9, section 9201 (2n) is
24 repealed.

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1 ✓~~-1394/2.119*~~ SECTION 4049. 1999 Wisconsin Act 9, section 9201 (2p) is
2 repealed.

3 ✓~~-1394/2.120*~~ SECTION 4050. 1999 Wisconsin Act 9, section 9211 (title) and
4 (2g) are repealed.

5 ✓~~-1394/2.121*~~ SECTION 4051. 1999 Wisconsin Act 9, section 9230 (title) and (1)
6 are repealed.

7 ✓~~-1394/2.122*~~ SECTION 4052. 1999 Wisconsin Act 9, section 9230 (2m) is
8 repealed.

9 ✓~~-1394/2.123*~~ SECTION 4053. 1999 Wisconsin Act 9, section 9230 (3m) is
10 repealed.

11 ✓~~-1394/2.124*~~ SECTION 4054. 1999 Wisconsin Act 9, section 9238 (title) and
12 (1h) are repealed.

13 ✓~~-1394/2.125*~~ SECTION 4055. 1999 Wisconsin Act 9, section 9239 (title) and
14 (1h) are repealed.

15 ✓~~-1394/2.126*~~ SECTION 4056. 1999 Wisconsin Act 9, section 9239 (2h) is
16 repealed.

17 ✓~~-0529/6.13*~~ SECTION 4057. 1999 Wisconsin Act 9, section 9357 (3) is amended
18 to read:

19 [1999 Wisconsin Act 9] Section 9357 (3) ASSIGNMENT OF RECEIVING AND
20 DISBURSING FEES. The treatment of sections 767.265 (1), (2h) (by SECTION 3059) and
21 (2r) and 767.29 (1) (d) (intro.), 1. and 2. ~~of the statutes and the amendment of section~~
22 ~~767.265 (1m)~~ of the statutes first ~~apply~~ applies to annual receiving and disbursing
23 fees that are ordered on the effective date of this subsection.

24 ✓~~-b0670/3.27*~~ SECTION 4059b. 1999 Wisconsin Act 9, section 9401 (2zt) is
25 amended to read:

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SECTION 4059b


1 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
 2 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
 3 September 1, ~~2003~~ 2007.

4 ✓ ***b0670/3.27* SECTION 4059g.** 1999 Wisconsin Act 9, section 9401 (2zu) is
 5 amended to read:

6 [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The
 7 repeal of sections 16.967 (11) and 20.505 (1) (ik) and of the statutes, the treatment
 8 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the
 9 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on
 10 September 1, ~~2003~~ 2007.

11 ✓ ***-2309/3.4* SECTION 4060.** 1999 Wisconsin Act 9, section 9421 (1x) is amended
 12 to read:

13 [1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF
 14 WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION
 15 474ac) of the statutes ~~and the repeal of sections 14.18 and 20.525 (1) (kb) of the~~
 16 ~~statutes take~~ takes effect on January 6, 2003.

17 ✓ ***b0006/15.36* SECTION 4065m.** 1999 Wisconsin Act 42, sections 18 and 27 are
 18 repealed." 

****NOTE: This provision is necessary to abolish the land information board on the
 biennial budget bill's effective date.

19 ✓ ***b0359/4.11* SECTION 4060d.** 1999 Wisconsin Act 9, section 9423 (14g) is
 20 repealed.

21 ✓ ***b0493/3.7* SECTION 4060gg.** 1999 Wisconsin Act 109, section 17 is repealed.

22 ✓ ***b0493/3.7* SECTION 4060gj.** 1999 Wisconsin Act 109, section 26 is repealed.

23 ✓ ***b0493/3.7* SECTION 4060gk.** 1999 Wisconsin Act 109, section 38 is repealed.

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1 ✓ *b0493/3.7* SECTION 4060gm. 1999 Wisconsin Act 109, section 56j is repealed.

2 ✓ *b0493/3.7* SECTION 4060hd. 1999 Wisconsin Act 109, section 70 is repealed.

3 ✓ *b0493/3.7* SECTION 4060hg. 1999 Wisconsin Act 109, section 72 is repealed.

4 ✓ *b0493/3.7* SECTION 4060hj. 1999 Wisconsin Act 109, section 73 is repealed.

5 ✓ *b0493/3.7* SECTION 4060hk. 1999 Wisconsin Act 109, section 84 is repealed.

6 ✓ *b0493/3.7* SECTION 4060hm. 1999 Wisconsin Act 109, section 85 is repealed.

7 ✓ *b0493/3.7* SECTION 4060hp. 1999 Wisconsin Act 109, section 86 is repealed.

8 ✓ *b0493/3.7* SECTION 4060hr. 1999 Wisconsin Act 109, section 87 is repealed.

9 ✓ *b0493/3.7* SECTION 4060ht. 1999 Wisconsin Act 109, section 88 (2) is

10 amended to read:

11 [1999 Wisconsin Act 109] Section 88 (2) The department of transportation and
12 the department of health and family services shall study jointly and evaluate the
13 effectiveness of using ignition interlock devices and vehicle immobilization as
14 methods of reducing the prevalence of drunk driving and the recidivism of
15 drunk-driving offenders. The departments shall consult with the counties, the law
16 enforcement agencies, the courts, and the providers of services to alcohol abusers
17 regarding this study and evaluation. No later than ~~the first day of the 24th month~~
18 ~~beginning after the effective date of section 343.301 of the statutes, as created in this~~
19 ~~act~~ January 1, 2004, the department shall submit a report to the legislature in the
20 manner provided under section 13.172 (2) of the statutes that contains the
21 conclusions of the departments' study and evaluation and any recommendations
22 concerning implementation of the conclusions.

23 ✓ *b0493/3.7* SECTION 4060hw. 1999 Wisconsin Act 109, section 90 (3) is

24 amended to read:

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SECTION 4060hw

1 [1999 Wisconsin Act 109] Section 90 (3) IGNITION INTERLOCK AND IMMOBILIZATION.
2 The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3.,~~
3 ~~343.301, 343.305 (10m), 346.65 (6) (a) 1. (by SECTION 56j), 2m. and 3. and (b), (d), (k)~~
4 ~~and (m), and 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d)~~
5 ~~(a) of the statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the~~
6 ~~statutes first apply~~ applies to violations committed or refusals occurring on the
7 effective date of this subsection, but does not preclude the counting of other
8 convictions, suspensions or revocations as prior convictions, suspensions or
9 revocations for purposes of administrative action by the department of
10 transportation or sentencing by a court.

11 ✓***b0493/3.7*** SECTION 4060hy. 1999 Wisconsin Act 109, section 91 (2) is
12 amended to read:

13 [1999 Wisconsin Act 109] Section 91 (2) The treatment of sections 342.12 (4)
14 (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3., 343.301, 343.305 (10m), 346.65 (6) (a) 1.~~
15 ~~(by SECTION 56j), 2m. and 3. and, (b), (k) and (m), and 347.413 (1) and (2), 347.417 (1)~~
16 ~~and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes, the renumbering of sections~~
17 ~~940.05 (1d) and 940.25 (1d) of the statutes and SECTION 90 (3) of this act take effect~~
18 on January 1, 2002.

19 ✓***b0606/1.2*** SECTION 4060d. 1999 Wisconsin Act 9, section 9423 (1) is
20 amended to read:

21 [1999 Wisconsin Act 9] Section 9423 (1) ELIMINATION OF COUNCIL ON LONG-TERM
22 CARE. The repeal of sections 15.197 (5), 46.281 (1) (a) and (b) and 46.282 (1) of the
23 statutes takes effect on July 1, 2001 2003, or on the day after publication of the
24 ~~2001-03~~ 2003-05 biennial budget act, whichever is later.

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1 ✓*-0664/2.9101* SECTION **9101. Nonstatutory provisions;**
2 **administration.**

3 ✓*-0664/2.9101*(1) TANK PLAN REVIEW AND INSPECTION FEES. The secretary of
4 administration shall calculate the amount of fees collected for plan review and
5 inspection of tanks for the storage, handling, or use of flammable or combustible
6 liquids and for any certification or registration required under section 101.09 (3) (c)
7 of the statutes beginning on July 1, 2000, and ending on the effective date of this
8 subsection, less the costs encumbered under the appropriation under section 20.143
9 (3) (j) of the statutes during that period for 2 program specialists for the program
10 under section 101.143 of the statutes.

11 *-0869/1.9101*(2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal
12 and program revenue moneys appropriated to the department of administration for
13 the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes,
14 the department shall expend \$84,000 in fiscal year 2001-02 and \$91,000 in fiscal
15 year 2002-03 to provide the multijurisdictional enforcement group serving Dane
16 County with funding for one assistant district attorney to prosecute criminal
17 violations of chapter 961 of the statutes.

18 *-0869/1.9101*(3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
19 federal and program revenue moneys appropriated to the department of
20 administration for the office of justice assistance under section 20.505 (6) (kp) and
21 (p) of the statutes, the department shall expend \$277,900 in fiscal year 2001-02 and
22 \$291,400 in fiscal year 2002-03 to provide the multijurisdictional enforcement group
23 serving Milwaukee County with funding for 3 assistant district attorneys to
24 prosecute criminal violations of chapter 961 of the statutes.

25 *-0985/8.9101*(4) EDUCATIONAL BROADCASTING.

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SECTION 9101

1 (a) *Determination of license fee transfer date.* If the secretary of administration
2 determines that the federal communications commission has approved the transfer
3 of all broadcasting licenses held by the educational communications board or all
4 broadcasting licenses, except licenses for student radio, held by the board of regents
5 of the University of Wisconsin, or both, to the corporation described under section
6 39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
7 the revisor of statutes in writing of the effective date of the last license transferred.

8 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
9 administration determines that the federal communications commission has
10 approved the transfer of all broadcasting licenses held by the educational
11 communications board and the board of regents of the University of Wisconsin
12 System, except licenses for student radio, to the corporation described under section
13 39.82 (1) of the statutes, as created by this act, on the effective date of the last license
14 transferred, all unencumbered balances appropriated to the board of regents of the
15 University of Wisconsin System under section 20.285 of the statutes for public
16 broadcasting, as determined by the secretary of administration, are transferred to
17 the corporation described under section 39.82 (1) of the statutes, as created by this
18 act.

19 ***-1555/2.9101*(7)** CONSOLIDATION OF APPROPRIATIONS. effective date of this
20 paragraph, the secretary of administration shall apportion and transfer the
21 unencumbered moneys and accounts receivable from the appropriation account
22 under section 20.505 (1) (kd) of the statutes to the appropriation accounts under
23 sections 20.505 (1) (kb) and 20.530 (1) (kL) of the statutes, as affected by this act, and
24 shall apportion and transfer the liabilities, including any liabilities incurred under
25 section 20.903 (2) (b) of the statutes, from the appropriation under section 20.505 (1)

(Cav) on the

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1 (kd) of the statutes to the appropriations under sections 20.505 (1) (kb) and 20.530
2 (1) (kL) of the statutes, as affected by this act, in the manner determined by the
3 secretary.

4 (bv) On the effective date of this paragraph, the secretary of administration
5 shall apportion and transfer the unencumbered moneys and accounts receivable that
6 are attributable to state telecommunications services from the appropriation
7 account under section 20.505 (1) (kL) of the statutes, as affected by this act, to the
8 appropriation account under section 20.530 (1) (ke) of the statutes, as affected by this
9 act.

10 *-1694/11.9101*(10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION
11 FUNDS.

12 (a) *Determination by secretary of administration.* On the effective date of this
13 paragraph, the secretary of administration shall determine whether the Wisconsin
14 Advanced Telecommunications Foundation has granted to the state, before the
15 effective date of this paragraph, some or all of the unencumbered balances of the
16 endowment fund established under section 14.28 (2) (g), 1999 stats., and the fast
17 start fund established under section 14.28 (6) (a), 1999 stats. If the secretary
18 determines that such a grant has been made, the amount of the grant, except for any
19 amount in excess of \$13,465,100, is credited to the appropriation under section
20 20.865 (4) (gm) of the statutes, as created by this act, and any amount of the grant
21 in excess of \$13,465,100 is credited to the appropriation under section 20.275 (1) (jm)
22 of the statutes, as created by this act. If the secretary determines that the amount
23 of the grant is less than \$13,465,100, the secretary shall notify the cochairpersons
24 of the joint committee on finance. If the secretary determines that the amount of the
25 grant is \$13,465,100 or more, each of the following applies:

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1 ✓ 1. 'Wisconsin Informational Network for School Success.' An amount equal to
2 \$579,000 is transferred from the appropriation account under section 20.865 (4) (gm)
3 of the statutes to the appropriation account under section 20.255 (1) (ke) of the
4 statutes, for the purpose of upgrading the Wisconsin Informational Network for
5 School Success.

6 ✓ 2. 'State school finance information system.' An amount equal to \$77,800 is
7 transferred from the appropriation account under section 20.865 (4) (gm) of the
8 statutes to the appropriation account under section 20.255 (1) (ke) of the statutes,
9 for the purpose of upgrading the state school finance information system.

10 ✓ 3. 'Wisconsin Center for the Blind and Visually Impaired.' An amount equal
11 to \$526,000 is transferred from the appropriation account under section 20.865 (4)
12 (gm) of the statutes to the appropriation account under section 20.255 (1) (ke) of the
13 statutes, for the purpose of upgrading and replacing assistive technology devices and
14 related software programs at the Janesville facility of the Wisconsin Center for the
15 Blind and Visually Impaired and the regional satellite facilities of the center and for
16 completing a network upgrade at the Janesville facility.

17 ✓ 4. 'Wisconsin Regional Library for the Blind and Physically Handicapped.' An
18 amount equal to \$161,600 is transferred from the appropriation account under
19 section 20.865 (4) (gm) of the statutes to the appropriation account under section
20 20.255 (1) (ke) of the statutes, for the purpose of replacing the automated system at
21 the Wisconsin Regional Library for the Blind and Physically Handicapped.

22 5. 'Technology for educational achievement in Wisconsin board.' An amount
23 equal to \$136,200 is transferred from the appropriation account under section 20.865
24 (4) (gm) of the statutes to the appropriation account under section 20.275 (1) (k) of
25 the statutes, as created by this act, for the purpose of carrying out the duties of the

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1 technology for educational achievement in Wisconsin board under section 44.71 (2)
2 (i) of the statutes.

3 6. 'Technical college system board.' An amount equal to \$2,000,000 is
4 transferred from the appropriation account under section 20.865 (4) (gm) of the
5 statutes to the appropriation account under section 20.292 (1) (km) of the statutes,
6 as created by this act.

7 7. 'Wisconsin advanced telecommunications foundation grants.' An amount
8 equal to \$566,200 is transferred from the appropriation account under section 20.865
9 (4) (gm) ^{spawns} of the statutes to the appropriation account under section 20.275 (1) (k) of
10 the statutes, as created by this act, for the purpose of closing out any existing grants
11 made by the Wisconsin advanced telecommunications foundation.

12 8. 'Wisconsin advanced distributed co-laboratory.' An amount equal to
13 \$1,000,000 is transferred from the appropriation account under section 20.865 (4)
14 (gm) of the statutes to the appropriation account under section 20.285 (1) (k) of the
15 statutes for the purpose of funding the Wisconsin advanced distributed
16 co-laboratory. After the transfer described in this subdivision is made, the board of
17 regents of the University of Wisconsin System shall, by September 1, 2003, submit
18 a report to the department of administration that shows how the board of regents
19 used the amount transferred to benefit the Wisconsin advanced distributed
20 co-laboratory and describes any federal funding received for the co-laboratory.

21 9. 'Worldwide distance education.' An amount equal to \$250,000 is transferred
22 from the appropriation account under section 20.865 (4) (gm) of the statutes to the
23 appropriation account under section 20.285 (1) (k) of the statutes for the purpose of
24 the University of Wisconsin Learning Innovations at the University of
25 Wisconsin-Extension to establish a nonstock, nonprofit corporation that is described

SENATE BILL 55**SECTION 9101**

1 in section 501 (c) (3) of the Internal Revenue Code, whose purpose is to establish
2 distance education classrooms in Wisconsin trade offices abroad and to offer
3 University of Wisconsin System distance education courses from those classrooms.

4 10. 'University of Wisconsin Learning Innovations.' An amount equal to
5 \$3,000,000 is transferred from the appropriation account under section 20.865 (4)
6 (gm) of the statutes to the appropriation account under section 20.285 (1) (k) of the
7 statutes for the purpose of funding the activities of the University of Wisconsin
8 Learning Innovations at the University of Wisconsin-Extension.

9 11. 'Department of commerce grants for technology research.' An amount equal
10 to \$1,500,000 is transferred from the appropriation account under section 20.865 (4)
11 (gm) ^{spacing} of the statutes to the appropriation account under section 20.143 (1) (kt) of the
12 statutes, as created by this act, for the purpose of allowing the department of
13 commerce to make grants, no later than June 30, 2003, to the University of
14 Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Marquette
15 University, the Milwaukee School of Engineering, and the Medical College of
16 Wisconsin for research related to emerging technologies that will promote industrial
17 and economic development in southeastern Wisconsin. The department of commerce
18 may not make a grant under this subdivision unless the department and the
19 recipient enter into an agreement that specifies reporting and auditing
20 requirements for the grant.

21 12. 'University of Wisconsin System wireless networking.' An amount equal
22 to \$500,000 is transferred from the appropriation account under section 20.865 (4)
23 (gm) ^{spacing} of the statutes to the appropriation account under section 20.285 (1) (k) of the
24 statutes for the purpose of developing wireless networking systems that allow
25 students to use laptop computers and docking stations to connect to the Internet.

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1 13. 'University of Wisconsin System Internet 2 project.' An amount equal to
2 \$2,000,000 is transferred from the appropriation account under section 20.865 (4)
3 (gm) of the statutes to the appropriation account under section 20.285 (1) (k) of the
4 statutes for the purpose of funding the project of the University of Wisconsin System
5 designated as "Internet 2" that upgrades technology infrastructure on campuses for
6 enhancing high-speed Internet activity.

7 14. 'University of Wisconsin-Madison Medical School.' An amount equal to
8 \$500,000 is transferred from the appropriation account under section 20.865 (4) (gm)
9 of the statutes to the appropriation account under section 20.285 (1) (k) of the
10 statutes for the purpose of purchasing a digital mammography machine for the
11 University of Wisconsin-Madison Medical School.

12 15. 'Higher educational aids board.' An amount equal to \$168,300 is
13 transferred from the appropriation account under section 20.865 (4) (gm) of the
14 statutes to the appropriation account under section 20.235 (1) (kt) of the statutes, as
15 created by this act, for the purpose of upgrading technology at the higher educational
16 aids board. *that is \$13,465,100 or more*

17 (b) *Wisconsin geographical education program.* If the secretary of
18 administration makes the determination under paragraph (NO TAG) (intro.) and
19 determines that the National Geographic Society Education Foundation has
20 provided the matching funds described in section 115.28 (42) (a) of the statutes, as
21 created by this act, on the effective date of this paragraph or on the date that the
22 secretary makes the determination under this paragraph, whichever is later, an
23 amount equal to \$500,000 is transferred from the appropriation account under
24 section 20.865 (4) (gm) of the statutes to the appropriation account under section
25 20.255 (1) (ke) of the statutes, for the purpose of making a grant to the National

*determines under paragraph (a) (intro.) that the Wisconsin
Advanced Telecommunications Foundation has made a grant in an amount*

KG 24

SENATE BILL 55**SECTION 9101**

1 ✓ Geographic Society Education Foundation for the geographical education program
2 established under section 115.28 (42) of the statutes, as created by this act.

3 ~~*-1415/P1*(11) POSITION AUTHORIZATION. The authorized FTE positions for the
4 department of administration are increased by 1.0 PR position for the performance
5 of duties primarily related to printing services in the division of information
6 technology services.~~

7 ~~*-1728/1.9101*(12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.~~

8 ~~(a) *Tangible personal property.* On the effective date of this paragraph, all
9 tangible personal property, including records, of the department of administration
10 that is primarily related to the capacity building grant program, as determined by
11 the secretary of administration, is transferred to the technical college system board.~~

12 ~~(b) *Contracts.* All contracts entered into by the department of administration
13 in effect on the effective date of this paragraph that are primarily related to the
14 capacity building grant program, as determined by the secretary of administration,
15 remain in effect and are transferred to the technical college system board. The
16 technical college system board shall carry out any obligations under such a contract
17 until the contract is modified or rescinded by the technical college system board to
18 the extent allowed under the contract.~~

19 ~~(c) *Rules.* All rules promulgated by the department of administration that are
20 primarily related to the capacity building grant program, as determined by the
21 secretary of administration, and that are in effect on the effective date of this
22 paragraph remain in effect until their specified expiration date or until amended or
23 repealed by the technical college system board.~~

24 ~~(d) *Pending matters.* Any matter pending with the department of
25 administration on the effective date of this paragraph that is primarily related to the~~