

**2003 DRAFTING REQUEST**

**Bill**

Received: 02/19/2004

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Dale Schultz (608) 266-0703

By/Representing: jonathon klein

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Bus. Assn. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Schultz@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Board meetings via electronic messaging

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**Instructions:**

Senate companion to 03-3272

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	phurley 02/19/2004	jdyer 02/19/2004	rschluet 02/19/2004	_____	mbarman 02/19/2004	sbasford 02/23/2004	
				_____		sbasford	
				_____		02/23/2004	

FE Sent For:

*None  
needed*

**<END>**

**2003 DRAFTING REQUEST**

**Bill**

Received: 01/16/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Cathy

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Criminal Law - crimes agnst kids**  
**Criminal Law - sex offenses**

Extra Copies:

Submit via email: YES

Requester's email: **Sen.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Penalty for first degree sexual assault of a child

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschlue 02/20/2004	_____	sbasford 02/20/2004		

02/20/2004 08:48:10 AM

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FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 01/16/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Cathy

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - crimes agnst kids  
Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalty for first degree sexual assault of a child

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mdsida	1 3/20 jld					

2 20  
4  
<END>

FE Sent For:

**Dsida, Michael**

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**From:** Connolly, Cathy  
**Sent:** Monday, January 12, 2004 2:30 PM  
**To:** Dsida, Michael  
**Subject:** Drafting request

Mike:

I talked with Senator Lazich about the issue of changing the criminal penalties for sexual crimes against children. Senator Lazich is requesting a bill draft that will change the criminal code to elevate first degree sexual assault of a child to a Class A felony; and creates a penalty enhancer such that if someone has been convicted of a serious child sex offense as defined under Wis. Stat. 939.62(2m)(1m)(a) and (b); and is charged and convicted a second time of a serious child sex offense that elevates the new charge to a Class A felony. Current penalty enhancers will stay in place. I would like to talk to you about including a minimum mandatory sentence for second offenders. Based on my very small amount of research there seems to be little of that type of sentence in Wisconsin law, except for the increased penalty under Wis. Stat. 939.623, 939.624, and 939.625 and in an ideal world it would be best to require sentences of a certain length but there may be legal constraints that I may not be aware of. I am kind of surprised that one can be convicted twice of first degree sexual assault and a judge has to be ordered by statute to impose at least 3 and a half years of jail time.

Do you have access to Circuit Court sentencing guidelines? What is the recommended sentence for a second time offenders convicted of serious sexual crimes against children?

Let me know when you think a draft may be forthcoming and whether you or Kathleen will work with us. Thanks a million.

Cathleen Connolly  
Legislative Aide  
Office of Senator Mary Lazich  
(608) 266-5400

1/12 P/c to Cathlene  
Told talked abt 939.62 (two-strikes + how  
enhancers apply  
For now, she just wants 1st<sup>o</sup> S.A. of a child ⇒  
Class A felony.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-4051/0

MGD:.....

Handwritten initials and a circled '1'.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

FR 1  
4PM

Gen

1 AN ACT ...; relating to: sexual assault of a child and providing a penalty. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, a person who has sexual contact or sexual intercourse with someone who is under the age of 13 is guilty of first degree sexual assault of a child, which is a Class B felony. A person is also guilty of a Class B felony if he or she engages in a course of conduct that involves three or more violations of the first degree sexual assault of a child law. A person who is convicted of a Class B felony may be sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to 60 years.

This bill changes each of these two crimes into a Class A felony, which is punishable by a term of life imprisonment. As with other Class A felonies, when a person is sentenced for one of these offenses, the court must specify: 1) that the person is eligible to petition the court for release to extended supervision on a specified date, which must be at least 20 years after the start of the sentence, or 2) that the person may not be released to extended supervision.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*





**Basford, Sarah**

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**From:** Connolly, Cathy  
**Sent:** Monday, February 23, 2004 9:38 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-4051/1 Topic: Penalty for first degree sexual assault of a child

It has been requested by <Connolly, Cathy> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4051/1 Topic: Penalty for first degree sexual assault of a child