

2003 DRAFTING REQUEST

Bill

Received: **02/10/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - homicide**

Extra Copies: **MGD**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

Instructions:

Same as 2001 AB 713 (LRB-4335/1)

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>
/?							S&L
/1	rryan 02/11/2003	jdyer 02/17/2003	chaskett 02/17/2003		lemery 02/17/2003		S&L
/2	rryan 02/18/2003	jdyer 02/18/2003	rschluet 02/18/2003		amentkow 02/18/2003	amentkow 02/18/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

↳ 02-26-2003
("1/2")

<END>

↑
Requested By
??

2003 DRAFTING REQUEST

Bill

Received: **02/10/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - homicide**

Extra Copies: **MGD**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

Instructions:

Same as 2001 AB 713 (LRB-4335/1)

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>
/?							S&L
/1	rryan 02/11/2003	jdyer 02/17/2003	chaskett 02/17/2003		lemery 02/17/2003		S&L
/2	rryan 02/18/2003	jdyer 02/18/2003	rschluet 02/18/2003		amentkow 02/18/2003		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **02/10/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - homicide**

Extra Copies: **MGD**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

Instructions:

Same as 2001 AB 713 (LRB-4335/1)

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>
/?							S&L
/1	rryan 02/11/2003	jdyer 02/17/2003	chaskett 02/17/2003		lemery 02/17/2003		

FE Sent For:

1/2 2/18 jld
DO DO pb
2-18-03

2003 DRAFTING REQUEST

Bill

Received: 02/10/2003

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - homicide

Extra Copies: MGD

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

Instructions:

Same as 2001 AB 713 (LRB-4335/1)

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?	rryan	1/2/17 jld	1/2/17 cph	cph/rs 2/17			

FE Sent For:

<END>

Ryan, Robin

From: Phillips, Matt
Sent: February 10, 2003 12:34 PM
To: Ryan, Robin
Subject: RE: Drafting Request

No it hasn't been drafted. I actually spoke to someone last week and found out you were on leave. At that point, they suggested that I wait and speak with you. Thanks for following up. We are hoping that it could be drafted fairly soon because it is just a redraft from last year.

Thanks.

-----Original Message-----

From: Ryan, Robin
Sent: Monday, February 10, 2003 12:30 PM
To: Phillips, Matt
Subject: FW: Drafting Request

I came back from an extended leave today. Has this request been handled, or are you still looking for a draft? Thanks

-----Original Message-----

From: Sen.Kedzie
Sent: January 09, 2003 12:49 PM
To: Ryan, Robin
Subject: Drafting Request

Robin,

I would like to re-introduce 2001 AB 713 (LRB-4335/1), relating to time-limits for prosecution of 2nd degree intentional homicide and 2nd degree reckless homicide. Could you please redraft the bill, incorporating the changes made by AA2 (LRBa1311/1), which establishes the 15-year time limit for 2nd degree reckless homicide.

If you have any questions regarding this request, please feel free to contact Matt Phillips on my staff either by email or at 266-2635. Also, if you could provide an idea when the draft would be complete, it would be appreciated. Thank you.

2015/1

In 2/11/03

2001 ASSEMBLY BILL 713

January 14, 2002 - Introduced by Representatives KEDZIE, SCHOOFF, JESKEWITZ, RYBA, OLSEN, PETTIS, HINES, VRAKAS and NASS, cosponsored by Senators ROBSON, DARLING, BURKE, ROESSLER and ROSENZWEIG. Referred to Committee on Criminal Justice.

Reger

1 AN ACT to amend 939.74 (2) (a) of the statutes; relating to: time limits for the
2 prosecution of 2nd-degree intentional homicide and 2nd-degree reckless
3 homicide.

Analysis by the Legislative Reference Bureau

Current law imposes time limits for commencing the prosecution of most crimes. The state must initiate prosecution within the time limit or is barred from prosecuting the offense. A prosecution is commenced when a court issues a summons or a warrant for arrest, when a grand jury issues an indictment, or when the state files an information alleging that a person committed a specific crime. Generally, the state must commence prosecution of a felony (a crime punishable by incarceration in prison) within six years of the commission of the crime, and must commence prosecution of a misdemeanor (a crime other than a felony) within three years of the commission of the crime. However, there are exceptions to these time limits for prosecution of certain offenses. There is no time limit for the prosecution of first-degree intentional homicide, first-degree reckless homicide, or felony murder, and there are longer time limits for the prosecution of certain sexual assaults and certain thefts.

A person commits first-degree intentional homicide if, with intent to kill another human being or an unborn child, the person causes the death of another human being or an unborn child. A person commits first-degree reckless homicide if the person recklessly causes the death of another human being or an unborn child under circumstances that show utter disregard for human life or for the life of an

NO #

However,

ASSEMBLY BILL 713

unborn child. Felony murder is the killing of another human being while committing or attempting to commit first-degree or second-degree sexual assault, robbery, or certain arson or burglary offenses.

This bill eliminates the time limit for commencing prosecution of second-degree intentional homicide or second-degree reckless homicide. A person commits second-degree intentional homicide if, with intent to kill another human being or an unborn child, the person causes the death of another human being or an unborn child under any of the following mitigating circumstances: 1) the person acts under the influence of adequate provocation; 2) the person uses unreasonable defensive force; 3) the person uses unreasonable force to prevent or terminate the commission of a felony; or 4) ~~the person is coerced~~. A person commits second-degree reckless homicide if the person recklessly cause the death of another human being or of an unborn child.

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:

1 SECTION 1. 939.74 (2) (a) ^X of the statutes is amended to read:

2 939.74 (2) (a) A prosecution under s. 940.01, 940.02 ~~or~~, 940.03, 940.05, [✓] or 940.06 [✓]
3 may be commenced at any time.

4 SECTION 2. Initial applicability.

5 (1) This act first applies to offenses committed on the effective date of this
6 subsection. [✓]

7 (END)

the legal defense of coercion or the legal
defense of necessity applies

RJS
1
2
3

2/18/03

Matt

LRB 2015

Sen. Kedzie

Wanted to incorporate 01-AA-2
15 year stat. lims for 2nd o
reckless homicide



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2015/1²

RLR:jld:0617

Wanted Soon
In 2/18/03

RMR

2003 BILL

1 AN ACT *to amend* ^{Regen.} 939.74 (2) (a) of the statutes; relating to: time limits for the
2 prosecution of 2nd-degree intentional homicide and 2nd-degree reckless
3 homicide.

Analysis by the Legislative Reference Bureau

Current law imposes time limits for commencing the prosecution of most crimes. The state must initiate prosecution within the time limit or is barred from prosecuting the offense. A prosecution is commenced when a court issues a summons or a warrant for arrest, when a grand jury issues an indictment, or when the state files an information alleging that a person committed a specific crime. Generally, the state must commence prosecution of a felony (a crime punishable by incarceration in prison) within six years of the commission of the crime. However, there is no time limit for the prosecution of first-degree intentional homicide, first-degree reckless homicide, or felony murder, and there are longer time limits for the prosecution of certain sexual assaults and certain thefts.

A person commits first-degree intentional homicide if, with intent to kill another human being or an unborn child, the person causes the death of another human being or an unborn child. A person commits first-degree reckless homicide if the person recklessly causes the death of another human being or an unborn child under circumstances that show utter disregard for human life or for the life of an unborn child. Felony murder is the killing of another human being while committing or attempting to commit first-degree or second-degree sexual assault, robbery, or certain arson or burglary offenses.

BILL

This bill eliminates the time limit for commencing prosecution of second-degree intentional homicide, ~~or~~ second-degree reckless homicide. A person commits second-degree intentional homicide if, with intent to kill another human being or an unborn child, the person causes the death of another human being or an unborn child under any of the following mitigating circumstances: 1) the person acts under the influence of adequate provocation; 2) the person uses unreasonable defensive force; 3) the person uses unreasonable force to prevent or terminate the commission of a felony; or 4) the legal defense of coercion or the legal defense of necessity applies. A person commits second-degree reckless homicide if the person recklessly cause the death of another human being or of an unborn child.

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:

1 SECTION 1. 939.74 (2) (a) [✓] of the statutes is amended to read:

2 939.74 (2) (a) A prosecution under s. 940.01, 940.02 ~~or~~, 940.03, ^{or} 940.05 ~~or 940.06~~ [✓]

3 may be commenced at any time.

INS
4

SECTION 2. Initial applicability.

5 (1) This act first applies to offenses committed on the effective date of this
6 subsection.

7 (END)

and increases the time limit for commencing prosecution of

to 15 years ✓ ←

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2015/2ins
RLR:.....

INS

- 1 **SECTION 1.** 939.74 (2) (am)[✓] of the statutes is created to read:
- 2 939.74 (2) (am) A prosecution under s. 940.06[✓] may be commenced within 15
- 3 years after the commission of the violation.[✓]

(end insert)

Mentkowski, Annie

From: Phillips, Matt
Sent: Tuesday, February 18, 2003 3:22 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2015/2 Topic: Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

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

Draft review: LRB 03-2015/2 Topic: Statute of limitations for 2nd-degree intentional and 2nd-degree reckless homicide

Memo

To: Senator Representative Kedzie

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2003 draft.

LRB Number: LRB -2015

Version: "1 2"

Fiscal Estimate Prepared By: (agency abbr.) DOC

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

release
2/14

Entered In Computer And Copy Sent To Requestor Via E-Mail: 02/06/2003

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For A Un-Introduced Draft*

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 SB-606

Emery, Lynn

From: Emery, Lynn
Sent: Thursday, March 06, 2003 2:44 PM
To: Sen.Kedzie
Subject: LRB-2015/2 (FE by DOC - attached - for your review)



03-2015feDOC.pdf

03-2015feDOC.pdf