

ASSEMBLY BILL 708 (LRB -2981)

An Act to renumber and amend 939.623 (2); and to create 939.623 (2) (b) of the statutes; relating to: lifetime imprisonment for certain sex offenders and providing a penalty. (FE)

2005

- 09-27. A. Introduced by Representatives **Wieckert, Suder, Musser, Kleefisch, Townsend, Gunderson, Albers, Gronemus, Kaufert, Bies, Owens, Wasserman, Gard, Vos, Kreibich and Sheridan**; cosponsored by Senators **Harsdorf, Kanavas, Ellis, Grothman, A. Lasee and Roessler**.
- 09-27. A. Read first time and referred to committee on Criminal Justice and Homeland Security 488
- 10-10. A. Fiscal estimate received.
- 10-27. A. Fiscal estimate received.
- 11-09. A. Fiscal estimate received.

2006

- 02-08. A. Public hearing held.
- 02-15. A. Executive action taken.
- 02-21. A. Report passage recommended by committee on Criminal Justice and Homeland Security, Ayes 8, Noes 3 822
- 02-21. A. Referred to committee on Rules 822
- 02-21. A. Placed on calendar 2-23-2006 by committee on Rules.
- 02-23. A. Fiscal estimate received.
- 02-23. A. Placed at the foot of the calendar 840
- 02-23. A. Read a second time 843
- 02-23. A. Referred to joint committee on Finance 843
- 02-23. A. Withdrawn from joint committee on Finance and taken up 843
- 02-23. A. Ordered to a third reading 843
- 02-23. A. Rules suspended 843
- 02-23. A. Read a third time and **passed**, Ayes 87, Noes 9, Paired 2 843
- 02-23. A. Ordered immediately messaged 843
- 02-27. S. Received from Assembly.
- 02-27. S. Read first time and referred to committee on Judiciary, Corrections and Privacy.
- 03-06. S. Public hearing held.
- 03-08. S. Executive action taken.
- 03-08. S. Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1.
- 03-08. S. Available for scheduling.
- 03-08. S. Placed on calendar 3-9-2006 by committee on Senate Organization.
- 03-09. S. Senator Darling added as a cosponsor.
- 03-09. S. Read a second time.
- 03-09. S. Ordered to a third reading.
- 03-09. S. Rules suspended.
- 03-09. S. Read a third time and **concurred in**, Ayes 29, Noes 2.
- 03-09. S. Ordered immediately messaged.
- 03-09. A. Received from Senate concurred in 937

**2005
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 2981 / 4

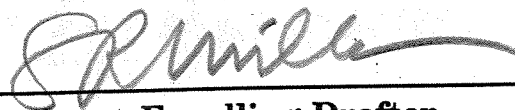
Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-13-06

Date



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2005 ASSEMBLY BILL 708

September 27, 2005 - Introduced by Representatives WIECKERT, SUDER, MUSSER, KLEEFISCH, TOWNSEND, GUNDERSON, ALBERS, GRONEMUS, KAUFERT, BIES, OWENS, WASSERMAN, GARD, VOS, KREIBICH and SHERIDAN, cosponsored by Senators HARSDORF, KANAVAS, ELLIS, GROTHMAN, A. LASEE and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

- 1 **AN ACT to renumber and amend 939.623 (2); and to create 939.623 (2) (b) of**
2 **the statutes; relating to: lifetime imprisonment for certain sex offenders and**
3 **providing a penalty.**

Analysis by the Legislative Reference Bureau

Under current law, if a person has one or more prior convictions for first-degree sexual assault or second-degree sexual assault (serious sex crime) and is subsequently convicted of a serious sex crime, the court must impose a bifurcated sentence (a sentence that consists of a term of confinement in prison and a term of extended supervision) and may not place the defendant on probation. The term of confinement in prison may not be less than three years and six months and, for first-degree sexual assault, may not exceed 40 years.

This bill changes the maximum penalty if the person has one or more prior convictions for first-degree sexual assault or the equivalent in any jurisdiction and is subsequently convicted of first-degree sexual assault. In that case, the court may impose a life sentence on the person without parole or 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.

ASSEMBLY BILL 708

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.** 939.623 (2) of the statutes is renumbered 939.623 (2) (a) and
2 amended to read:

3 939.623 (2) (a) ~~If Except as provided in par. (b)~~, if a person has one or more prior
4 convictions for a serious sex crime and subsequently commits a serious sex crime, the
5 court shall impose a bifurcated sentence under s. 973.01. The term of confinement
6 in prison portion of a bifurcated sentence imposed under this subsection may not be
7 less than 3 years and 6 months, but otherwise the penalties for the crime apply,
8 subject to any applicable penalty enhancement. The court may not place the
9 defendant on probation.

10 **SECTION 2.** 939.623 (2) (b) of the statutes is created to read:

11 939.623 (2) (b) If a person has one or more prior convictions for a violation of
12 s. 940.225 (1) or for a comparable crime under federal law or the law of any state and
13 subsequently is convicted of a violation of s. 940.225 (1), the maximum term of
14 imprisonment for the violation of s. 940.225 (1) is life imprisonment without the
15 possibility of parole or extended supervision.

16 **(END)**