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

the statutes; **relating to:** lifetime imprisonment for certain sex offenders and

3 providing a penalty.

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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.

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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:

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

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

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

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(END)