

**2005 DRAFTING REQUEST**

**Bill**

Received: **05/06/2005**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Steve Krieser**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing  
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

**Pre Topic:**

No specific pre topic given

**Topic:**

Lifetime imprisonment maximum for subsequent first degree sexual assault

**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> |
|--------------|------------------------|-----------------------|-----------------------|----------------|-----------------------|------------------------|-----------------|
| /?           | chanaman<br>05/23/2005 | lkunkel<br>05/30/2005 |                       | _____          |                       |                        | S&L<br>Crime    |
| /1           |                        |                       | chaugen<br>05/31/2005 | _____          | mbarman<br>05/31/2005 |                        | S&L<br>Crime    |
| /2           | chanaman<br>06/03/2005 | lkunkel<br>06/05/2005 | chaugen<br>06/06/2005 | _____          | lemery<br>06/06/2005  | lnorthro<br>08/02/2005 | S&L<br>Crime    |
| /3           | chanaman               | lkunkel               | chaugen               | _____          | sbasford              | sbasford               | S&L             |

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|--------------|------------------------|-----------------------|------------------------|-------------------------|--|--|-----------------|
|              | 08/30/2005             | 09/09/2005            | 09/12/2005             | _____                   | 09/12/2005   | 09/12/2005   | Crime           |
| /4           | chanaman<br>09/15/2005 | lkunkel<br>09/16/2005 | rschluet<br>09/16/2005 | _____<br>_____<br>_____ | mbarman<br>09/16/2005<br><del>_____</del><br><del>09/16/2005</del> | mbarman<br>09/16/2005<br><del>_____</del><br><del>09/16/2005</del> |                 |

FE Sent For: 07/26/2005, , , .

(1/2) ← old version

<END>

"1/4" At intro.

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### Topic:

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*Kalk...*

*9/16/05*

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*/4/mk 9/16*

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### Topic:

Lifetime imprisonment for subsequent first or second degree sexual assault ✓

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### Instructions:

See Attached

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1/3 lmk 9/9

CH  
6-92

CH  
PG  
6-92

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<END>



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Criminal Law - sex offenses

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wieckert@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

*anne.sappenfield@legis.state.wi.us*

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Lifetime imprisonment for subsequent first or second degree sexual assault

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See Attached

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→ 07-26-2005  
("1/2") ←

Requested  
by Scott

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| /1           |                        | 2/mk 5/30<br>4/5      | chaugen<br>05/31/2005<br>ch 6-6<br>3P |                | mbarman<br>05/31/2005 |                 |                 |

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|    |          |           |            |                |  |  |  |
|----|----------|-----------|------------|----------------|--|--|--|
| /? | chanaman | 1/mk 5/30 | Ch<br>5-31 | Ch 5-31<br>puf |  |  |  |
|----|----------|-----------|------------|----------------|--|--|--|

FE Sent For:

<END>

**Miller, Steve**

---

**From:** Krieser, Steve  
**Sent:** Friday, May 06, 2005 1:29 PM  
**To:** Miller, Steve  
**Cc:** Becher, Scott  
**Subject:** Drafting Request from Representative Wieckert

Dear Chief Miller,

Please cause to be produced a draft that does the following:

*\* Specifies that whoever is convicted of two separate violations of ch. 940.225(1) or (2), stats., against two or more separate victims, shall be imprisoned for life without the possibility of parole or extended supervision.*

It is our intention to produce a so-called "Two Strikes and You're Out" law that applies to those convicted of two separate, discrete first- or second-degree sexual assaults under Chapter 940. It is not the intention of this legislation to deal with the issue of sexual assaults against children, as I understand that various forms of sexual assault of a child are already subject to such a provision.

Please feel free to contact me with any questions you may have.

↓  
look at  
differences

**Steven Krieser**  
*Office of State Representative Steve Wieckert*  
(608) 266-3070

*Count out of state or federal convictions  
as strikes*



State of Wisconsin  
2005 - 2006 LEGISLATURE

Other

LRB-2981/7  
CMH:.....  
mk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Sexual

1 AN ACT ...; relating to: lifetime imprisonment for certain sex offenders and  
2 providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, if a person has one or more prior convictions for first or second degree sexual assault and is subsequently convicted of first or second degree sexual assault, 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 total length of the bifurcated sentence, not including any applicable penalty enhancements, may not exceed 60 years for a first degree sexual assault or 40 years for a second degree sexual assault.

This bill changes the penalty if the person has one or more prior convictions for first or second degree sexual assault or the equivalent in any jurisdiction and is subsequently convicted of first or second degree sexual assault against a person who was not the victim of one of the person's previous convictions. In that case, the court must 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.

for sexual assault

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),~~ <sup>if</sup> 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.

History: 1993 a. 97, 227; 1997 a. 326; 2001 a. 109.

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 serious sex  
12 crime or for a comparable crime under federal law or the law of any state and  
13 subsequently commits a serious sex crime against a person who was not a victim of  
14 one of the prior serious sex crimes or comparable crimes committed by the person,  
15 the term of imprisonment for the serious sex crime is life imprisonment without the  
16 possibility of parole or extended supervision.

17 (END)

**Hanaman, Cathlene**

---

**From:** Krieser, Steve  
**Sent:** Friday, June 03, 2005 3:27 PM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Drafting Request from Representative Wieckert

Hi!

Please redraft 2981/1 to eliminate the "two strikes" enhancer for second degree sexual assault. Thanks!

**Steven Krieser**  
*Office of State Representative Steve Wieckert*  
(608) 266-3070

---

**From:** Miller, Steve  
**Sent:** Friday, May 06, 2005 1:33 PM  
**To:** Krieser, Steve  
**Cc:** Hanaman, Cathlene  
**Subject:** RE: Drafting Request from Representative Wieckert

Steve,  
I've assigned this to Cathlene Hanaman.  
Thanks  
Steve Miller

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

**From:** Krieser, Steve  
**Sent:** Friday, May 06, 2005 1:29 PM  
**To:** Miller, Steve  
**Cc:** Becher, Scott  
**Subject:** Drafting Request from Representative Wieckert

Dear Chief Miller,

Please cause to be produced a draft that does the following:

*\* Specifies that whoever is convicted of two separate violations of ch. 940.225(1) or (2), stats., against two or more separate victims, shall be imprisoned for life without the possibility of parole or extended supervision.*

It is our intention to produce a so-called "Two Strikes and You're Out" law that applies to those convicted of two separate, discrete first- or second-degree sexual assaults under Chapter 940. It is not the intention of this legislation to deal with the issue of sexual assaults against children, as I understand that various forms of sexual assault of a child are already subject to such a provision.

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State of Wisconsin  
2005 - 2006 LEGISLATURE

2  
LRB-2981/1  
CMH:lmk:ch

↑  
keep

2005 BILL

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 or second degree sexual assault and is subsequently convicted of first or second degree sexual assault, 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 total length of the bifurcated sentence, not including any applicable penalty enhancements, may not exceed 60 years for a first degree sexual assault, or 40 years for a second degree sexual assault.

This bill changes the penalty if the person has one or more prior convictions for first or second degree sexual assault or the equivalent in any jurisdiction and is subsequently convicted of first or second degree sexual assault against a person who was not the victim of one of the person's previous convictions for sexual assault. In that case, the court must 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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13 is convicted of a violation of s. 940.225 (1) subsequently commits a serious sex crime against a person who was not a victim of  
14 one of the prior serious sex crimes <sup>convictions</sup> or comparable crimes committed by the person,  
15 the term of imprisonment for the serious sex crime is life imprisonment without the  
16 possibility of parole or extended supervision.

17           (END)

violation  
violation of  
s. 940.225 (1)

violation of s. 940.225 (1)

## Emery, Lynn

---

**From:** Emery, Lynn  
**Sent:** Tuesday, June 14, 2005 9:13 AM  
**To:** Becher, Scott  
**Subject:** LRB 05-2981/2 (attached as requested)



05-2981/2

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
[lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)

## Northrop, Lori

---

**From:** Becher, Scott  
**Sent:** Tuesday, August 02, 2005 9:25 AM  
**To:** LRB.Legal  
**Subject:** FW: Wieckert/Cosponsorship/LRB2981-2/Two Strikes and You're Out for Sex Offenders/Deadline 8-15-05

Please jacket LRB 2981/2

---

**From:** Musser, Terry  
**Sent:** Tuesday, August 02, 2005 8:18 AM  
**To:** Becher, Scott  
**Subject:** RE: Wieckert/Cosponsorship/LRB2981-2/Two Strikes and You're Out for Sex Offenders/Deadline 8-15-05

Please add Terry to cosponsors of LRB 2981, two strikes.

Thanks,  
Kathie @ Rep Musser's Office

---

**From:** Rep. Wieckert  
**Sent:** Friday, July 29, 2005 9:43 AM  
**To:** \*Legislative All Assembly; \*Legislative All Senate  
**Subject:** Wieckert/Cosponsorship/LRB2981-2/Two Strikes and You're Out for Sex Offenders/Deadline 8-15-05  
**Importance:** High

**To:** **All Legislative Colleagues**

**From:** **Representative Steve Wieckert**

**Date:** **July 29, 2005**

**Re:** **Two Strikes And You're Out for Sex Offenders (LRB 2981/2)**

Sex offenders continue to be a problem in Wisconsin. The extra challenge we face with this type of crime is that it rapidly becomes an ingrained behavior in many cases.

Because of the seriousness of this crime, I am proposing legislation that would create a lifetime imprisonment penalty without the possibility of release for a person convicted for a second time of first degree sexual assault. I believe our first duty is to protect the innocent public. I believe that this legislation, Two Strikes and You're Out, is a step in the right direction. This legislation also gives some discretion to the district attorneys and judges in extenuating circumstances.

If you would like to cosponsor this legislation, please contact Scott Becher of my staff at 6-3070 or at [scott.becher@legis.state.wi.us](mailto:scott.becher@legis.state.wi.us) by Monday, August 15th.

<< OLE Object: Picture (Device Independent Bitmap) >>  
<< OLE Object: Picture (Device Independent Bitmap) >>  
<< File: 05-29812.pdf >>

# Memo

To: Senator  Representative  Wieckert

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your un-introduced 2005 draft.

LRB Number: LRB -2981

Version: "1/2"

Fiscal Estimate Prepared By: (agency abbr.) SPD

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.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 03 / 2005

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup 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 that this fiscal estimate was based on), and before the markup 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 draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 \_\_\_\_\_

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, August 03, 2005 11:06 AM  
**To:** Rep.Wieckert  
**Cc:** Becher, Scott  
**Subject:** LRB 05-2981/2 (un-introduced) (FE by SPD - attached - for your review)

**Attachments:** FE\_Wieckert.PDF



FE\_Wieckert.PDF  
(255 KB)

The message is ready to be sent with the following file or link attachments:

FE\_Wieckert.PDF

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

### Fiscal Estimate - 2005 Session

Original       Updated       Corrected       Supplemental

LRB Number **05-2981/2**      Introduction Number

**Subject**  
Lifetime imprisonment for subsequent first or second degree sexual assault

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate  
 Increase Existing Appropriations       Increase Existing Revenues       Increase Costs - May be possible to absorb within agency's budget  
 Decrease Existing Appropriations       Decrease Existing Revenues       Yes       No  
 Create New Appropriations       Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1.  Increase Costs      3.  Increase Revenue  
 Permissive  Mandatory       Permissive  Mandatory

2.  Decrease Costs      4.  Decrease Revenue  
 Permissive  Mandatory       Permissive  Mandatory

5. Types of Local Government Units Affected  
 Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR     FED     PRO     PRS     SEG     SEGS

|   |   |                         |
|---|---|-------------------------|
| <b>Agency/Prepared By</b><br>SPD/ Mike Tobin (608) 266-8259 | <b>Authorized Signature</b><br>Krista Ginger (608) 264-8572 | <b>Date</b><br>8/2/2005 |
|---|---|-------------------------|

**Fiscal Estimate Narratives**  
**SPD 8/3/2005**

|  |                     |                               |
|--|---------------------|-------------------------------|
| LRB Number <b>05-2981/2</b>  | Introduction Number | Estimate Type <b>Original</b> |
| <b>Subject</b><br>Lifetime imprisonment for subsequent first or second degree sexual assault |                     |                               |

**Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

Although this bill does not create an entirely new criminal offense for which SPD will be required to appoint attorneys, it substantially increases the penalties. Thus, SPD is likely to see increased costs from increased attorney time related to the bill's requirement of mandatory life imprisonment. The mandatory imprisonment provision is likely to result in more trials.

Counties are likely to incur additional costs for incarceration of defendants held in jail pending court hearings. For the same reason that we can anticipate more trials, we can anticipate a longer average time between initial charge and disposition of the case.

In FY 2005, the SPD appointed counsel in 85 cases in which the defendant was charged with first-degree sexual assault. We do not have data available on the number of these defendants who had previous convictions for the same offense and thus would have been subject to the provisions of this bill.

**Long-Range Fiscal Implications**



# Memo

To: Senator  Representative  Wieckert

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -2981

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.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 16 / 2005

\* \* \* \* \*

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup 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 that this fiscal estimate was based on), and before the markup 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 draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 \_\_\_\_\_

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Tuesday, August 16, 2005 10:15 AM  
**To:** Rep. Wieckert  
**Cc:** Becher, Scott  
**Subject:** LRB 05-2981/2 (un-introduced) (FE by DOC - attached - for your review)

**Attachments:** FE\_Wieckert.PDF



FE\_Wieckert.PDF  
(755 KB)

### Fiscal Estimate - 2005 Session

Original       Updated       Corrected       Supplemental

|  |  |  |  |
|--|--|--|--|
| <b>LRB Number</b> <b>05-2981/2</b>   |  | <b>Introduction Number</b>   |  |
| <b>Subject</b><br>Lifetime imprisonment for certain sex offenders and providing a penalty  |  |  |  |
| <b>Fiscal Effect</b>   |  |  |  |
| <b>State:</b>  |  |  |  |
| <input type="checkbox"/> No State Fiscal Effect  |  |  |  |
| <input checked="" type="checkbox"/> Indeterminate  |  |  |  |
| <input type="checkbox"/> Increase Existing Appropriations  |  | <input type="checkbox"/> Increase Existing Revenues  |  |
| <input type="checkbox"/> Decrease Existing Appropriations  |  | <input type="checkbox"/> Decrease Existing Revenues  |  |
| <input type="checkbox"/> Create New Appropriations   |  | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget |  |
|  |  | <input type="checkbox"/> Yes <input type="checkbox"/> No                                   |  |
|  |  | <input type="checkbox"/> Decrease Costs  |  |
| <b>Local:</b>  |  |  |  |
| <input checked="" type="checkbox"/> No Local Government Costs  |  |  |  |
| <input type="checkbox"/> Indeterminate   |  |  |  |
| 1. <input type="checkbox"/> Increase Costs   |  | 3. <input type="checkbox"/> Increase Revenue   |  |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory   |  | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     |  |
| 2. <input type="checkbox"/> Decrease Costs   |  | 4. <input type="checkbox"/> Decrease Revenue   |  |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory   |  | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     |  |
| 5. Types of Local Government Units Affected  |  |  |  |
| <input type="checkbox"/> Towns   |  | <input type="checkbox"/> Village   |  |
| <input type="checkbox"/> Counties  |  | <input type="checkbox"/> Cities  |  |
| <input type="checkbox"/> School Districts  |  | <input type="checkbox"/> WTCS Districts  |  |
| <b>Fund Sources Affected</b>   |  | <b>Affected Ch. 20 Appropriations</b>  |  |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS |  |  |  |
| <b>Agency/Prepared By</b>  |  | <b>Authorized Signature</b>  |  |
| DOC/ Sue Loniello (608) 240-5524   |  | Robert Margolies (608) 240-5056  |  |
|  |  | <b>Date</b>  |  |
|  |  | 8/15/2005  |  |

**Fiscal Estimate Narratives**

**DOC 8/16/2005**

|   |                     |                               |
|---|---------------------|-------------------------------|
| LRB Number <b>05-2981/2</b>   | Introduction Number | Estimate Type <b>Original</b> |
| <b>Subject</b><br>Lifetime imprisonment for certain sex offenders and providing a penalty |                     |                               |

**Assumptions Used in Arriving at Fiscal Estimate**

This bill creates a penalty of life in prison without the possibility of parole or extended supervision, if a person is convicted of first degree sexual assault for a second time, against a person who was not a previous victim from a prior conviction(s) for first degree sexual assault.

Since 1990, approximately 8% of the offenders admitted to prison for conviction of first degree sexual assault had a prior conviction for first degree sexual assault. In CY04, 21 offenders were admitted to prison with a conviction for first degree sexual assault and 4 offenders were placed on probation. Assuming that approximately 8% of the offenders admitted to prison in a calendar year for first degree sexual assault have a prior conviction for that crime, it is estimated that 1-2 offenders in a given year may be affected by this legislation. It is assumed that the probationers do not have a prior conviction for first degree sexual assault.

We are unable to predict the precise fiscal impact on the Department because it is dependent on the following variables; 1) whether the District Attorney's office charges an offender under this enhanced penalty and 2) our data system cannot determine whether the current victim was a prior victim.

It is not anticipated that the bill will have a fiscal impact on county jails.

**Long-Range Fiscal Implications**



State of Wisconsin  
2005 - 2006 LEGISLATURE

3  
LRB-2981/2  
CMH:lmk/ch  
↑  
keep

Other

2005 BILL

LPS-  
please FY  
request sheet

repeal act

vt

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 and is subsequently convicted of first-degree sexual assault, 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 total length of the bifurcated sentence, not including any applicable penalty enhancements, may not exceed 60 years.

This bill changes the 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 against a person who was not the victim of one of the person's previous convictions for first-degree sexual assault. In that case, the court must impose a life sentence on the person without parole or extended supervision. *may*

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.

**BILL**

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:

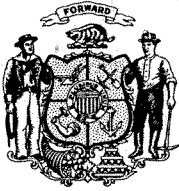
3           939.623 (2) (a) If Except as provided in par. (b), if a person has one or more prior  
4 convictions for a serious sex crime and subsequently commits a serious sex crime, the  
5 court shall impose a bifurcated sentence under s. 973.01. The term of confinement  
6 in prison portion of a bifurcated 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) against a person who was not  
14 a victim of one of the prior convictions or comparable crimes committed by the person,  
15 the <sup>maximum</sup> term of imprisonment for the violation of s. 940.225 (1) is life imprisonment  
16 without the possibility of parole or extended supervision.

17

(END)



Friday  
9/16

↑  
Keep

### 2005 ASSEMBLY BILL

LPS -  
please fix  
topic line  
on request sheet

regrin

maximum  
maximum

✓

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.

or second-degree sexual assault (serious sex crime)

a serious sex crime

#### Analysis by the Legislative Reference Bureau

Under current law, if a person has one or more prior convictions for first-degree sexual assault and is subsequently convicted of first-degree sexual assault, 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 total length of the bifurcated sentence, not including any applicable penalty enhancements, may not exceed 60 years.

This bill changes the 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 against a person who was not the victim of one of the person's previous convictions for 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.

maximum

only for first-degree sexual assault may not exceed 40 years

may not be less than three months and may not exceed 40 years

**ASSEMBLY BILL**

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:* JK

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.

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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) against a person who was not  
14 a victim of one of the prior convictions or comparable crimes committed by the person,  
15 the maximum term of imprisonment for the violation of s. 940.225 (1) is life  
16 imprisonment without the possibility of parole or extended supervision.

17

(END)



## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Tuesday, September 20, 2005 5:27 PM  
**To:** Becher, Scott  
**Subject:** LRB 05-2981/4 (attached as requested)

**Attachments:** 05-2981/4



05-29814.pdf (14  
KB)

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
(608) 266-3561