

ASSEMBLY BILL 970 (LRB -3785)

An Act to renumber and amend 904.04 (2); and to create 904.04 (2) (b) of the statutes; relating to: admitting evidence of other crimes in certain criminal proceedings.

2006

03-01. A. Introduced by Representatives **Suder, Pettis, Gundrum, Gronemus, Townsend, Ainsworth, Mursau, Owens, Krawczyk, Kleefisch, LeMahieu, Albers, Bies, Van Roy, M. Williams, Musser, Kreibich, Jeskewitz and Petrowski**; cosponsored by Senators **Zien, Leibham, A. Lasee, Lazich, Darling, Kedzie and Grothman.**

02-02. A. Read first time and referred to committee on Criminal Justice and Homeland Security ..... 780

02-08. A. Public hearing held.

02-16. A. Executive action taken.

02-15. A. Assembly amendment 1 offered by committee on Criminal Justice and Homeland Security (**LRB a2371**) ..... 812

02-20. A. Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice and Homeland Security, Ayes 11, Noes 0 ..... 819

02-20. A. Report passage as amended recommended by committee on Criminal Justice and Homeland Security, Ayes 11, Noes 0 ..... 819

02-20. A. Referred to committee on Rules ..... 819

02-21. A. Placed on calendar 2-23-2006 by committee on Rules.

02-23. A. Read a second time ..... 841

02-23. A. Assembly amendment 1 **adopted** ..... 841

02-23. A. Ordered to a third reading ..... 841

02-23. A. Refused to suspend rules to read a third time, Ayes 58, Noes 39 ..... 841

02-28. A. Read a third time and **passed**, Ayes 74, Noes 20 ..... 861

02-28. A. Ordered immediately messaged ..... 861

03-01. S. Received from Assembly.

03-01. S. Read first time and referred to committee on Judiciary, Corrections and Privacy.

03-09. S. Withdrawn from committee on Judiciary, Corrections and Privacy and taken up.

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 24, Noes 8.

03-09. S. Ordered immediately messaged.

03-09. A. Received from Senate concurred in ..... 938

*gmb*

**2005  
ENROLLED BILL**

05en AB-970

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

05-3785/1


Amendments to above (if none, write "NONE"): AA1 - a2371/1

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

Topic Rel

3-17-06

Date



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## 2005 ASSEMBLY BILL 970

February 2, 2006 - Introduced by Representatives SUDER, PETTIS, GUNDRUM, GRONEMUS, TOWNSEND, AINSWORTH, MURSAU, OWENS, KRAWCZYK, KLEEFISCH, LEMAHIEU, ALBERS, BIES, VAN ROY, M. WILLIAMS, MUSSER, KREIBICH, JESKEWITZ and PETROWSKI, cosponsored by Senators ZIEN, LEIBHAM, A. LASEE, LAZICH, DARLING, KEDZIE and GROTHMAN. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT to renumber and amend** 904.04 (2); and **to create** 904.04 (2) (b) of the  
2 statutes; **relating to:** admitting evidence of other crimes in certain criminal  
3 proceedings.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, evidence that a person committed a prior criminal act is not admissible in a court proceeding for the purpose of proving that the person has a propensity to commit crimes or has a character or disposition that makes him or her more likely to commit a crime. However, evidence of a prior criminal act may be admitted for other purposes, including to prove motive, opportunity, intent, identity, or absence of mistake.

This bill provides that in a criminal proceeding in which a person is accused of committing a first-degree sexual assault or a first-degree sexual assault of a child, evidence that a person committed another first-degree sexual assault or first-degree sexual assault of a child, which is similar to the alleged offense, may be admitted to prove the character of the person in order to show that the person acted in conformity with demonstrated character traits, so long as the evidence is not barred by any other rule of evidence.

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

## ASSEMBLY BILL 970

1 SECTION 1. 904.04 (2) of the statutes is renumbered 904.04 (2) (a) and amended  
2 to read:

3 904.04 (2) (a) OTHER CRIMES, WRONGS, OR ACTS. Evidence Except as provided in  
4 par. (b), evidence of other crimes, wrongs, or acts is not admissible to prove the  
5 character of a person in order to show that the person acted in conformity therewith.  
6 This subsection does not exclude the evidence when offered for other purposes, such  
7 as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or  
8 absence of mistake or accident.

9 SECTION 2. 904.04 (2) (b) of the statutes is created to read:

10 904.04 (2) (b) In a criminal proceeding alleging a violation of s. 940.225 (1) or  
11 948.02 (1), sub. (1) and par. (a) do not prohibit admitting evidence that a person  
12 ~~committed~~ a violation of s. 940.225 (1) or 948.02 (1) or a comparable offense in  
13 another jurisdiction, that is similar to the alleged violation, as evidence of the  
14 person's character in order to show that the person acted in conformity therewith.

15 SECTION 3. Initial applicability.

16 (1) This act first applies to criminal actions commenced on the effective date  
17 of this subsection.

18 (END)

INS. 1

**ASSEMBLY AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 970**

February 15, 2006 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND HOMELAND  
SECURITY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 12: delete "committed" and substitute "was convicted of".

3 (END)

