

2007 ASSEMBLY BILL 366

May 29, 2007 – Introduced by Representatives STASKUNAS, MUSSER, SHERIDAN, GUNDERSON, JESKEWITZ, TOWNSEND, HIXSON, A. OTT and SMITH, cosponsored by Senators CARPENTER, ROESSLER, SCHULTZ, DARLING, HANSEN, PLALE, LEIBHAM and SULLIVAN. Referred to Committee on Education.

1 **AN ACT to amend** 939.632 (title), 939.632 (2) (intro.) and 939.632 (4); and **to**
 2 **create** 939.632 (1) (dm) and 939.632 (3m) of the statutes; **relating to:**
 3 sentencing for crimes on school premises and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, if a person commits a violent crime, as defined in current law, on or within 1,000 feet of school premises, on a school bus, or at a school bus stop, the maximum term of imprisonment for that crime increases either by five years, if the violent crime is a felony, or by three months, if the violent crime is a misdemeanor. Under this bill, if a person commits battery, mayhem, sexual assault, sexual assault of a child, or reckless injury on school premises, the maximum term of imprisonment is increased by six years for the first offense, ten years for the second offense, and 15 years for the third or subsequent offense if the person is not a student at the school and if the crime is committed during school hours or within one hour of school starting or ending.

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.

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

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1 **SECTION 1.** 939.632 (title) of the statutes is amended to read:

2 **939.632** (title) **Penalties; violent crime in a crimes near a school zone.**

3 **SECTION 2.** 939.632 (1) (dm) of the statutes is created to read:

4 939.632 **(1)** (dm) “Serious crime” means any crime under s. 940.19, 940.21,
5 940.225, 940.23, 948.02, or 948.025.

6 **SECTION 3.** 939.632 (2) (intro.) of the statutes is amended to read:

7 939.632 **(2)** (intro.) If Unless sub. (3m) applies, if a person commits a violent
8 crime in a school zone, the maximum term of imprisonment is increased as follows:

9 **SECTION 4.** 939.632 (3m) of the statutes is created to read:

10 939.632 **(3m)** (a) If a person commits a serious crime under all of the following
11 circumstances, the maximum term of imprisonment is increased as in par. (b):

12 1. The serious crime occurred on school premises.

13 2. The serious crime occurred within one hour before, during, or within one
14 hour after a scheduled school day.

15 3. He or she is not a student at the school on whose school premises the serious
16 crime occurred.

17 (b) 1. For a first offense, the maximum term of imprisonment is increased by
18 6 years.

19 2. For a 2nd offense, the maximum term of imprisonment is increased by 10
20 years.

21 3. For a 3rd or subsequent offense, the maximum term of imprisonment is
22 increased by 15 years.

23 **SECTION 5.** 939.632 (4) of the statutes is amended to read:

