



2007 DRAFTING REQUEST

Bill

Received: 01/09/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wavrunek

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

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Subject: Correctional System - misc

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Wavrunek, BB0302 -

Topic:

Bureau of criminal justice research

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 01/23/2007	kfollett 01/24/2007		_____			
/1	chanaman 01/24/2007	kfollett 01/24/2007	jfrantze 01/24/2007	_____	sbasford 01/24/2007		
/2	chanaman 01/26/2007	csicilia 01/26/2007	rschluet 01/25/2007	_____	sbasford 01/25/2007		
/3	chanaman 01/26/2007	csicilia 01/26/2007	nnetzke 01/26/2007	_____	sbasford 01/26/2007		
/4			rschluet 01/26/2007	_____	chanaman 01/28/2007		

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/5	chanaman 01/28/2007 chanaman 01/30/2007	wjackson 01/28/2007 kfollett 01/30/2007	nmatzke 01/28/2007	_____	cduerst 01/28/2007		
/6			nmatzke 01/30/2007	_____	cduerst 01/30/2007		

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			nwn 1/30	nwn/rs 1/30			

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nmw 1/28 nmw 1/28

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Pre Topic:

DOA:.....Wavrunek, BB0302 -

Topic:

Bureau of criminal justice research

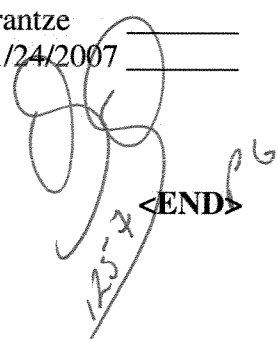
Instructions:

See Attached

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Pre Topic:

DOA:.....Wavrunek, BB0302 -

Topic:

Bureau of Criminal justice research center *Done*

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 01/23/2007	lrb_editor 11kif 1/24	<i>Jo</i> 1/24	<i>Jo/uv</i> 1/24			
FE Sent For:							
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## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Criminal justice research center
- Tracking Code: BB0302
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
  - Phone: 267-0370
  - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: OJA
- Agency number: 505, program 06
- Priority (Low, Medium, High): High

The intent of this language request is to add a criminal justice research center to the Office of Justice Assistance. There are several components:

1. Add the center to OJA.
2. Add duties of the current sentencing commission to the center.
3. Create an advisory council to propose legislation on sentencing guidelines.
4. Create a committee to study disproportionate minority contact in the criminal justice system.

### 1. Criminal Justice Research Center

Currently, OJA has language under s. 16.964(1)(f) that reads:

"Maintain a statistical analysis center to serve as a clearing house of justice system data and information and conduct justice system research and data analysis under this section."

Amend the above language to name a "criminal justice research center" and delete reference to a "statistical analysis center".

If language under s. 16.964(2) is not broad enough to cover District Attorneys, the Department of Justice, Department of Corrections and the Courts to supply the office with information, add language to cover these agencies as well.

### 2. Duties of the center

Add duties of the sentencing commission under s. 973.30 to the criminal justice research center, excluding any references to staff or a sunset date and parts (c), (e) and (f) regarding sentencing guidelines.

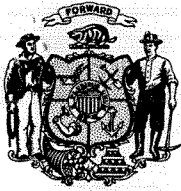
Add language that requires the criminal justice research center to prepare a biennial report with statewide statistics on normative sentences for each felony offense and how each court circuit compares to their respective region and how they compare statewide.

**3. Advisory council**

Create an advisory council, appointed by the Governor, to propose legislation for sentencing guidelines by December 2008. The recommendations would be based upon work completed by the criminal justice research center. Council would sunset upon completion of sentencing guidelines work, probably under non-statutory language provisions.

**4. Create disproportionate minority contact committee**

Create a committee, appointed by the Governor, to study disproportionate minority contact in the criminal justice system. We assume that this committee would be best placed under non-statutory language, but appreciate your thoughts.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1416/2

CMH: *kgf*

*Bureau of*

*Done*

DOA:.....Wavrunek, BB0302 - ~~Criminal justice research center~~  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Wavrunek*  
↑  
*CPJ please fix request sheet*

*redesign cost*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONS**

X This bill eliminates the sentencing commission and creates a criminal justice research ~~commission~~ *bureau* (bureau) in the office of justice assistance (OJA), which takes on some of the duties of the sentencing commission. These duties include compiling data regarding sentencing practices, providing information regarding costs that result from sentencing practices, study and report on whether race is a factor when imposing sentences, and study how sentencing options affect various types of offenders and offenses. Under this bill, the bureau also serves as a clearing house of justice system data and conducts justice system research and data analysis (currently performed by OJA) *the bureau is charged with preparing a statistical report detailing standard sentences for felonies and how each circuit court compares to its region and to the state.*

X This bill creates an advisory committee on sentencing guidelines that must use the work done by the bureau and, by December 2008, must propose legislation for sentencing guidelines. In addition, this bill creates a committee on minorities in the criminal justice system to study disproportionate minority contact with the criminal justice system and prepare a report for the governor.

*must prepare bureau of*

*the sentencing practices of*

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

1           **SECTION 1.** 15.01 (2) of the statutes is amended to read:

2           15.01 (2) "Commission" means a 3-member governing body in charge of a  
3 department or independent agency or of a division or other subunit within a  
4 department, except for the Wisconsin waterways commission which shall consist of  
5 5 members and the parole commission which shall consist of 8 members. A Wisconsin  
6 group created for participation in a continuing interstate body, or the interstate body  
7 itself, shall be known as a "commission", but is not a commission for purposes of s.  
8 15.06. The parole commission created under s. 15.145 (1) shall be known as a  
9 "commission", but is not a commission for purposes of s. 15.06. ~~The sentencing~~  
10 ~~commission created under s. 15.105 (27) shall be known as a "commission" but is not~~  
11 ~~a commission for purposes of s. 15.06 (1) to (4m), (7), and (9).~~

**History:** 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180, 187 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 108, 2005 a. 25, 421.

12           **SECTION 2.** 15.105 (19) of the statutes is renumbered 15.105 (19) (a).

**History:** 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3; 1997 a. 27 ss. 51 to 53, 9456 (3m); 1997 a. 247; 1999 a. 9, 105, 185; 2001 a. 16 ss. 139, 174, 109; 2003 a. 33 ss. 87s to 97d, 115, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 47, 48, 2493; 2005 a. 253.

13           **SECTION 3.** 15.105 (19) (b) of the statutes is created to read:

14           15.105 (19) (b) There is created in the office of justice assistance a bureau of  
15 criminal justice research.

\*\*\*\*NOTE: Instead of Criminal Justice Research Center, I created the Criminal Justice Research Bureau. See ss. 15.01 (6) and 15.02 (3) (c)

16           **SECTION 4.** 15.105 (27) of the statutes is repealed.

17           **SECTION 5.** 16.964 (1) (f) of the statutes is repealed.

18           **SECTION 6.** 16.964 (3) of the statutes is amended to read:

19           16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)  
20 (a) outside of the classified service.

**History:** 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m; 2001 a. 16 ss. 3349d, 3350, 3351d; 2003 a. 33 ss. 230, 1159, 1161, 1163, 1165; 2005 a. 25, 60, 433.

21           **SECTION 7.** 16.964 (13) of the statutes is created to read:

1 16.964 (13) (a) The bureau of criminal justice research shall do all of the  
2 following:

3 1. Serve as a clearinghouse of justice system data and information and conduct  
4 justice system research and data analysis under this section.

5 8. Not later than the first day of the 12th month beginning after the effective  
6 date of this subdivision .... [revisor inserts date], and biennially thereafter, prepare  
7 a report containing statewide statistics on standard sentences for each felony offense  
8 and how each circuit court compares to the statistics on the sentences for its  
9 respective region and how each circuit court compares to the statistics on the  
10 sentences for the state. The report shall be distributed to the appropriate standing  
11 committees of the legislature in the manner provided under s. 13.172 (3) and to the  
12 governor.

13 (b) The executive director shall appoint a staff director under s. 15.105 (19) (b)  
14 outside of the classified service.

15 SECTION 8. 19.42 (10) (p) of the statutes is amended to read:

16 19.42 (10) (p) A member, the executive staff director, or the deputy director of  
17 the sentencing commission bureau of criminal justice research.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335.

18 SECTION 9. 19.42 (13) (o) of the statutes is amended to read:

19 19.42 (13) (o) The position of member, executive staff director, or deputy  
20 director of the sentencing commission bureau of criminal justice research.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335.

21 SECTION 10. 20.505 (4) (dr) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 11.** 20.505 (4) (mr) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 12.** 20.923 (4) (b) 7. of the statutes is amended to read:

3 20.923 (4) (b) 7. ~~Sentencing commission~~; executive Bureau of criminal justice;  
4 staff director.

**History:** 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25.

5 **SECTION 13.** 20.923 (6) (hr) of the statutes is amended to read:

6 20.923 (6) (hr) ~~Sentencing commission~~ Bureau of criminal justice research;  
7 deputy staff director.

**History:** 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25.

8 **SECTION 14.** 227.01 (13) (sm) of the statutes is repealed.

9 **SECTION 15.** 230.08 (2) (L) 6. of the statutes is repealed and recreated to read:

10 230.08 (2) (L) 6. Bureau of criminal justice research.

\*\*\*\*NOTE: Please review closely my changes to s. 230.08 to ensure that I have done what you intend.

11 **SECTION 16.** 230.08 (2) (of) of the statutes is amended to read:

12 230.08 (2) (of) ~~The executive staff director of the sentencing commission bureau~~  
13 of criminal justice research.

**History:** 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25.

14 **SECTION 17.** 973.017 (2) (a) of the statutes is amended to read:

15 973.017 (2) (a) If the offense is a felony, ~~the sentencing guidelines adopted by~~  
16 ~~the sentencing commission under s. 973.30 or, if the sentencing commission has not~~  
17 ~~adopted a guideline for the offense, any applicable temporary sentencing guideline~~



check  
a.r.

1 adopted by the ~~criminal penalties study committee~~ created under 1997 Wisconsin  
2 Act 283 advisory committee on sentencing created under 2007 Wisconsin Act ... (this  
act), Section 9101 (1). <sup>← a.r.</sup>

History: 2001 a. 109; 2003 a. 321; 2005 a. 14, 277.

4 **SECTION 18.** 973.017 (10) of the statutes is amended to read:

5 973.017 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The  
6 requirement under sub. (2) (a) that a court consider sentencing guidelines adopted  
7 by the ~~sentencing commission or the criminal penalties study~~ advisory committee on  
8 sentencing does not require a court to make a sentencing decision that is within any  
9 range or consistent with a recommendation specified in the guidelines, and there is  
10 no right to appeal a court's sentencing decision based on the court's decision to depart  
11 in any way from any guideline.

History: 2001 a. 109; 2003 a. 321; 2005 a. 14, 277.

12 **SECTION 19.** 973.30 (title) of the statutes is repealed.

13 **SECTION 20.** 973.30 (1) (intro.) of the statutes is repealed.

14 **SECTION 21.** 973.30 (1) (a) of the statutes is repealed.

15 **SECTION 22.** 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

16 **SECTION 23.** 973.30 (1) (c) of the statutes is repealed.

17 **SECTION 24.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

18 **SECTION 25.** 973.30 (1) (e) of the statutes is repealed.

19 **SECTION 26.** 973.30 (1) (f) of the statutes is repealed.

20 **SECTION 27.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

21 **SECTION 28.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

22 **SECTION 29.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

23 **SECTION 30.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

24 **SECTION 31.** 973.30 (2) of the statutes is repealed.

\*

1 SECTION 32. 973.30 (3) of the statutes is repealed.

2 SECTION 9101. Nonstatutory provisions; Administration.

*clearly a.r.*

3 (1) ADVISORY COMMITTEE ON SENTENCING GUIDELINES.

4 (a) There is created a special committee to be called the advisory committee on  
5 sentencing guidelines, which shall consist of members appointed by the governor.

6 (b) The governor shall appoint or determine the method of appointment of the  
7 officers of the committee and shall call the first meeting of the committee.

8 (c) The department of administration shall provide necessary administrative  
9 support services to the committee.

10 (d) The department of administration shall reimburse members of the

11 committee for their actual and necessary expenses incurred in carrying out their  
12 functions *from the appropriation under section 20.505 (1) (ka) of the statutes,*  
13 *from the appropriation under section 20.505 (4) (ba) of the statutes,* within  
14 the budget of the committee authorized under section 16.40 (14) of the statutes. *bureau of*

15 (e) The committee shall use the data and work completed by the criminal justice  
16 research *bureau* and propose legislation for sentencing guidelines by December  
2008, when the committee shall sunset.

17 (2) COMMITTEE ON MINORITIES IN CRIMINAL JUSTICE SYSTEM.

18 (a) There is created a special committee to be called the committee on  
19 minorities in the criminal justice system, which shall consist of members appointed  
20 by the governor.

21 (b) The governor shall appoint or determine the method of appointment of the  
22 officers of the committee and shall call the first meeting of the committee.

23 (c) The department of administration shall provide necessary administrative  
24 support services to the committee.

(1) (ka)

1 (d) The department of administration shall reimburse members of the  
2 committee for their actual and necessary expenses incurred in carrying out their  
3 functions from the appropriation under section 20.505 (4) (ba) of the statutes, within  
4 the budget of the committee authorized under section 16.40 (14) of the statutes.

5 (e) The committee shall study disproportionate minority contact with the  
6 criminal justice system and produce a report for the governor.

\*\*\*NOTE: This requirement assumes that there definitely is disproportionate  
minority contact with the system--is that OK?

7 (f) The committee shall sunset when the committee submits the report to the  
8 governor.

\*\*\*NOTE: Do you want a specific date for the report?

9

(END)



DOA:.....Wavrunek, BB0302 - Bureau of criminal justice research  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Crimes - HEAD  
Sentencing - sub head

*Analysis by the Legislative Reference Bureau*  
**CORRECTIONS**

This bill eliminates the sentencing commission and creates a bureau of criminal justice research (bureau) in the Office of Justice Assistance (OJA), which takes on some of the duties of the sentencing commission. These duties include compiling data regarding sentencing practices, providing information regarding costs that result from sentencing practices, study and report on whether race is a factor when imposing sentences, and study how sentencing options affect various types of offenders and offenses. Under this bill, the bureau also serves as a clearinghouse of justice system data and conducts justice system research and data analysis (currently performed by OJA). The bureau must prepare a statistical report detailing standard sentences for felonies and how the sentencing practices of each circuit court compare to its region and to the state.

This bill creates an advisory committee on sentencing guidelines that must use the work done by the bureau and, by December 2008, must propose legislation for sentencing guidelines. In addition, this bill creates a committee on minorities in the criminal justice system to study disproportionate minority contact with the criminal justice system and prepare a report for the governor.

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

1           **SECTION 1.** 15.01 (2) of the statutes is amended to read:

2           15.01 (2) "Commission" means a 3-member governing body in charge of a  
3 department or independent agency or of a division or other subunit within a  
4 department, except for the Wisconsin waterways commission which shall consist of  
5 5 members and the parole commission which shall consist of 8 members. A Wisconsin  
6 group created for participation in a continuing interstate body, or the interstate body  
7 itself, shall be known as a "commission", but is not a commission for purposes of s.  
8 15.06. The parole commission created under s. 15.145 (1) shall be known as a  
9 "commission", but is not a commission for purposes of s. 15.06. ~~The sentencing~~  
10 ~~commission created under s. 15.105 (27) shall be known as a "commission" but is not~~  
11 ~~a commission for purposes of s. 15.06 (1) to (4m), (7), and (9).~~

12           **SECTION 2.** 15.105 (19) of the statutes is renumbered 15.105 (19) (a).

13           **SECTION 3.** 15.105 (19) (b) of the statutes is created to read:

14           15.105 (19) (b) There is created in the office of justice assistance a bureau of  
15 criminal justice research.

\*\*\*\*NOTE: Instead of Criminal Justice Research Center, I created the Criminal  
Justice Research Bureau. See ss. 15.01 (6) and 15.02 (3) (c)

16           **SECTION 4.** 15.105 (27) of the statutes is repealed.

17           **SECTION 5.** 16.964 (1) (f) of the statutes is repealed.

18           **SECTION 6.** 16.964 (3) of the statutes is amended to read:

19           16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)  
20 (a) outside of the classified service.

21           **SECTION 7.** 16.964 (13) of the statutes is created to read:

22           16.964 (13) (a) The bureau of criminal justice research shall do all of the  
23 following:

1           1. Serve as a clearinghouse of justice system data and information and conduct  
2 justice system research and data analysis under this section.

3           8. Not later than the first day of the 12th month beginning after the effective  
4 date of this subdivision .... [revisor inserts date], and biennially thereafter, prepare  
5 a report containing statewide statistics on standard sentences for each felony offense  
6 and how the standard sentences of each circuit court compare to the statistics on the  
7 sentences for its respective region and how the standard sentences of each circuit  
8 court compare to the statistics on the sentences for the state. The report shall be  
9 distributed to the appropriate standing committees of the legislature in the manner  
10 provided under s. 13.172 (3) and to the governor.

11           (b) The executive director shall appoint a staff director under s. 15.105 (19) (b)  
12 outside of the classified service.

13           **SECTION 8.** 19.42 (10) (p) of the statutes is amended to read:

14           19.42 (10) (p) A member, the executive staff director, or the deputy director of  
15 the sentencing commission bureau of criminal justice research.

16           **SECTION 9.** 19.42 (13) (o) of the statutes is amended to read:

17           19.42 (13) (o) The position of member, executive staff director, or deputy  
18 director of the sentencing commission bureau of criminal justice research.

19           **SECTION 10.** 20.505 (4) (dr) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

20           **SECTION 11.** 20.505 (4) (mr) of the statutes is repealed.

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

21           **SECTION 12.** 20.923 (4) (b) 7. of the statutes is amended to read:

1           20.923 (4) (b) 7. Sentencing commission: executive Bureau of criminal justice:  
2 staff director.

3           **SECTION 13.** 20.923 (6) (hr) of the statutes is amended to read:

4           20.923 (6) (hr) Sentencing commission Bureau of criminal justice research:  
5 deputy staff director.

6           **SECTION 14.** 227.01 (13) (sm) of the statutes is repealed.

7           **SECTION 15.** 230.08 (2) (L) 6. of the statutes is repealed and recreated to read:  
8 230.08 (2) (L) 6. Bureau of criminal justice research.

          \*\*\*\*NOTE: Please review closely my changes to s. 230.08 to ensure that I have done  
what you intend.

9           **SECTION 16.** 230.08 (2) (of) of the statutes is amended to read:

10           230.08 (2) (of) The executive staff director of the sentencing commission bureau  
11 of criminal justice research.

12           **SECTION 17.** ~~973.017 (2) (a) of the statutes is amended to read:~~

13           ~~973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by~~  
14 ~~the sentencing commission under s. 973.30 or, if the sentencing commission has not~~  
15 ~~adopted a guideline for the offense, any applicable temporary sentencing guideline~~  
16 ~~adopted by the criminal penalties study committee created under 1997 Wisconsin~~  
17 ~~Act 283 advisory committee on sentencing created under 2007 Wisconsin Act .... (this~~  
18 ~~act), section 9101 (1).~~

19           **SECTION 18.** 973.017 (10) of the statutes is amended to read:

20           973.017 (10) USE OF GUIDELINES, NO RIGHT TO OR BASIS FOR APPEAL. The  
21 requirement under sub. (2) (a) that a court consider sentencing guidelines adopted  
22 by the sentencing commission or the criminal penalties study advisory committee on  
23 sentencing does not require a court to make a sentencing decision that is within any

1 range or consistent with a recommendation specified in the guidelines, and there is  
2 no right to appeal a court's sentencing decision based on the court's decision to depart  
3 in any way from any guideline.

4 **SECTION 19.** 973.30 (title) of the statutes is repealed.

5 **SECTION 20.** 973.30 (1) (intro.) of the statutes is repealed.

6 **SECTION 21.** 973.30 (1) (a) of the statutes is repealed.

7 **SECTION 22.** 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

8 **SECTION 23.** 973.30 (1) (c) of the statutes is repealed.

9 **SECTION 24.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

10 **SECTION 25.** 973.30 (1) (e) of the statutes is repealed.

11 **SECTION 26.** 973.30 (1) (f) of the statutes is repealed.

12 **SECTION 27.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

13 **SECTION 28.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

14 **SECTION 29.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

15 **SECTION 30.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

16 **SECTION 31.** 973.30 (2) of the statutes is repealed.

17 **SECTION 32.** 973.30 (3) of the statutes is repealed.

18 **SECTION 9101. Nonstatutory provisions; Administration.**

19 (1) ADVISORY COMMITTEE ON SENTENCING GUIDELINES.

20 (a) There is created a special committee to be called the advisory committee on  
21 sentencing guidelines, which shall consist of members appointed by the governor.

22 (b) The governor shall appoint or determine the method of appointment of the  
23 officers of the committee and shall call the first meeting of the committee.

24 (c) The department of administration shall provide necessary administrative  
25 support services to the committee.

INS  
S-4



1 (d) The department of administration shall reimburse members of the  
2 committee for their actual and necessary expenses incurred in carrying out their  
3 functions from the appropriation under section 20.505 (1) (ka) of the statutes, within  
4 the budget of the committee authorized under section 16.40 (14) of the statutes.

5 (e) The committee shall use the data and work completed by the bureau of  
6 criminal justice research and propose legislation for sentencing guidelines by  
7 December 2008, when the committee shall sunset.

8 (2) COMMITTEE ON MINORITIES IN CRIMINAL JUSTICE SYSTEM.

9 (a) There is created a special committee to be called the committee on  
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\*\*\*NOTE: Do you want a specific date for the report?

1

(END)

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1416/1ins  
CMH:kjf:jf

1 insert 5-4

2 SECTION 1. 973.017 (2) (a) of the statutes is amended to read:

3 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by

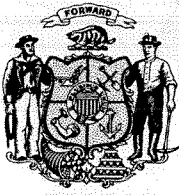
4 the sentencing commission under ~~s. 973.30~~ created under 2001 Wisconsin Act <sup>109</sup>, or,

5 if the sentencing commission has not adopted a guideline for the offense, any

6 applicable temporary sentencing guideline adopted by the criminal penalties study

7 committee created under 1997 Wisconsin Act 283.

History: 2001 a. 109; 2003 a. 321; 2005 a. 14, 277.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1416/2

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Stays

3  
dcs

DOA:.....Wavrunek, BB0302 - Bureau of criminal justice research

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*Do NOT Gen*

1 AN ACT...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CRIMES**

**SENTENCING** *ing*

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

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2 department or independent agency or of a division or other subunit within a  
3 department, except for the Wisconsin waterways commission which shall consist of  
4 5 members and the parole commission which shall consist of 8 members. A Wisconsin  
5 group created for participation in a continuing interstate body, or the interstate body  
6 itself, shall be known as a "commission", but is not a commission for purposes of s.  
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9 ~~commission created under s. 15.105 (27) shall be known as a "commission" but is not~~  
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11           **SECTION 2.** 15.105 (19) of the statutes is renumbered 15.105 (19) (a).

12           **SECTION 3.** 15.105 (19) (b) of the statutes is created to read:

13           15.105 (19) (b) There is created in the office of justice assistance a bureau of  
14 criminal justice research.

15           **SECTION 4.** 15.105 (27) of the statutes is repealed.

16           **SECTION 5.** 16.964 (1) (f) of the statutes is repealed.

17           **SECTION 6.** 16.964 (3) of the statutes is amended to read:

18           16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)  
19 (a) outside of the classified service.

20           **SECTION 7.** 16.964 (13) of the statutes is created to read:

21           16.964 (13) (a) The bureau of criminal justice research shall do all of the  
22 following:

23           1. Serve as a clearinghouse of justice system data and information and conduct  
24 justice system research and data analysis under this section.



1           20.923 (6) (hr) ~~Sentencing commission~~ Bureau of criminal justice research:  
2    deputy staff director.

3           **SECTION 14.** 227.01 (13) (sm) of the statutes is repealed.

4           **SECTION 15.** 230.08 (2) (L) 6. of the statutes is repealed and recreated to read:  
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10          973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by  
11    the sentencing commission ~~under s. 973.30~~ created under 2001 Wisconsin Act 109,  
12    or, if the sentencing commission has not adopted a guideline for the offense, any  
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14    committee created under 1997 Wisconsin Act 283.

15          **SECTION 18.** 973.30 (title) of the statutes is repealed.

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20          **SECTION 23.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

21          **SECTION 24.** 973.30 (1) (e) of the statutes is repealed.

22          **SECTION 25.** 973.30 (1) (f) of the statutes is repealed.

23          **SECTION 26.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

