

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1416/3

CMH:kjf&cs:nan

4
Stays

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

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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don't see
car

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

Analysis by the Legislative Reference Bureau

CRIMES

SENTENCING

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, studying and reporting on whether race is a factor when imposing sentences, and studying 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.

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

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

SECTION 1

1 15.01 (2) "Commission" means a 3-member governing body in charge of a
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.
7 15.06. The parole commission created under s. 15.145 (1) shall be known as a
8 "commission", but is not a commission for purposes of s. 15.06. ~~The sentencing~~
9 ~~commission created under s. 15.105 (27) shall be known as a "commission" but is not~~
10 ~~a commission for purposes of s. 15.06 (1) to (4m), (7), and (9).~~

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

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

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

12 19.42 (10) (p) A member, the executive staff director, or the deputy director of
13 the ~~sentencing commission~~ bureau of criminal justice research.

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

15 19.42 (13) (o) The position of member, executive staff director, or deputy
16 director of the ~~sentencing commission~~ bureau of criminal justice research.

17 **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.

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

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

Staff
of
the
executive
staff
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Section #. CR 230.08 (2) (oh)

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

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

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

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.

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

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

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

973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted by the sentencing commission under ~~s. 973.30~~ created under 2001 Wisconsin Act 109, or, if the sentencing commission has not adopted a guideline for the offense, any applicable temporary sentencing guideline adopted by the criminal penalties study committee created under 1997 Wisconsin Act 283.

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

SECTION 19. 973.30 (1) (intro.) of the statutes is repealed.

SECTION 20. 973.30 (1) (a) of the statutes is repealed.

SECTION 21. 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

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

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

1 **SECTION 27.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

2 **SECTION 28.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

3 **SECTION 29.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

4 **SECTION 30.** 973.30 (2) of the statutes is repealed.

5 **SECTION 31.** 973.30 (3) of the statutes is repealed.

6 **(END)**

Hanaman, Cathlene

From: Wavrunek, Leah J - DOA
Sent: Sunday, January 28, 2007 12:17 PM
To: Hanaman, Cathlene
Subject: -1416 New Revision

Hi Cathlene,

New revision to LRB-1416/4 relating to the bureau of criminal justice research—please remove the last revision, which added 230.08(2)(oh) for the executive director of the office of justice assistance and any other related changes, if there were any.

THANK YOU!
leah

From: Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.wisconsin.gov]
Sent: Friday, January 26, 2007 5:30 PM
To: Wavrunek, Leah J - DOA
Subject: RE: -1416

Thanks. Expect it soon.

From: Wavrunek, Leah J - DOA
Sent: Friday, January 26, 2007 5:16 PM
To: Hanaman, Cathlene
Subject: RE: -1416

Okay, here is the change:

On page 4 there are changes to 230.08(2). I would like to add the executive director of the office of justice assistance, under 230.08(2)(), whatever the new alpha would be. This would be separate from the staff director of the bureau of criminal justice research under 230.08(2)(of).

Thank you! I will be in over the weekend if you have any questions.

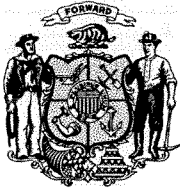
leah

From: Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.wisconsin.gov]
Sent: Friday, January 26, 2007 4:08 PM
To: Wavrunek, Leah J - DOA
Subject: -1416

I am going to redraft -1416 to remove the notes, okay?

Any other changes while I am in there?

01/28/2007



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1416/4
CMH:kjf&cs:rs

KMK

+wj

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1416/5

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Handwritten notes:
 *** NOTE: This is reconciled s. 20.923 (4) (b) 7. This section has been affected by drafts with the following LRD#s: -1416/5 and 1633/PG

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2 deputy staff director.

**** NOTE: This is reconciled s. 20.923 (6) (hr). This section has been affected by drafts with the following LRB#s - 1416/5 and -1633/P6*

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4 (END)

*The treatment of
s. 973.012 (2)(c)
in -1416/5 now
appears in -1633.*

Date

*LRB-1416/6 dn
cmh:kjf*

*This draft reconciles LRB-1416/5 and LRB-~~1416/5~~ 1633/p6,
Both drafts should remain appear in the compile.*

*This draft reconciles LRB-1416/5 and LRB-1403/1.
The treatment of s. 15.01(2) in -1416/5 now appears
in -1403/1. Both drafts should remain in the compile.*

cmh

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1416/6dn
CMH:kjf:nwn

January 30, 2007

This draft reconciles LRB-1416/5 and LRB-1633/P6. The treatment of s. 973.017 (2) (a) in -1416/5 now appears in -1633. Both drafts should remain in the compile.

This draft reconciles LRB-1416/5 and LRB-1403/1. The treatment of s. 15.01 (2) in -1416/5 now appears in -1403. Both drafts should remain in the compile.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov



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10 20.923 **(4)** (b) 7. ~~Sentencing commission: executive~~ Bureau of criminal justice
11 research: staff director.

 ****NOTE: This is reconciled s. 20.923 (4) (b) 7. This SECTION has been affected by drafts with the following LRB numbers: -1416/5 and -1633/P6

12 **SECTION 12.** 20.923 (6) (hr) of the statutes is amended to read:

13 20.923 **(6)** (hr) ~~Sentencing commission~~ Bureau of criminal justice research:
14 deputy staff director.

 ****NOTE: This is reconciled s. 20.923 (6) (hr). This SECTION has been affected by drafts with the following LRB numbers: -1416/5 and -1633/P6.

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

16 **SECTION 14.** 230.08 (2) (L) 6. of the statutes is repealed and recreated to read:

17 230.08 **(2)** (L) 6. Bureau of criminal justice research.

18 **SECTION 15.** 230.08 (2) (of) of the statutes is amended to read:

19 230.08 **(2)** (of) The ~~executive~~ staff director of the ~~sentencing commission~~ bureau
20 of criminal justice research.

- 1 **SECTION 16.** 973.30 (title) of the statutes is repealed.
- 2 **SECTION 17.** 973.30 (1) (intro.) of the statutes is repealed.
- 3 **SECTION 18.** 973.30 (1) (a) of the statutes is repealed.
- 4 **SECTION 19.** 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.
- 5 **SECTION 20.** 973.30 (1) (c) of the statutes is repealed.
- 6 **SECTION 21.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.
- 7 **SECTION 22.** 973.30 (1) (e) of the statutes is repealed.
- 8 **SECTION 23.** 973.30 (1) (f) of the statutes is repealed.
- 9 **SECTION 24.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.
- 10 **SECTION 25.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.
- 11 **SECTION 26.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.
- 12 **SECTION 27.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.
- 13 **SECTION 28.** 973.30 (2) of the statutes is repealed.
- 14 **SECTION 29.** 973.30 (3) of the statutes is repealed.

15

(END)