



2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	natzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3	chanaman	kfollett	rschluet	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007	_____	01/26/2007		
/P4	chanaman 01/26/2007	kfollett 01/26/2007	rschluet 01/26/2007	_____	sbasford 01/26/2007		
/P5	chanaman 01/26/2007	csicilia 01/26/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		
/P6	chanaman 01/30/2007	kfollett 01/30/2007	pgreensl 01/26/2007	_____	cduerst 01/28/2007		
/P7	chanaman 02/02/2007	kfollett 02/02/2007	rschluet 01/30/2007	_____	sbasford 01/30/2007		
/P8		kfollett 02/02/2007	nnatzke 02/02/2007	_____	sbasford 02/02/2007		
/P9			nnatzke 02/02/2007	_____	sbasford 02/02/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Steinmetz

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Criminal Law - sentencing

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	natzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3	chanaman	kfollett 1/19/07 2/2/07	rschluet nwn 2/2	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007	_____	01/26/2007		
/P4	chanaman 01/26/2007	kfollett 01/26/2007	rschluet 01/26/2007	_____	sbasford 01/26/2007		
/P5	chanaman 01/26/2007	csicilia 01/26/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		
/P6	chanaman 01/30/2007	kfollett 01/30/2007	pgreensl 01/26/2007	_____	cduerst 01/28/2007		
/P7	chanaman 02/02/2007	kfollett 02/02/2007	rschluet 01/30/2007	_____	sbasford 01/30/2007		
/P8			nmatzke 02/02/2007	_____	sbasford 02/02/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3	chanaman 2/2/07	kfollett 1/28/07	rschluet nwn 2/2	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007	_____	01/26/2007		
/P4	chanaman 01/26/2007	kfollett 01/26/2007	rschluet 01/26/2007	_____	sbasford 01/26/2007		
/P5	chanaman 01/26/2007	csicilia 01/26/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		
/P6	chanaman 01/30/2007	kfollett 01/30/2007	pgreensl 01/26/2007	_____	cduerst 01/28/2007		
/P7			rschluet 01/30/2007	_____	sbasford 01/30/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3	chanaman	kfollett 1P7/kj 1/30	rschluet	_____	lrb_docadmin		

Handwritten signatures and initials are present over the bottom two rows of the drafting history table. The signature '1P7/kj' and '1/30' are written over the 'kfollett' entries for versions /P3 and /P2. A large signature, possibly 'J. Steinmetz', is written over the 'rschluet' entries for versions /P3 and /P2.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007	_____	01/26/2007		
/P4	chanaman 01/26/2007	kfollett 01/26/2007	rschlue 01/26/2007	_____	sbasford 01/26/2007		
/P5	chanaman 01/26/2007	csicilia 01/26/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		
/P6			pgreensl 01/26/2007	_____	cduerst 01/28/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	<i>[Handwritten initials]</i>	mbarman 01/25/2007		
/P3	chanaman	kfollett	rschluet	<i>[Handwritten initials]</i>	lrb_docadmin		

[Handwritten signature]

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007	_____	01/26/2007		
/P4	chanaman 01/26/2007	kfollett 01/26/2007	rschluet 01/26/2007	_____	sbasford 01/26/2007		
/P5			jfrantze 01/26/2007	_____	sbasford 01/26/2007		

FE Sent For:

1/P6 gjs 1/26
07

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	natzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3	chanaman	kfollett 1/26/07 1/26/07	rschluet 1/26/07	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2007	01/26/2007	01/26/2007 _____		01/26/2007		
/P4			rschluet _____ 01/26/2007 _____		sbasford 01/26/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

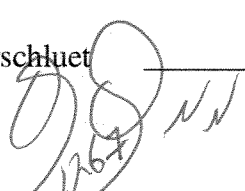
Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	sbasford 01/24/2007		
/P2	chanaman 01/25/2007	lkunkel 01/25/2007	rschluet 01/25/2007	_____	mbarman 01/25/2007		
/P3		1p4kf 1/2	rschluet			lrb_docadmin	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

01/26/2007 _____

01/26/2007

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Steinmetz

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Criminal Law - sentencing

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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		_____			
/P1	chanaman 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	sbasford 01/24/2007		
/P2			rschluet 01/25/2007	_____	mbarman 01/25/2007		

/p3/mk 1/25

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Steinmetz

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Correctional System - misc
Criminal Law - sentencing

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II council

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					
/P1		<i>1/24/07</i> kj	nmatzke 01/24/2007		sbasford 01/24/2007		

FE Sent For:

AST
UP
<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Criminal Law - sentencing**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz, BB0373 -

Topic:

Truth in sentencing phase II ^{council} ~~commission~~

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	1/16/07 1/27	nwn 1/24	nwn/jf 1/24			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Truth in Sentencing Phase II Commission
- Tracking Code: BB0373
- SBO team: General Government and Justice
- SBO analyst: Jana Steinmetz
 - Phone: 266-2213
 - Email: Jana.Steinmetz@Wisconsin.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): High

OK 2/5/26

FY07-09 Biennial Budget
Statutory Language Request

Agency: Department of Administration

Topic: Truth in Sentencing Phase II Commission

Contact: Jana Steinmetz
266-2213

Current Language

Current language sunsets the Sentencing Commission effective December 31, 2007.

Proposed Change

Eliminate the current Sentencing Commission effective June 30, 2007.

Create a Truth in Sentencing Phase II Commission. Transfer funding and positions from the current Sentencing Commission to the Office of Justice Assistance.

Direct the Commission to propose legislation for sentencing guidelines by January 1, 2008.

The Commission would be made up of 11 members:

- 4 legislators (one majority party member and one minority party member from each house);
- A district attorney appointed by the Governor;
- State Public Defender or his or her designee;
- A judge appointed by the Chief Justice;
- 4 public members appointed by the Governor, one of whom is a victim advocate.

If the proposed legislation is not passed by the legislature by June 30, 2008, the state would revert to indeterminate sentencing as of July 1, 2008.

Sunset the Commission January 31, 2008.

Desired effective date: Upon passage of the bill



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-16337

CMH...

pl
yf

DOA:.....Steinmetz, BB0373 - Truth in sentencing phase II commission
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

council
↑
CPS
phase fix
request
street

done for cat

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

Analysis by the Legislative Reference Bureau

Current law requires the Sentencing Commission to monitor and compile information about sentencing practices in criminal cases and to develop advisory sentencing guidelines for felonies to promote public safety, ~~to~~ reflect changes in sentencing practices, and ~~to~~ preserve the integrity of the criminal justice and correctional systems. When a court sentences a person who, on or after February 1, 2003, committed a felony, the court must consider as one factor in its sentencing decision any advisory sentencing guidelines that the Sentencing Commission adopts for that offense. If the Sentencing Commission has not adopted guidelines, the court must consider any temporary advisory sentencing guidelines that were adopted by the Criminal Penalties Study Committee for that offense. The duties of the Sentencing Commission were to end on December 31, 2007.

changes

2007

This bill forwards the sunset date of the Sentencing Commission to June 30, 1997. The bill also creates a Truth-In-Sentencing Phase II Council (council) in DOA to propose sentencing guidelines to the office of justice assistance (OJA). As with the sentencing guidelines adopted by the Sentencing Commission, a sentencing court must consider as one factor in its sentencing decision any sentencing guidelines proposed to OJA by the council. The duties of the council end on January 31, 2008.

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; 1987 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, 109; 2005 a. 25, 421.

12 **SECTION 2.** 15.105 (27) (f) of the statutes is amended to read:

13 15.105 (27) (f) *Sunset.* This subsection does not apply after December 31 June
14 30, 2007.

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.

15 **SECTION 3.** 15.107 (18) of the statutes is created to read:

16 15.107 (18) TRUTH-IN-SENTENCING PHASE ^{II} COUNCIL. (a) *Creation.* There is
17 created in the department of administration a council called the
18 truth-in-sentencing phase II council that shall advise the office of justice assistance
19 and that shall consist of the following members:
20 1. The state public defender or his or her designee.
21 2. One majority party member and one minority party member from each house
22 of the legislature, appointed as are the members of standing committees in their
23 respective houses.

- 1 3. One district attorney appointed by the governor.
- 2 4. Three members who are not employed by any unit of federal, state, or local
- 3 government, appointed by the governor.
- 4 5. One ^erepresentative of crime victims, appointed by the governor.
- 5 6. One circuit judge, appointed by the ~~Supreme~~ Court.

6 (b) *Officers*. The governor shall designate annually one of the members of the

7 council as chairperson. The council may elect officers other than a chairperson from

8 among its members as its work requires.

9 (c) *Reimbursement and compensation*. Members of the council shall be

10 reimbursed for their actual and necessary expenses incurred in the performance of

11 their duties. An officer or employee of the state shall be reimbursed by the agency

12 that pays the member's salary. Members who are full-time state officers or

13 employees shall receive no compensation for their services. Other members shall be

14 paid \$25 per day, in addition to their actual and necessary expenses, for each day on

15 which they are actually and necessarily engaged in the performance of their duties.

16 (d) *Sunset*. This subsection does not apply after January 31, 2008.

***NOTE: Instead of a [✓]commission, I created a council since the entity is not a
commission per s. 15.01 (2) but rather a council per s. 15.01 (4). The original
truth-in-sentencing commission did not really fit the definition of "commission"
either--see the language I struck in s. 15.01 (2).

17 **SECTION 4.** 16.964 (14) of the statutes is created to read:

18 16.964 (14) The truth-in-sentencing phase II council shall propose sentencing

19 guidelines to the office.

20 **SECTION 5.** 19.42 (10) (p) of the statutes is amended to read:

21 19.42 (10) (p) A member, ~~the executive director, or the deputy director~~ of the

22 ~~sentencing commission~~ truth-in-sentencing phase II council.

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.

1 **SECTION 6.** 19.42 (13) (o) of the statutes is amended to read:

2 19.42 (13) (o) The position of member, ~~executive director, or deputy director of~~
3 the sentencing commission truth-in-sentencing phase II council.

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.

4 **SECTION 7.** 20.505 (4) (dr) of the statutes is amended to read:

5 20.505 (4) (dr) *Sentencing commission council.* The amounts in the schedule
6 for the general program operations of the ~~sentencing commission~~
7 truth-in-sentencing phase II council. No money may be encumbered from the
8 appropriation under this paragraph after ~~December 31, 2007~~ January 31, 2008.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433.

9 **SECTION 8.** 20.505 (4) (mr) of the statutes is amended to read:

10 20.505 (4) (mr) *Sentencing commission council; federal aid.* All moneys
11 received as federal aid as authorized by the governor under s. 16.54 to carry out the
12 purposes for which the aid is provided. No money may be encumbered from the
13 appropriation under this paragraph after ~~December 31, 2007~~ January 31, 2008.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433.

14 **SECTION 9.** 20.923 (4) (b) 7. of the statutes is repealed.

15 **SECTION 10.** 20.923 (6) (hr) of the statutes is repealed.

16 **SECTION 11.** 973.017 (2) (a) and (10) of the statutes are amended to read:

17 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted
18 proposed by the ~~sentencing commission truth-in-sentencing phase II council~~ under

1 s. 973.30 [✓]16.964 (14) or, if the ~~sentencing commission~~ [✓]truth-in-sentencing phase II
 2 council has not adopted proposed a guideline for the offense, any applicable
 3 temporary sentencing guideline adopted by the sentencing commission created
 4 under 2001^{Wisconsin} Act 109, or if the sentencing commission did not adopt a guideline for the
 5 offense, any applicable temporary sentencing guideline adopted by the criminal
 6 penalties study committee created under 1997 Wisconsin Act 283.

****NOTE: Please review this provision--is that what you intend?

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

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

(END)

D- Note

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

LRB-1633/?dn

CMH: *kgf*

Date

Jana: *9*

x Please see my ****NOTES throughout the bill. I am also a little confused about the deceptively short instruction "If the proposed legislation is not passed by the legislature by June 30, 2008, the state would revert to indeterminate sentencing as of July 1, 2008." First, do you mean that all of the determinate sentencing provisions of TIS would be gone? If so, please let me know as soon as possible because that could be a mighty big task. And, if so, do you mean that the legislation has to be identical to what the council recommended? That could be a delegation problem (I would need to look into that). What if the legislature passed 99.5 percent of what the council proposed? Also, what if the council does not propose any legislation? And by "passed by the legislature" do you mean through both houses but not signed into law?

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

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

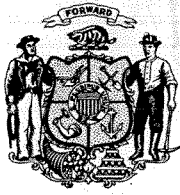
LRB-1633/P1dn
CMH:kjf:nwn

January 24, 2007

Jana:

Please see my ****NOTES throughout the bill. I am also a little confused about the deceptively short instruction "If the proposed legislation is not passed by the legislature by June 30, 2008, the state would revert to indeterminate sentencing as of July 1, 2008." First, do you mean that all of the determinate sentencing provisions of TIS would be gone? If so, please let me know as soon as possible because that could be a mighty big task. And, if so, do you mean that the legislation has to be identical to what the council recommended? That could be a delegation problem (I would need to look into that). What if the legislature passed 99.5 percent of what the council proposed? Also, what if the council does not propose any legislation? And by "passed by the legislature" do you mean through both houses but not signed into law?

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1633/PT
CMH:kjf: *WV*

P2

DOA:.....Steinmetz, BB0373 - Truth in sentencing phase II council
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

does your cut

*CRIMES - HEND
SENTENCING - sub*

Analysis by the Legislative Reference Bureau

~~Current law requires the Sentencing Commission to monitor and compile information about sentencing practices in criminal cases and to develop advisory sentencing guidelines for felonies to promote public safety, reflect changes in sentencing practices, and preserve the integrity of the criminal justice and correctional systems. When a court sentences a person who, on or after February 1, 2003, committed a felony, the court must consider as one factor in its sentencing decision any advisory sentencing guidelines that the Sentencing Commission adopts for that offense. If the Sentencing Commission has not adopted guidelines, the court must consider any temporary advisory sentencing guidelines that were adopted by the Criminal Penalties Study Committee for that offense. The duties of the Sentencing Commission were to end on December 31, 2007.~~

~~This bill changes the sunset date of the Sentencing Commission to June 30, 2007. The bill also creates a Truth-In-Sentencing Phase II Council (council) in DOA to propose sentencing guidelines to the Office of Justice Assistance (OJA). As with the sentencing guidelines adopted by the Sentencing Commission, a sentencing court must consider as one factor in its sentencing decision any sentencing guidelines proposed to OJA by the council. The duties of the council end on January 31, 2008.~~

*NWS
A*

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).~~ 9

12 **SECTION 2.** 15.105 (27) (f) of the statutes is amended to read:

13 15.105 (27) (f) *Sunset.* This subsection does not apply after December 31 June
14 30, 2007.

15 **SECTION 3.** 15.107 (18) of the statutes is created to read:

16 15.107 (18) TRUTH-IN-SENTENCING PHASE II COUNCIL. (a) *Creation.* There is
17 created in the department of administration a council called the
18 truth-in-sentencing phase II council ~~that shall advise the office of justice assistance~~
19 ~~and~~ that shall consist of the following members:

20 1. The state public defender or his or her designee.

21 2. One majority party member and one minority party member from each house
22 of the legislature, appointed as are the members of standing committees in their
23 respective houses.

24 3. One district attorney appointed by the governor.

1 4. Three members who are not employed by any unit of federal, state, or local
2 government, appointed by the governor.

3 5. One representative of crime victims, appointed by the governor.

4 6. One circuit judge, appointed by the supreme court.

5 (b) *Officers.* The governor shall designate annually one of the members of the
6 council as chairperson. The council may elect officers other than a chairperson from
7 among its members as its work requires.

8 (c) *Reimbursement and compensation.* Members of the council shall be
9 reimbursed for their actual and necessary expenses incurred in the performance of
10 their duties. An officer or employee of the state shall be reimbursed by the agency
11 that pays the member's salary. Members who are full-time state officers or
12 employees shall receive no compensation for their services. Other members shall be
13 paid \$25 per day, in addition to their actual and necessary expenses, for each day on
14 which they are actually and necessarily engaged in the performance of their duties.

15 (d) *Sunset.* This subsection does not apply after January 31, 2008.

****NOTE: Instead of a commission, I created a council since the entity is not a
commission per s. 15.01 (2) but rather a council per s. 15.01 (4). The original
truth-in-sentencing commission did not really fit the definition of "commission"
either--see the language I struck in s. 15.01 (2).

16 **SECTION 4.** 16.964 (14) of the statutes is created to read:

17 16.964 (14) The truth-in-sentencing phase II council shall propose sentencing
18 guidelines to the ~~office~~ legislature by January 31, 2008

19 **SECTION 5.** 19.42 (10) (p) of the statutes is amended to read:

20 19.42 (10) (p) A member, ~~the executive director, or the deputy director~~ of the
21 ~~sentencing commission~~ truth-in-sentencing phase II council.

22 **SECTION 6.** 19.42 (13) (o) of the statutes is amended to read:

SECTION # RP 20.505^x (4) (dr)
*** NOTE BUD

1 19.42 (13) (o) The position of member, executive director, or deputy director of
2 the sentencing commission truth-in-sentencing phase II council.

3 SECTION 7. 20.505 (4) (dr) of the statutes is amended to read:

4 20.505 (4) (dr) Sentencing commission council. The amounts in the schedule
5 for the general program operations of the sentencing commission

6 truth-in-sentencing phase II council. No money may be encumbered from the
7 appropriation under this paragraph after ~~December 31, 2007~~ January 31, 2008.

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

SECTION # RP 20.505 (4) (mr)

8 SECTION 8. 20.505 (4) (mr) of the statutes is amended to read:

9 20.505 (4) (mr) Sentencing commission council federal aid. All moneys
10 received as federal aid as authorized by the governor under s. 16.54 to carry out the

11 purposes for which the aid is provided. No money may be encumbered from the
12 appropriation under this paragraph after ~~December 31, 2007~~ January 31, 2008.

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

13 SECTION 9. 20.923 (4) (b) 7. of the statutes is repealed.

14 SECTION 10. 20.923 (6) (hr) of the statutes is repealed.

15 SECTION 11. 973.017 (2) (a) and (10) of the statutes are amended to read:

16 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted
17 proposed by the sentencing commission truth-in-sentencing phase II council under

18 s. 973.30 16.964 (14) or, if the sentencing commission truth-in-sentencing phase II
19 council has not adopted proposed a guideline for the offense, any applicable

20 temporary sentencing guideline adopted by the sentencing commission created
21 under 2001 Wisconsin Act 109, or if the sentencing commission did not adopt a

1 guideline for the offense, any applicable temporary sentencing guideline adopted by
2 the criminal penalties study committee created under 1997 Wisconsin Act 283.

***NOTE: Please review this provision--is that what you intend?

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

10

(END)

INS 5-10

proposed by the or

D-Note

1 Insert A

The bill creates a Truth-In-Sentencing Phase II Council (council) in DOA to propose sentencing guidelines to the legislature by January 31, 2008, which is also the date on which the duties of the council end. If the legislature does not pass a bill that contains sentencing guidelines that are informed by the council's proposed guidelines by June 30, 2008, then DOA must propose legislation to revert from determinate sentencing to indeterminate sentencing. If the legislature does not pass a bill that contains sentencing guidelines that are informed by the council's proposed guidelines by August 30, 2008, then the governor must call a special session for the legislature to consider the bill proposed by DOA and the legislature must pass or reject the bill without amendment.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Insert 5-10

SECTION 9101. Nonstatutory provisions; Administration.

(1) SENTENCING GUIDELINES PROPOSED BY TRUTH-IN-SENTENCING PHASE II COUNCIL.

The legislature shall consider the sentencing guidelines proposed by the truth-in-sentencing phase II council under section 16.964 (14) of the statutes, as created by this act, and subsequently ^{shall} pass a bill on sentencing guidelines, which do not have to be identical to the guidelines proposed under section 16.964 (14) of the statutes, as created by this act. If such bill on sentencing guidelines is not enacted by June 30, 2008, the department of administration shall propose legislation that changes the determinate sentencing structure, ^{commonly} known as truth-in-sentencing, to an indeterminate sentencing structure. If such bill on sentencing guidelines is not enacted by August 30, 2008, then the governor shall call a special session for the legislature to consider the bill proposed by the department of administration, and the legislature must pass or reject the bill without amendment.

This subsection does not apply if the truth-in-sentencing phase II council does not propose sentencing guidelines.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Date

07-1633/P2dn

cmH: kj

Jona:

As we discussed, this nonstatutory provision
is probably not binding. (1)

cmH



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

LRB-1633/P2dn
CMH:kjf:rs

January 25, 2007

Jana:

As we discussed, this nonstatutory provision is probably not binding.

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