Received By: chanaman

2009 DRAFTING REQUEST

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Received: 06/30/2009

FE Sent For:

Wanted: As time permits For: Joe Parisi (608) 266-5342 This file may be shown to any legislator: NO				Identical to LRB: By/Representing: Mike Murray Drafter: chanaman											
								May Contact:				Addl. Drafters:			
								Subject: Criminal Law - procedure Criminal Law - sentencing			Extra Copies:				
Submit via	email: YES														
Requester's	s email:	Rep.Parisi@	elegis.wisco	nsin.gov											
Carbon cop	by (CC:) to:														
Pre Topic	:														
No specific	pre topic giv	/en													
Topic:															
Add gende	r to hate crim	e penalty enhar	ncer												
Instructio	ns:														
See attache	ed														
Drafting l	History:														
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required								
/?	chanaman 07/21/2009	bkraft 08/11/2009					S&L Crime								
/1			jfrantze 08/11/2009	9	mbarman 08/11/2009	cduerst 10/02/2009									

<**END>**

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2009 DRAFTING REQUEST

Bill

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Pre Top	ic:							
No speci	fic pre topic gi	ven						
Topic:	dar ta hata arin	na nanalty anha	noar					
	der to hate crin	e penaity eima	ncer					
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Bill

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Submit via email: YES				
Requester's email: Rep.Parisi@legis.wisconsin.gov				
Carbon copy (CC:) to:				
Pre Topic:				
No specific pre topic given				
Topic:				
Add gender to hate crime penalty enhancer				
Instructions: asked Muha Murray about use of term "sex" versus See attached - "gender"; profes "gender" as he believes it's broader				
Drafting History:				
Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required /? chanaman / bj k % Storm Submitted Submitted Proofed Submitted Submitted Proofed Submitted Submitted Submitted Proofed Submitted Sub				

FE Sent For:

<END>



State of Misconsin 2009 - 2010 LEGISLATURE

LRB-3061

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: making crimes based on export victim subject to a penalty

enhancer and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's race, religion, color, disability, sexual orientation, national origin, or ancestry. This bill provides an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's gender. The penalty enhancer revises the maximum fine and the maximum term of imprisonment for the crime, and the revision is based on the classification of the underlying crime. If the underlying crime is a Class B or Class C misdemeanor, the revised maximum fine is \$10,000 and the revised maximum term of imprisonment is one year in the county jail. If the underlying crime is a Class A misdemeanor, the penalty enhancer changes the status of the crime to a felony and the revised maximum fine is \$10,000 and the revised maximum term of imprisonment is two years. If the underlying crime is a felony, the maximum fine may be increased by not more than \$5,000 and the maximum term of imprisonment may be increased by not more than five years.

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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 939.645 (1) (b) of the statutes is amended to read:

939.645 (1) (b) Intentionally selects the person against whom the crime under par. (a) is committed or selects the property that is damaged or otherwise affected by the crime under par. (a) in whole or in part because of the actor's belief or perception regarding the race, religion, color, disability, gender, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property, whether or not the actor's belief or perception was correct.

History: 1987 a. 348; 1991 a. 291; 2001 a. 109.

Section 2. 939.645 (4) of the statutes is amended to read:

939.645 (4) This section does not apply to any crime if proof of race, religion, color, disability, gender, sexual orientation, national origin or ancestry or proof of any person's perception or belief regarding another's race, religion, color, disability, gender, sexual orientation, national origin or ancestry is required for a conviction for that crime.

History: 1987 a. 348; 1991 a. 291; 2001 a. 109.

SECTION 3. Initial applicability.

(1) This act first applies to acts committed on the effective date of this subsection.

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Duerst, Christina

From:

Sent:

Murray, Mike Friday, October 02, 2009 9:24 AM

To:

Subject:

LRB.Legal
Draft Review: LRB 09-3061/1 Topic: Add gender to hate crime penalty enhancer

Please Jacket LRB 09-3061/1 for the ASSEMBLY.

Barman, Mike

From:

Barman, Mike

Sent:

Friday, October 02, 2009 10:19 AM

To:

Murray, Mike

Cc:

Peterson, Eric; Hanaman, Cathlene

Subject:

RE: Senate Companion to LRB 09-3061/1 Topic: Add gender to hate crime penalty enhancer

I will relay your request to the drafter (Cathlene Hanaman). She will need to create a duplicate draft with a new LRB number for you if you would like a companion for the Senate.

Please let me know if I can be of further assistance.

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau Legal Section - Front Office 1 East Main Street, Suite 200, Madison, WI 53703 (608) 266-3561 / mike.barman@legis.wisconsin.gov

From:

Murray, Mike

Sent:

Friday, October 02, 2009 9:38 AM

To: Cc: Barman, Mike Peterson, Eric

Subject:

Senate Companion to LRB 09-3061/1 Topic: Add gender to hate crime penalty enhancer

Hi Mike,

Eric Peterson from Sen. Taylor's office asked if their office could get a Senate companion of the bill sent to their office. Would your office mind sending them a companion?

Thanks,

Mike

Mike Murray Office of Representative Joe Parisi