Bill

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Received: 11/24/2009					Received By: chanaman			
Wanted: As time permits					Identical to LRB:			
For: Antho	ony Staskuna	as (608) 266-06	20		By/Representing: Eric			
This file m	nay be shown	to any legislator	: NO		Drafter: chanaman			
May Conta	act:				Addl. Drafters:			
Subject: Criminal Law - crimes agnst kids Criminal Law - miscellaneous			Extra Copies:					
Submit via	email: YES							
Requester'	s email:	Rep.Staskui	nas@legis.v	visconsin.go	v			
Carbon co	py (CC:) to:							
Pre Topic	*							
No specific pre topic given								
Topic:								
Violent behavior on school grounds by nonstudents								
Instruction	ons:							
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Drafting	History:							
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FE Sent For: "/2" @ mtvo. 1/22/10

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Bill

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May Contact: Addl. Drafters:

Subject: Extra Copies: Criminal Law - crimes agnst kids

Criminal Law - miscellaneous

Submit via email: YES

Requester's email: Rep.Staskunas@legis.wisconsin.gov

Carbon copy (CC:) to:

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No specific pre topic given

Topic:

Violent behavior on school grounds by nonstudents

Instructions:

See attached--2007 AB-366

chanaman

Drafting History:

Vers. Drafted Submitted Jacketed Required

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2000 - 2008 LEGISLATURE

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200 ASSEMBLY BILL 366

May 29, 2007 – Introduced by Representatives Staskunas, Musser, Sheridan, Gunderson, Jeskewitz, Townsend, Hixson, A. Ott and Smith, cosponsored by Senators Carpenter, Roessler, Schultz, Darling, Hansen, Plale, Leibham and Sullivan. Referred to Committee on Education.

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

Analysis by the Legislative Reference Bureau

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

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

F4 5 L

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

ASSEMBLY BILL 366

1	Section 1. 939.632 (title) of the statutes is amended to read:
2	939.632 (title) Penalties; violent crime in a crimes near a school zone.
3	Section 2. 939.632 (1) (dm) of the statutes is created to read:
4	939.632 (1) (dm) "Serious crime" means any crime under s. 940.19, 940.21,
5	940.225, 940.23, 948.02, or 948.025.
6	Section 3. 939.632 (2) (intro.) of the statutes is amended to read:
7	939.632 (2) (intro.) If <u>Unless sub. (3m) applies, if</u> a person commits a violent
8	crime in a school zone, the maximum term of imprisonment is increased as follows:
9	Section 4. 939.632 (3m) of the statutes is created to read:
10	939.632 (3m) (a) If a person commits a serious crime under all of the following
11	circumstances, the maximum term of imprisonment is increased as in par. (b):
12	1. The serious crime occurred on school premises.
13	2. The serious crime occurred within one hour before, during, or within one
14 15)	hour after a scheduled school day. The serious cume occurred on the premises of a school at which 3. Elear she is not a student at the school on whose school premises the serious
16	The person who committed the serious earne is not enrelled
17	(b) 1. For a first offense, the maximum term of imprisonment is increased by
18	6 years.
19	2. For a 2nd offense, the maximum term of imprisonment is increased by 10
20	years.
21	3. For a 3rd or subsequent offense, the maximum term of imprisonment is
22	increased by 15 years.
23	Section 5. 939.632 (4) of the statutes is amended to read:

ASSEMBLY BILL 366

1	939.632 (4) This section provides for the enhancement of the penalties
2	applicable for the underlying crime. The court shall direct that the trier of fact find
3	a special verdict as to all of the issues specified in sub. (2) or (3m).
4	Section 6. Initial applicability.
5	(1) This act first applies to acts occurring on the effective date of this subsection.
6	(END)



State of Misconsin 2009 - 2010 LEGISLATURE



LRB-3904/f CMH:bjk:jf

2009 BILL

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

Analysis by the Legislative Reference Bureau

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

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill. (6)

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

- **SECTION 1.** 939.632 (title) of the statutes is amended to read: 1 2 939.632 (title) Penalties; violent crime in a crimes near a school zone. 3 **Section 2.** 939.632 (1) (dm) of the statutes is created to read: 4 939.632 (1) (dm) "Serious crime" means any crime under s. 940.19, 940.21, 5 940.225, 940.23, 948.02, or 948.025. 6 **Section 3.** 939.632 (2) (intro.) of the statutes is amended to read: 7 939.632 (2) (intro.) If Unless sub. (3m) applies, if a person commits a violent 8 crime in a school zone, the maximum term of imprisonment is increased as follows: 9 **Section 4.** 939.632 (3m) of the statutes is created to read: 10 939.632 (3m) (a) If a person commits a serious crime under all of the following
 - circumstances, the maximum term of imprisonment is increased as in par. (b):
 - 1. The serious crime occurred on school premises.
 - 2. The serious crime occurred within one hour before, during, or within one hour after a scheduled school day.
 - 3. The serious crime occurred on the school premises of a school at which the person who committed the serious crime is not enrolled.
 - (b) 1. For a first offense, the maximum term of imprisonment is increased by 6 years.
- 19 2. For a 2nd offense, the maximum term of imprisonment is increased by 10 20 years.

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- 3. For a 3rd or subsequent offense, the maximum term of imprisonment is increased by 15 years.
- 3 **Section 5.** 939.632 (4) of the statutes is amended to read:
- 4 This section provides for the enhancement of the penalties 939.632 (4) 5 applicable for the underlying crime. The court shall direct that the trier of fact find a special verdict as to all of the issues specified in sub. (2) or (3m). 6

Section 6. Initial applicability.

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

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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3904/2dn CMH:bjk:jf

December 16, 2009

Eric:

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This redraft deletes a stray "6" which appeared in the analysis by accident. It makes no other change except that technical change.

Cathlene Hanaman Legislative Attorney Phone: (608) 267-9810

E-mail: cathlene.hanaman@legis.wisconsin.gov

Duerst, Christina

From:

Hanson, Eric

Sent:

Friday, January 08, 2010 9:31 AM LRB.Legal

To:

Subject:

Draft Review: LRB 09-3904/2 Topic: Violent behavior on school grounds by

nonstudents

Please Jacket LRB 09-3904/2 for the ASSEMBLY.

Thanks,

Eric Hanson Office of Rep. Staskunas 6-0620