

**2009 DRAFTING REQUEST**

**Bill**

Received: **10/27/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Bruce**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Don.Dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **Laura.Rose@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Revisor's correction bill

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**Instructions:**

See attached

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**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 10/27/2008	csicilia 11/05/2008		_____			
/P1		csicilia 02/27/2009	mduchek 11/06/2008	_____	mbarman 11/06/2008		
/1			mduchek 02/27/2009	_____	cduerst 02/27/2009	mbarman 10/21/2009	

FE Sent For:

*None*

<END>

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Extra Copies:

Submit via email: NO

PA's -

Pre Topic:

This is a Revisor's Bill on the /1 Version.

No specific pre topic given

Topic:

Revisor's correction bill

Instructions:

See attached

Chris

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 10/27/2008	csicilia 11/05/2008					
/P1		1 g = 2/27 09	mduchek 11/06/2008		mbarman 11/06/2008		
FE Sent For:			MD	MD JF			

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2/27

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Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

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Revisor's correction bill

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/?

chanaman

/P1 cjs 11/5  
08

  
11/5

  
11/5

FE Sent For:

<END>

PAAs:  
This is a  
Revisor's Bill  
on the /P1  
version

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: CJS (revisors bill for BJH)) (Date: 11 / 03 / 08)



Please transfer the drafting file for  
2007 LRB - 4378/ to the drafting file  
for 2009 LRB - 0589

The final version of the 2007 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

**--- OR ---**

Please copy the drafting file for  
2009 LRB \_\_\_\_\_ (include the version) and place it in the  
drafting file for 2009 LRB \_\_\_\_\_

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin  
2007 - 2008 LEGISLATURE

0589/pl  
LRB-~~1378~~  
BJH:cjs  
stays

2007 BILL

stat comp ✓  
x-refs ✓  
SA 07 ✓  
SA 09 ✓

Revisor's Bill  
Do NOT Gen Cat  
Do NOT Sort

1 AN ACT relating to: repealing, consolidating, renumbering, amending, and  
2 revising various provisions of the statutes for the purpose of correcting errors,  
3 supplying omissions, correcting and clarifying references, eliminating defects,  
4 anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling  
5 conflicts, and repelling unintended repeals (Correction Bill).

---

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

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats., relates to 2007 Wisconsin Act 200. Specific changes are explained in the NOTES in the body of the bill.

---

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

6 SECTION 1. 20.455 (1) (b) of the statutes, as affected by 2007 Wisconsin Acts 1  
7 and 200, is amended to read:

**BILL**

1           20.455 (1) (b) *Special counsel*. A sum sufficient, subject to the procedures  
2 established in ss. 5.05 (2m) (c) and 14.11 (2) (c), for the compensation of special  
3 counsel appointed as provided in ss. 5.05 (2m) (c) and, 14.11 (2), and 321.42.

NOTE: Corrects punctuation.

4           **SECTION 2.** 322.001 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
5 is renumbered 322.001 (24m) and amended to read:

6           322.001 (24m) "~~Code~~ This code" means this chapter.

NOTE: "This" is added for clarity. Except in 2 places, "code" is only used in ch. 322,  
as created by 2007 Wis. Act 200, in the phrase "this code." Renumbers provision for proper  
alphabetical placement within list of definitions.

7           **SECTION 3.** 322.001 (8) of the statutes, as created by 2007 Wisconsin Act 200,  
8 is amended to read:

9           322.001 (8) "Duty status other than state active duty" means any other type  
10 of duty including ~~Unit Training Assemblies~~ unit training assemblies or drills but  
11 excludes duty not in federal service and not full-time duty in the active service of the  
12 state; under an order issued by authority of law and includes travel to and from duty.

NOTE: Makes capitalization consistent with current style.

13           **SECTION 4.** 322.001 (25) of the statutes, as created by 2007 Wisconsin Act 200,  
14 is amended to read:

15           322.001 (25) "~~Unit Training Assembly~~ training assembly" means an assembly  
16 for drill and instruction which may consist of a single ordered formation of a  
17 company, battery, squadron, or detachment, or, when authorized by the commander,  
18 a series of ordered formations of those organizations.

NOTE: Makes capitalization consistent with current style.

19           **SECTION 5.** 322.002 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
20 is amended to read:

**BILL**

1           322.002 (2) Subject matter jurisdiction is established if a nexus exists between  
2 an offense under this code and the state military force. Courts-martial have primary  
3 jurisdiction of military offenses ~~as defined in s. 322.001~~. A proper civilian court has  
4 primary jurisdiction of a nonmilitary offense when an act or omission violates both  
5 this code and local criminal law, foreign or domestic. In this case, a court-martial  
6 may be initiated only after the civilian authority has declined to prosecute or  
7 dismissed the charge, provided jeopardy has not attached. Jurisdiction over  
8 attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be  
9 determined by the underlying offense.

NOTE: Deletes unnecessary phrase consistent with current style.

10           **SECTION 6.** 322.005 (title) and (1) of the statutes, as created by 2007 Wisconsin  
11 Act 200, are amended to read:

12           **322.005 (title) Article 5—Territorial applicability of ~~the~~ this code. (1)**  
13 This code has applicability in all places, provided that either the person subject to  
14 ~~the this code~~ is in a duty status or, if not in a duty status, that there is a nexus between  
15 the act or omission constituting the offense and the efficient functioning of the state  
16 military forces; however, this grant of military jurisdiction shall neither preclude nor  
17 limit civilian jurisdiction over an offense.

NOTE: Inserts "this" for consistency with the definition in s. 322.001 (24m), as  
renumbered by this bill.

18           **SECTION 7.** 322.006 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
19 is amended to read:

20           322.006 (1) The senior force judge ~~advocate~~ advocate in each of the state's  
21 military forces or that judge advocate's delegates shall make frequent inspections in  
22 the field in supervision of the administration of military justice in that force.

NOTE: Replaces plural with singular for proper sentence agreement.

**BILL**

1           **SECTION 8.** 322.007 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is amended to read:

3           322.007 (1) In this section, "~~apprehension~~ apprehend" means ~~the taking of to~~  
4 take a person into custody.

NOTE: "Apprehension" is not contained in s. 322.007; "apprehend" is.

5           **SECTION 9.** 322.009 (3) of the statutes, as created by 2007 Wisconsin Act 200,  
6 is amended to read:

7           322.009 (3) A commissioned officer, a warrant officer, or a civilian subject to  
8 this code or to trial ~~there under~~ thereunder may be ordered into arrest or  
9 confinement only by a commanding officer to whose authority the person is subject,  
10 by an order, oral or written, delivered in person or by another commissioned officer.  
11 The authority to order persons into arrest or confinement may not be delegated.

NOTE: Makes spelling consistent with the remainder of the statutes.

12           **SECTION 10.** 322.015 (3) (intro.) of the statutes, as created by 2007 Wisconsin  
13 Act 200, is amended to read:

14           322.015 (3) (intro.) Any commanding officer of the grade of major or lieutenant  
15 commander, or above, may impose any of the following upon enlisted members of the  
16 officer's command:

NOTE: Inserts comma to correct grammar.

17           **SECTION 11.** 322.026 (2) (c) of the statutes, as created by 2007 Wisconsin Act  
18 200, is amended to read:

19           322.026 (2) (c) ~~Certified~~ Be certified as qualified for duty as a military judge  
20 by the senior force judge advocate ~~which is~~ of the same force as the accused.

NOTE: Inserts "be" for proper sentence agreement with s. 322.026 (2) (intro.).  
Replaces "which is" with "of" to correct grammar consistent with the language of s.  
322.026 (3).

**BILL**

1           **SECTION 12.** 322.026 (3) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is amended to read:

3           322.026 (3) In the instance when a military judge is not an attorney licensed  
4 to practice in this state, the military judge shall be deemed admitted on motion,  
5 subject to filing a certificate with the senior force judge advocate of the same force  
6 as the accused setting forth the qualifications provided in sub. (2).

NOTE: The Legislative Council committee file shows that "a certificate" was  
inadvertently deleted during the drafting process.

7           **SECTION 13.** 322.027 (3) (a) of the statutes, as created by 2007 Wisconsin Act  
8 200, is amended to read:

9           322.027 (3) (a) A judge advocate ~~as defined in this code.~~

NOTE: Deletes unnecessary phrase consistent with current style. "Judge advocate"  
is defined at s. 322.001 (12).

10          **SECTION 14.** 322.027 (4) (intro.) of the statutes, as created by 2007 Wisconsin  
11 Act 200, is amended to read:

12          322.027 (4) (intro.) In the instance when a defense counsel is not an attorney  
13 licensed to practice in this state, the defense counsel shall be deemed admitted on  
14 motion, subject to filing a certificate with the military judge setting forth the  
15 qualifications that counsel is all of the following:

NOTE: The Legislative Council committee file shows that "a certificate" was  
inadvertently deleted during the drafting process.

16          **SECTION 15.** 322.027 (4) (a) and (b) of the statutes, as created by 2007 Wisconsin  
17 Act 200, are amended to read:

18          322.027 (4) (a) ~~Commissioned~~ A commissioned officer of the armed forces of the  
19 United States or a component thereof.

20          (b) ~~Member~~ A member in good standing of the bar of the highest court of another  
21 state.

**BILL**

NOTE: Inserts "a" for proper sentence agreement with s. 322.027 (4) (intro.).

1           **SECTION 16.** 322.030 (1) (a) and (b) of the statutes, as created by 2007 Wisconsin  
2 Act 200, are amended to read:

3           322.030 (1) (a) ~~The~~ That the signer has personal knowledge of, or has  
4 investigated, the matters set forth in the charges and specifications.

5           (b) ~~The~~ That the facts are true to the best of the signer's knowledge and belief.

NOTE: Inserts "that" for proper sentence agreement with s. 322.030 (1) (intro.).

6           **SECTION 17.** 322.032 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
7 is amended to read:

8           322.032 (4) If evidence adduced in an investigation under this section indicates  
9 that the accused committed an uncharged offense, the investigating officer may  
10 investigate the subject matter of that offense without the accused having first been  
11 charged with the offense if ~~the accused is afforded~~ all of the following apply:

12           (a) ~~Present~~ The accused is present at the investigation;

13           (b) ~~Informed~~ The accused is informed of the nature of each uncharged offense  
14 investigated; ~~and,~~

15           (c) ~~Afforded~~ The accused is afforded the opportunities for representation,  
16 cross-examination, and presentation prescribed in sub. (2).

NOTE: Reorganizes text for proper sentence agreement between s. 322.032 (4) (intro.) and s. 322.032 (4) (a), (b), and (c).

17           **SECTION 18.** 322.034 (2) (a) and (b) of the statutes, as created by 2007 Wisconsin  
18 Act 200, are amended to read:

19           322.034 (2) (a) ~~Expressing~~ Expresses conclusions with respect to each matter  
20 set forth in sub. (1).

21           (b) ~~Recommending~~ Recommends action that the convening authority take  
22 regarding the specification.



**BILL**

NOTE: Inserts the correct word form for proper sentence agreement with s. 322.034 (2) (intro.).

1           **SECTION 19.** 322.035 of the statutes, as created by 2007 Wisconsin Act 200, is  
2 amended to read:

3           **322.035 Article 35—Service of charges.** The trial counsel shall serve or  
4 ~~caused~~ cause to be served upon the accused a copy of the charges. No person may,  
5 against the person's objection, be brought to trial before a general court-martial case  
6 within a period of 5 days after the service of charges upon the accused, or, in a special  
7 court-martial, within a period of 3 days after the service of charges upon the accused.

NOTE: Inserts the correct word form for proper sentence agreement and moves comma to correct grammar.

8           **SECTION 20.** 322.037 (1) (intro.) of the statutes, as created by 2007 Wisconsin  
9 Act 200, is amended to read:

10           322.037 (1) (intro.) No authority convening a general, special, or summary  
11 court-martial, nor any other commanding officer, or officer serving on the  
12 commanding officer's staff, may censure, reprimand, or admonish the court or any  
13 member, the military judge, or counsel, with respect to the findings or sentence  
14 adjudged by the court or with respect to any other exercise of its or their functions  
15 in the conduct of the proceedings. No person subject to this code may attempt to  
16 coerce or, by any unauthorized means, influence the action of a court-martial or court  
17 of inquiry or any member, in reaching the findings or sentence in any case, or the  
18 action of any convening, approving, or reviewing authority with respect to their  
19 judicial acts. ~~The foregoing provisions of the~~ This subsection shall ~~shall~~ does not apply  
20 with respect to the any of the following:

NOTE: Corrects form of cross-reference. Replaces "shall" consistent with current style.

**BILL**

1           **SECTION 21.** 322.038 (2) (d) of the statutes, as created by 2007 Wisconsin Act  
2 200, is amended to read:

3           322.038 (2) (d) If the accused is represented by civilian counsel, military  
4 counsel detailed or selected under par. (c) shall act as associate counsel unless  
5 excused by the military judge at the request of the accused.

NOTE: Inserts missing article.

6           **SECTION 22.** 322.038 (2) (f) 2. of the statutes, as created by 2007 Wisconsin Act  
7 200, is amended to read:

8           322.038 (2) (f) 2. If the accused is represented by military counsel of the  
9 accused's own selection under par. (c) 2., ~~may~~ approve a request from the accused that  
10 military counsel detailed under par. (c) 1. act as associate defense counsel.

NOTE: "May" is contained in s. 322.038 (2) (f) (intro.), and its repetition in the subsequent subdivision is grammatically incorrect.

11           **SECTION 23.** 322.040 of the statutes, as created by 2007 Wisconsin Act 200, is  
12 amended to read:

13           **322.040 Article 40—Continuances.** The military judge of a court-martial  
14 or a summary court-martial may, for reasonable cause, grant a continuance to any  
15 party for such time, and as often, as may appear to be just.

NOTE: The Legislative Council committee file shows that "such" was inadvertently deleted during the drafting process.

16           **SECTION 24.** 322.043 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
17 is amended to read:

18           322.043 (4) When the United States is at war based on a congressional  
19 declaration or by presidential declaration under the Global War on Terror, the  
20 running of any statute of limitations is suspended until 2 years after the termination  
21 of hostilities, as proclaimed by the president or by a joint resolution of congress, and

**BILL**

1 the suspension is applicable to any offense under this code under any of the following  
2 circumstances:

3 (a) ~~Involving~~ The offense involves fraud or attempted fraud against the United  
4 States, any state, or any agency of either in any manner, whether by conspiracy or  
5 not.

6 (b) ~~Committed~~ The offense is committed in connection with the acquisition,  
7 care, handling, custody, control, or disposition of any real or personal property of the  
8 United States or any state.

9 (c) ~~Committed~~ The offense is committed in connection with the negotiation,  
10 procurement, award, performance, payment, interim financing, cancellation, or  
11 other termination or settlement, of any contract, subcontract, or purchase order  
12 which is connected with or related to the prosecution of the war, or with any  
13 disposition of termination inventory by any war contractor or government agency.

NOTE: Consistent with the underlying draft contained in the Legislative Council  
committee file, inserts "the suspension" in s. 322.043 (4) (intro.) to supply a missing  
subject in the last clause of the (intro.). Amends s. 322.043 (4) (a) to (c) for proper sentence  
agreement with s. 322.043 (4) (intro.).

14 **SECTION 25.** 322.047 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
15 is amended to read:

16 322.047 (1) Any person not subject to this code may be punished by the  
17 military court in the same manner as a court of the state, if all of the following apply  
18 ~~to that person:~~

19 (a) ~~Has~~ The person has been duly subpoenaed to appear as a witness or to  
20 produce books and records before a court-martial or court of inquiry, or before any  
21 military or civil officer designated to take a deposition to be read in evidence before  
22 a court.

**BILL**

1 (b) ~~Has~~ The person has been duly paid or tendered the fees and mileage of a  
2 witness at the rates allowed to witnesses attending a court of the state.

3 (c) ~~Willfully~~ The person willfully neglects or refuses to appear, or refuses to  
4 qualify as a witness or to testify or to produce any evidence which that person may  
5 have been legally subpoenaed to produce.

NOTE: Reorganizes text for proper sentence agreement between s. 322.047 (1)  
(intro.) and s. 322.047 (1) (a), (b), and (c).

6 **SECTION 26.** 322.049 (3) (a) of the statutes, as created by 2007 Wisconsin Act  
7 200, is amended to read:

8 322.049 (3) (a) The witness resides or is beyond the ~~State~~ state in which the  
9 court is ordered to sit, or beyond one hundred miles from the place of trial or hearing;.

NOTE: Makes capitalization and punctuation consistent with current style.

10 **SECTION 27.** 322.049 (3) (b) of the statutes, as created by 2007 Wisconsin Act  
11 200, is amended to read:

12 322.049 (3) (b) The witness by reason of death, age, sickness, bodily infirmity,  
13 imprisonment, military necessity, ~~non-amenability~~ nonamenability to process, or  
14 other reasonable cause, is unable or refuses to appear and testify in person at the  
15 place of trial or hearing.

NOTE: Corrects spelling.

16 **SECTION 28.** 322.049 (3) (c) of the statutes, as created by 2007 Wisconsin Act  
17 200, is amended to read:

18 322.049 (3) (c) The present whereabouts of the witness is are unknown.

NOTE: Replaces "is" with "are" to correct grammar.

19 **SECTION 29.** 322.0505 (4) (intro.) of the statutes, as created by 2007 Wisconsin  
20 Act 200, is amended to read:

**BILL**

1           322.0505 (4) (intro.) ~~Sub. Subsection~~ (3) does not apply to a court-martial  
2           composed of a military judge only. In the case of a court-martial composed of a  
3           military judge only or a summary court-martial officer, whenever mental disease or  
4           defect of the accused with respect to an offense is properly at issue, the military judge  
5           or summary court-martial officer shall find the accused of any one of the following:

NOTE: Deletes incorrect word and inserts correct word consistent with s. 322.0505  
(3) (intro.). Corrects form of citation, consistent with current style.

6           **SECTION 30.** 322.051 (3) (a), (b), (c) and (d) of the statutes, as created by 2007  
7           Wisconsin Act 200, are amended to read:

8           322.051 (3) (a) ~~The That the~~ accused shall be presumed to be innocent until his  
9           or her guilt is established by legal and competent evidence beyond reasonable doubt.

10          (b) ~~The That, in the~~ case being considered, if there is a reasonable doubt as to  
11          the guilt of the accused, the doubt must be resolved in favor of the accused and the  
12          accused must be acquitted.

13          (c) ~~If That, if~~ there is a reasonable doubt as to the degree of guilt, the finding  
14          shall be in a lower degree as to which there is no reasonable doubt.

15          (d) ~~The That the~~ burden of proof to establish the guilt of the accused beyond  
16          reasonable doubt is upon the state.

NOTE: Inserts "that" for proper sentence agreement with s. 322.051 (3) (intro.).  
Consistent with the underlying draft contained in the Legislative Council committee file,  
"in" is inserted in s. 322.051 (3) (b).

17          **SECTION 31.** 322.0575 (2) (b) 1. of the statutes, as created by 2007 Wisconsin  
18          Act 200, is amended to read:

19          322.0575 (2) (b) 1. While in the custody of a state, the United States, or a foreign  
20          country, is temporarily returned by that state, the United States, or a foreign country  
21          to the state military forces for trial by court-martial.

**BILL**

NOTE: Inserts a comma for consistent sentence structure with s. 322.0575 (2) (b)

2.

1           **SECTION 32.** 322.064 (1) (a) 1., 2. and 3. of the statutes, as created by 2007  
2 Wisconsin Act 200, are amended to read:

3           322.064 (1) (a) 1. ~~The~~ Whether the court had jurisdiction over the accused and  
4 the offense.

5           2. ~~The~~ Whether the charge and specification stated an offense.

6           3. ~~The~~ Whether the sentence was within the limits prescribed as a matter of  
7 law.

NOTE: Inserts "whether" for proper sentence agreement with s. 322.064 (1) (a)  
(intro.).

8           **SECTION 33.** 322.0675 of the statutes, as created by 2007 Wisconsin Act 200,  
9 is amended to read:

10           **322.0675 Article 67a—Review by state appellate authority.** Decisions of  
11 a court-martial are from a court with jurisdiction to issue felony convictions, and  
12 appeals are to the Wisconsin court of appeals, District IV and, if necessary, to the  
13 Wisconsin Supreme Court. The appellate procedures to be followed shall be those  
14 provided under ch. 809.

NOTE: Inserts comma to correct grammar.

15           **SECTION 34.** 322.070 (1) and (5) of the statutes, as created by 2007 Wisconsin  
16 Act 200, are amended to read:

17           322.070 (1) The senior force judge advocate shall detail a judge advocate as  
18 appellate ~~Government~~ government counsel to represent the state in the review or  
19 appeal of cases specified in s. 322.0675 and before any federal court when requested  
20 to do so by the state attorney general. Appellate government counsel shall be an

**BILL**

1 attorney licensed to practice in this state or a member in good standing of the bar of  
2 the highest court of the state to which the appeal is taken.

3 (5) An accused may be represented by civilian appellate counsel at no expense  
4 to the State state.

NOTE: Makes capitalization consistent with current style.

5 **SECTION 35.** 322.075 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
6 is amended to read:

7 322.075 (2) If a previously executed sentence of dishonorable or bad-conduct  
8 discharge is not imposed on a new trial, the governor may substitute ~~therefore~~  
9 therefor a form of discharge authorized for administrative issuance unless the  
10 accused is to serve out the remainder of the accused's enlistment.

NOTE: Corrects spelling.

11 **SECTION 36.** 322.083 (1) and (2) of the statutes, as created by 2007 Wisconsin  
12 Act 200, are amended to read:

13 322.083 (1) Procures his or her own enlistment or appointment in the state  
14 military forces by ~~knowingly knowing~~ false representation or deliberate concealment  
15 as to his or her qualifications for that enlistment or appointment and receives pay  
16 or allowances ~~there-under~~ thereunder.

17 (2) Procures his or her own separation from the state military forces by  
18 ~~knowingly knowing~~ false representation or deliberate concealment as to his or her  
19 eligibility for that separation.

NOTE: Corrects grammar and makes spelling consistent with the remainder of the  
statutes.

20 **SECTION 37.** 322.085 (1) (a) and (2) of the statutes, as created by 2007 Wisconsin  
21 Act 200, are amended to read:

**BILL**

1           322.085 (1) (a) Without authority goes or remains absent from his or her unit,  
2 organization, or place of duty with intent to remain away ~~there from~~ therefrom  
3 permanently.

4           (2) Any commissioned officer of the state military forces who, after tender of  
5 his or her resignation and before notice of its acceptance, quits his or her post or  
6 proper duties without leave and with intent to remain away ~~there from~~ therefrom  
7 permanently is guilty of desertion.

NOTE: Makes spelling consistent with the remainder of the statutes.

8           **SECTION 38.** 322.094 (1) (intro.) and (a) of the statutes, as created by 2007 X  
9 Wisconsin Act 200, are consolidated, renumbered 322.094 (1) (a) and amended to  
10 read:

11           322.094 (1) (a) Any person who ~~does any of the following shall be punished as~~  
12 ~~a court-martial may direct: (a) With, with~~ with intent to usurp or override lawful military  
13 authority, refuses, in concert with any other person, to obey orders or otherwise do  
14 his or her duty or creates any violence or disturbance is guilty of mutiny.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.094 (1) (intro.) and s. 322.094 (1) (a) by combining the 2 provisions. The language relating to "shall be punished as a court-martial may direct" is repeated in s. 322.094 (2) and does not require recreation. See the next section of this bill.

15           **SECTION 39.** 322.094 (1) (b) and (c) of the statutes, as created by 2007 Wisconsin  
16 Act 200, are amended to read:

17           322.094 (1) (b) ~~With~~ Any person who, with intent to cause the overthrow or  
18 destruction of lawful civil authority, creates, in concert with any other person, revolt,  
19 violence, or other disturbance against that authority is guilty of sedition.

20           (c) ~~Fails~~ Any person who fails to do his or her utmost to prevent and suppress  
21 a mutiny or sedition being committed in his or her presence, or fails to take all



**BILL**

1 reasonable means to inform his or her superior commissioned officer or commanding  
2 officer of a mutiny or sedition which he or she knows or has reason to believe is taking  
3 place, is guilty of a failure to suppress or report a mutiny or sedition.

NOTE: Consistent with the underlying draft in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.094 (1) (intro.) and s. 322.094 (1) (b) and (c). See the previous section of this bill.

4 **SECTION 40.** 322.098 (intro.) (except 322.098 (title)) and (1) of the statutes, as  
5 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.098 (1) and  
6 amended to read:

7 322.098 (1) Any person who ~~does any of the following shall be punished as a~~  
8 ~~court-martial may direct: (1) Is~~ is responsible for unnecessary delay in the  
9 disposition of any case of a person accused of an offense under this code shall be  
10 punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.098 (intro.) and s. 322.098 (1) by combining the 2 provisions. See the next section of this bill.

11 **SECTION 41.** 322.098 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
12 is amended to read:

13 322.098 (2) ~~Knowingly~~ Any person who knowingly and intentionally fails to  
14 enforce or comply with any provision of this code regulating the proceedings before,  
15 during, or after trial of an accused shall be punished as a court-martial may direct.

NOTE: The previous section of this bill eliminates a grammatical conflict between s. 322.098 (intro.) and s. 322.098 (1) by combining the 2 provisions, requiring that the penalty provision of s. 322.098 (intro.) also be added to this provision. See the previous section of this bill.

16 **SECTION 42.** 322.109 of the statutes, as created by 2007 Wisconsin Act 200, is  
17 amended to read:

18 **322.109 Article 109—Property other than military property — Waste,**  
19 **spoilage, or destruction.** Any person who willfully or recklessly wastes, spoils, or

**BILL**

1 otherwise willfully and wrongfully destroys or damages any property other than  
2 military property of the United States, the State state, or of any state, shall be  
3 punished as a court-martial may direct.

NOTE: Makes capitalization consistent with current style.

4 **SECTION 43.** 322.1125 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
5 is renumbered 322.1125. ✓

NOTE: Consistent with the underlying draft in the Legislative Council committee file, eliminates unnecessary subsection designation. Section 322.1125 does not have multiple subsections.

6 **SECTION 44.** 322.114 of the statutes, as created by 2007 Wisconsin Act 200, is  
7 amended to read:

8 **322.114 Article 114—Dueling.** Any person who fights or promotes, or is  
9 concerned in or connives at fighting a duel, or who, having knowledge of a challenge  
10 sent or about to be sent, fails to report the fact promptly to the proper authority, shall  
11 be punished as a court-martial may direct.

NOTE: The Legislative Council committee file shows that text was inadvertently dropped in the drafting process. Inserts necessary comma.

12 **SECTION 45.** 322.121 (intro.) (except 322.121 (title)) and (1) of the statutes, as  
13 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.121 (1) and  
14 amended to read: ✓

15 322.121 (1) Any person who wrongfully takes, obtains, or withholds, by any  
16 means, from the possession of the owner or of any other person any money, personal  
17 property, or ~~section~~ article of value of any kind if ~~any of the following apply shall be~~  
18 ~~punished as a court-martial may direct: (1) With~~ with intent permanently to  
19 deprive or defraud another person of the use and benefit of property or to appropriate  
20 it to his or her own use or the use of any person other than the owner, steals that

**BILL**

1 property ~~and~~, is guilty of larceny, and shall be punished as a court-martial may  
2 direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.121 (intro.) and s. 322.121 (1) by merging the content of the (intro.) into sub. (1). See the next section of this bill. The Legislative Council committee file shows that "article" was inadvertently replaced by "section" during the drafting process.

3 **SECTION 46.** 322.121 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
4 is amended to read:

5 322.121 (2) ~~With~~ Any person who wrongfully takes, obtains, or withholds, by  
6 any means, from the possession of the owner or of any other person any money,  
7 personal property, or article of value of any kind with intent temporarily to deprive  
8 or defraud another person of the use and benefit of property or to appropriate it to  
9 his or her own use or the use of any person other than the owner, is guilty of wrongful  
10 appropriation and shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.121 (intro.) and s. 322.121 (2) by merging the content of the (intro.) into sub. (2). See the previous section of this bill.

11 **SECTION 47.** 322.123 (intro.) and (2) of the statutes, as created by 2007  
12 Wisconsin Act 200, are amended to read:

13 **322.123 Article 123—Forgery.** (intro.) Any person who, with intent to  
14 defraud ~~who~~, does any of the following is guilty of forgery and shall be punished as  
15 a court-martial may direct:

16 (2) Utters, offers, issues, or transfers a writing, known by him or her to be so  
17 made or altered; ~~is guilty of forgery.~~

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, moves text from s. 322.123 (2) to s. 322.123 (intro.) to correct sentence structure so that the moved language applies to both s. 322.123 (1) and (2). Deletes unnecessary "who" and adds necessary comma.

**BILL**

1           **SECTION 48.** 322.1235 (intro.) (except 322.1235 (title)), (1) and (2) of the  
2 statutes, as created by 2007 Wisconsin Act 200, are consolidated, renumbered  
3 322.1235 (1) and amended to read:

4           322.1235 (1) Any person who ~~does any of the following shall be punished as a~~  
5 ~~court-martial may direct:~~ (1) Procures, for the procurement of any section article  
6 or thing of value, with intent to defraud. ~~(2) Pays; or for the payment of any past~~  
7 ~~due obligation, or for any other purpose, with intent to deceive; makes, draws, utters,~~  
8 ~~or delivers any check, draft, or order for the payment of money upon any bank or~~  
9 ~~other depository, knowing at the time that the maker or drawer has not or will not~~  
10 ~~have sufficient funds in, or credit with, the bank or other depository for the payment~~  
11 ~~of that check, draft, or order in full upon its presentment~~ shall be punished as a court  
12 martial may direct.

13           (2) The making, drawing, uttering, or delivering by a maker or drawer of a  
14 check, draft, or order, payment of which is refused by the drawee because of  
15 insufficient funds of the maker or drawer in the drawee's possession or control, is  
16 prima facie evidence of his or her intent to defraud or deceive and of his or her  
17 knowledge of insufficient funds in, or credit with, that bank or other depository,  
18 unless the maker or drawer pays the holder the amount due within 5 days after  
19 receiving notice, orally or in writing, that the check, draft, or order was not paid on  
20 presentment.

NOTE: The Legislative Council committee file shows that the clause in s. 322.1235 (1) (b) that begins "makes, draws" and ends "its presentment" was improperly placed within the provision, as that language is applicable to the offenses enumerated in both s. 322.1235 (1) and (2). The Legislative Council committee file also shows that "article" was inadvertently replaced by "section" during the drafting process. The language renumbered as s. 322.1235 (2) is moved into a separate subsection, as it is not a part of the offense enumerated in s. 322.1235 (1) (b), as renumbered.

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1           **SECTION 49.** 322.126 (intro.) (except 322.126 (title)) and (1) of the statutes, as  
2           created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.126 (1) and  
3           amended to read: X

4           322.126 (1) Any person who ~~does any of the following shall be punished as a~~  
5           ~~court-martial may direct: (1) Willfully~~ willfully and maliciously burns or sets on fire  
6           an inhabited dwelling, or any other structure, movable or immovable, in which the  
7           offender knows there is at the time a human being, is guilty of aggravated arson and  
8           shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council  
committee file, eliminates a grammatical conflict between s. 322.126 (intro.) and s.  
322.126 (1) by merging the content of the (intro.) into sub. (1). See the next section of this  
bill.

9           **SECTION 50.** 322.126 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
10          is amended to read:

11          322.126 (2) ~~Willfully~~ Any person who willfully and maliciously burns or sets  
12          fire to the property of another, except as provided in sub. (1), is guilty of simple arson  
13          and shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council  
committee file, eliminates a grammatical conflict between s. 322.126 (intro.) and s.  
322.126 (2) by merging the content of the (intro.) into sub. (2). See the previous section  
of this bill.

14          **SECTION 51.** 322.128 (intro.) (except 322.128 (title)) and (1) of the statutes, as X  
15          created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.128 (1) and  
16          amended to read:

17          322.128 (1) Any person who ~~does any of the following shall be punished as a~~  
18          ~~court-martial may direct: (1) Attempts~~ attempts or offers with unlawful force or  
19          violence to do bodily harm to another person, whether or not the attempt or offer is

**BILL**

1 consummated, is guilty of assault and shall be punished as a court-martial may  
2 direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.128 (intro.) and s. 322.128 (1) by merging the content of the (intro.) into sub. (1). See the next section of this bill.

3 **SECTION 52.** 322.128 (2) and (3) of the statutes, as created by 2007 Wisconsin  
4 Act 200, are amended to read:

5 322.128 (2) ~~Commits~~ Any person who commits an assault with a dangerous  
6 weapon or other means or force likely to produce death or grievous bodily harm is  
7 guilty of aggravated assault and shall be punished as a court-martial may direct.

8 (3) ~~Commits~~ Any person who commits an assault and intentionally inflicts  
9 grievous bodily harm with or without a weapon is guilty of aggravated assault and  
10 shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.128 (intro.) and s. 322.128 (2) and (3) by merging into the content of the (intro.) into subs. (2) and (3). See the previous section of this bill.

11 **SECTION 53.** 322.132 (1) (intro.) and (2) (intro.) of the statutes, as created by  
12 2007 Wisconsin Act 200, are amended to read:

13 322.132 (1) (intro.) For the purpose of obtaining the approval, allowance, or  
14 payment of any claim against the United States, the state, ~~or~~ of any state, or any  
15 officer:

16 (2) (intro.) For the purpose of defrauding the United States, the state, ~~or~~ of any  
17 state, or any officer:

NOTE: Deletes unnecessary language.

18 **SECTION 54.** 322.135 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
19 is amended to read:

**BILL**

1           322.135 (1) Courts of inquiry to investigate any matter of concern to the state  
2 military forces may be convened by any person authorized to convene a general  
3 court-martial, whether or not the persons involved ~~has~~ have requested an inquiry.

NOTE: Inserts "have" to correct grammar.

4           **SECTION 55.** 322.137 of the statutes, as created by 2007 Wisconsin Act 200, is  
5 amended to read:

6           **322.137 Article 137—Articles to be available.** The This code and the  
7 manual for courts-martial shall be made available to a member of the state military  
8 forces, upon request by the member, for the member's personal examination.

NOTE: Inserts "this" for consistency with the definition in s. 322.001 (24m), as  
renumbered by this bill.

9           **SECTION 56.** 322.143 of the statutes, as created by 2007 Wisconsin Act 200, is  
10 amended to read:

11           **322.143 Article 143—Uniformity of interpretation.** This code shall be so  
12 construed as to effectuate its general purpose to make it uniform, so far as practical,  
13 with the 10 USC ch. 47.

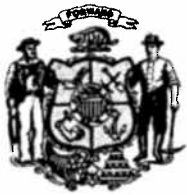
NOTE: Deletes unnecessary word. ✓

14           **SECTION 57.** 2007 Wisconsin Act 200, section 2 is amended by replacing  
15 "Wisconsin national guard or state defense force;" with "Wisconsin national guard  
16 or state defense force;".

Note: Text was inserted without being shown as underscored. The change was  
intended. ✓

17           **SECTION 58.** 2007 Wisconsin Act 200, section 122 is amended by replacing  
18 "~~accoutrements moneys, or stores that~~" with "~~accoutrements, moneys, or stores,~~  
19 ~~that~~".

Note: Two commas were deleted without showing them as stricken. The change  
was intended.



State of Wisconsin  
2009 - 2010 LEGISLATURE

RM not run  
LRB-0589/01  
BJH:cjs:ml  
stays  
①

500N

~~Advisory~~ ~~Affairs~~

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

Revisor's bill  
Do NOT Gen Cat  
Do NOT Sort

Insert

1 AN ACT relating to: repealing, consolidating, renumbering, amending, and  
2 revising various provisions of the statutes for the purpose of correcting errors,  
3 supplying omissions, correcting and clarifying references, eliminating defects,  
4 anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling  
5 conflicts, and repelling unintended repeals (Correction Bill).

**Analysis by the Legislative Reference Bureau**

This correction bill, prepared by the Legislative Reference Bureau under s. 13.92 (1) (bm) 1. and 2. and (2) (i) and (L), stats., relates to 2007 Wisconsin Act 200. Specific changes are explained in the NOTES in the body of the bill.

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

6 SECTION 1. 20.455 (1) (b) of the statutes, as affected by 2007 Wisconsin Acts 1  
7 and 200, is amended to read:  
8 20.455 (1) (b) *Special counsel*. A sum sufficient, subject to the procedures  
9 established in ss. 5.05 (2m) (c) and 14.11 (2) (c), for the compensation of special  
10 counsel appointed as provided in ss. 5.05 (2m) (c) and, 14.11 (2), and 321.42.



Insert A

NOTE: Corrects punctuation.

1 SECTION 2. 322.001 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is renumbered 322.001 (24m) and amended to read:

3 322.001 (24m) "Code This code" means this chapter.

Stet  
Keep rate  
as is.

NOTE: "This" is added for clarity. Except in 2 places "code" is only used in ch. 322,  
as created by 2007 Wis. Act 200, in the phrase "this code." Renumbers provision for proper  
alphabetical placement within list of definitions.

STET:  
leave  
as  
typed

4 SECTION 3. 322.001 (8) of the statutes, as created by 2007 Wisconsin Act 200,  
5 is amended to read:

6 322.001 (8) "Duty status other than state active duty" means any other type  
7 of duty including ~~Unit Training Assemblies~~ unit training assemblies or drills but  
8 excludes duty not in federal service and not full-time duty in the active service of the  
9 state; under an order issued by authority of law and includes travel to and from duty.

NOTE: Makes capitalization consistent with current style.

10 SECTION 4. 322.001 (25) of the statutes, as created by 2007 Wisconsin Act 200,  
11 is amended to read:

12 322.001 (25) "~~Unit Training Assembly~~ training assembly" means an assembly  
13 for drill and instruction which may consist of a single ordered formation of a  
14 company, battery, squadron, or detachment, or, when authorized by the commander,  
15 a series of ordered formations of those organizations.

NOTE: Makes capitalization consistent with current style.

16 SECTION 5. 322.002 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
17 is amended to read:

18 322.002 (2) Subject matter jurisdiction is established if a nexus exists between  
19 an offense under this code and the state military force. Courts-martial have primary  
20 jurisdiction of military offenses as defined in s. 322.001. A proper civilian court has  
21 primary jurisdiction of a nonmilitary offense when an act or omission violates both

1 this code and local criminal law, foreign or domestic. In this case, a court-martial  
2 may be initiated only after the civilian authority has declined to prosecute or  
3 dismissed the charge, provided jeopardy has not attached. Jurisdiction over  
4 attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be  
5 determined by the underlying offense.

NOTE: Deletes unnecessary phrase consistent with current style.

6 **SECTION 6.** 322.005 (title) and (1) of the statutes, as created by 2007 Wisconsin  
7 Act 200, are amended to read:

8 **322.005 (title) Article 5—Territorial applicability of ~~the~~ this code. (1)**  
9 This code has applicability in all places, provided that either the person subject to  
10 ~~the~~ this code is in a duty status or, if not in a duty status, that there is a nexus between  
11 the act or omission constituting the offense and the efficient functioning of the state  
12 military forces; however, this grant of military jurisdiction shall neither preclude nor  
13 limit civilian jurisdiction over an offense.

NOTE: Inserts "this" for consistency with the definition in s. 322.001 (24m), as  
renumbered by this bill.

14 **SECTION 7.** 322.006 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
15 is amended to read:

16 **322.006 (1)** The senior force judge ~~advocates~~ advocate in each of the state's  
17 military forces or that judge advocate's delegates shall make frequent inspections in  
18 the field in supervision of the administration of military justice in that force.

NOTE: Replaces plural with singular for proper sentence agreement.

19 **SECTION 8.** 322.007 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
20 is amended to read:

21 **322.007 (1)** In this section, "~~apprehension~~ apprehend" means ~~the taking of~~ to  
22 take a person into custody.

NOTE: "Apprehension" is not contained in s. 322.007; "apprehend" is.

1           **SECTION 9.** 322.009 (3) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is amended to read:

3           322.009 (3) A commissioned officer, a warrant officer, or a civilian subject to  
4 this code or to trial ~~there under~~ thereunder may be ordered into arrest or  
5 confinement only by a commanding officer to whose authority the person is subject,  
6 by an order, oral or written, delivered in person or by another commissioned officer.  
7 The authority to order persons into arrest or confinement may not be delegated.

NOTE: Makes spelling consistent with the remainder of the statutes.

8           **SECTION 10.** 322.015 (3) (intro.) of the statutes, as created by 2007 Wisconsin  
9 Act 200, is amended to read:

10           322.015 (3) (intro.) Any commanding officer of the grade of major or lieutenant  
11 commander, or above, may impose any of the following upon enlisted members of the  
12 officer's command:

NOTE: Inserts comma to correct grammar. *The change is printed in the 2007-08 statutes.*

13           **SECTION 11.** 322.026 (2) (c) of the statutes, as created by 2007 Wisconsin Act  
14 200, is amended to read:

15           322.026 (2) (c) ~~Certified~~ Be certified as qualified for duty as a military judge  
16 by the senior force judge advocate ~~which is~~ of the same force as the accused.

NOTE: Inserts "be" for proper sentence agreement with s. 322.026 (2) (intro.).  
Replaces "which is" with "of" to correct grammar consistent with the language of s.  
322.026 (3).

17           **SECTION 12.** 322.026 (3) of the statutes, as created by 2007 Wisconsin Act 200,  
18 is amended to read:

19           322.026 (3) In the instance when a military judge is not an attorney licensed  
20 to practice in this state, the military judge shall be deemed admitted on motion,

1 subject to filing a certificate with the senior force judge advocate of the same force  
2 as the accused setting forth the qualifications provided in sub. (2).

NOTE: The Legislative Council committee file shows that "a certificate" was inadvertently deleted during the drafting process.

3 **SECTION 13.** 322.027 (3) (a) of the statutes, as created by 2007 Wisconsin Act  
4 200, is amended to read:

5 322.027 (3) (a) A judge advocate ~~as defined in this code.~~

NOTE: Deletes unnecessary phrase consistent with current style. "Judge advocate" is defined at s. 322.001 (12).

6 **SECTION 14.** 322.027 (4) (intro.) of the statutes, as created by 2007 Wisconsin  
7 Act 200, is amended to read:

8 322.027 (4) (intro.) In the instance when a defense counsel is not an attorney  
9 licensed to practice in this state, the defense counsel shall be deemed admitted on  
10 motion, subject to filing a certificate with the military judge setting forth the  
11 qualifications that counsel is all of the following:

NOTE: The Legislative Council committee file shows that "a certificate" was inadvertently deleted during the drafting process.

12 **SECTION 15.** 322.027 (4) (a) and (b) of the statutes, as created by 2007 Wisconsin  
13 Act 200, are amended to read:

14 322.027 (4) (a) ~~Commissioned~~ A commissioned officer of the armed forces of the  
15 United States or a component thereof.

16 (b) ~~Member~~ A member in good standing of the bar of the highest court of another  
17 state.

NOTE: Inserts "a" for proper sentence agreement with s. 322.027 (4) (intro.).

18 **SECTION 16.** 322.030 (1) (a) and (b) of the statutes, as created by 2007 Wisconsin  
19 Act 200, are amended to read:

1           322.030 (1) (a) ~~The~~ That the signer has personal knowledge of, or has  
2 investigated, the matters set forth in the charges and specifications.

3           (b) ~~The~~ That the facts are true to the best of the signer’s knowledge and belief.

NOTE: Inserts “that” for proper sentence agreement with s. 322.030 (1) (intro.).

4           **SECTION 17.** 322.032 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
5 is amended to read:

6           322.032 (4) If evidence adduced in an investigation under this section indicates  
7 that the accused committed an uncharged offense, the investigating officer may  
8 investigate the subject matter of that offense without the accused having first been  
9 charged with the offense if ~~the accused is afforded~~ all of the following apply:

10           (a) ~~Present~~ The accused is present at the investigation;.

11           (b) ~~Informed~~ The accused is informed of the nature of each uncharged offense  
12 investigated; ~~and~~.

13           (c) ~~Afforded~~ The accused is afforded the opportunities for representation,  
14 cross-examination, and presentation prescribed in sub. (2).

NOTE: Reorganizes text for proper sentence agreement between s. 322.032 (4) (intro.) and s. 322.032 (4) (a), (b), and (c).

15           **SECTION 18.** 322.034 (2) (a) and (b) of the statutes, as created by 2007 Wisconsin  
16 Act 200, are amended to read:

17           322.034 (2) (a) ~~Expressing~~ Expresses conclusions with respect to each matter  
18 set forth in sub. (1).

19           (b) ~~Recommending~~ Recommends action that the convening authority take  
20 regarding the specification.

NOTE: Inserts the correct word form for proper sentence agreement with s. 322.034 (2) (intro.).

1           **SECTION 19.** 322.035 of the statutes, as created by 2007 Wisconsin Act 200, is  
2 amended to read:

3           **322.035 Article 35—Service of charges.** The trial counsel shall serve or  
4 caused ~~cause~~ to be served upon the accused a copy of the charges. No person may,  
5 against the person's objection, be brought to trial before a general court-martial case  
6 within a period of 5 days after the service of charges upon the accused, or, in a special  
7 court-martial, within a period of 3 days after the service of charges upon the accused.

NOTE: Inserts the correct word form for proper sentence agreement and moves  
comma to correct grammar.

8           **SECTION 20.** 322.037 (1) (intro.) of the statutes, as created by 2007 Wisconsin  
9 Act 200, is amended to read:

10           322.037 (1) (intro.) No authority convening a general, special, or summary  
11 court-martial, nor any other commanding officer, or officer serving on the  
12 commanding officer's staff, may censure, reprimand, or admonish the court or any  
13 member, the military judge, or counsel, with respect to the findings or sentence  
14 adjudged by the court or with respect to any other exercise of its or their functions  
15 in the conduct of the proceedings. No person subject to this code may attempt to  
16 coerce or, by any unauthorized means, influence the action of a court-martial or court  
17 of inquiry or any member, in reaching the findings or sentence in any case, or the  
18 action of any convening, approving, or reviewing authority with respect to their  
19 judicial acts. ~~The foregoing provisions of the~~ This subsection shall ~~shall~~ does not apply  
20 with respect to the any of the following:

NOTE: Corrects form of cross-reference. Replaces "shall" consistent with current  
style.

21           **SECTION 21.** 322.038 (2) (d) of the statutes, as created by 2007 Wisconsin Act  
22 200, is amended to read:

1           322.038 (2) (d) If the accused is represented by civilian counsel, military  
2 counsel detailed or selected under par. (c) shall act as associate counsel unless  
3 excused by the military judge at the request of the accused.

NOTE: Inserts missing article.

4           **SECTION 22.** 322.038 (2) (f) 2. of the statutes, as created by 2007 Wisconsin Act  
5 200, is amended to read:

6           322.038 (2) (f) 2. If the accused is represented by military counsel of the  
7 accused's own selection under par. (c) 2., ~~may~~ approve a request from the accused that  
8 military counsel detailed under par. (c) 1. act as associate defense counsel.

NOTE: "May" is contained in s. 322.038 (2) (f) (intro.), and its repetition in the  
subsequent subdivision is grammatically incorrect.

9           **SECTION 23.** 322.040 of the statutes, as created by 2007 Wisconsin Act 200, is  
10 amended to read:

11           **322.040 Article 40—Continuances.** The military judge of a court-martial  
12 or a summary court-martial may, for reasonable cause, grant a continuance to any  
13 party for such time, and as often, as may appear to be just.

NOTE: The Legislative Council committee file shows that "such" was inadvertently  
deleted during the drafting process.

14           **SECTION 24.** 322.043 (4) of the statutes, as created by 2007 Wisconsin Act 200,  
15 is amended to read:

16           322.043 (4) When the United States is at war based on a congressional  
17 declaration or by presidential declaration under the Global War on Terror, the  
18 running of any statute of limitations is suspended until 2 years after the termination  
19 of hostilities, as proclaimed by the president or by a joint resolution of congress, and  
20 the suspension is applicable to any offense under this code under any of the following  
21 circumstances:

1 (a) ~~Involving~~ The offense involves fraud or attempted fraud against the United  
2 States, any state, or any agency of either in any manner, whether by conspiracy or  
3 not.

4 (b) ~~Committed~~ The offense is committed in connection with the acquisition,  
5 care, handling, custody, control, or disposition of any real or personal property of the  
6 United States or any state.

7 (c) ~~Committed~~ The offense is committed in connection with the negotiation,  
8 procurement, award, performance, payment, interim financing, cancellation, or  
9 other termination or settlement, of any contract, subcontract, or purchase order  
10 which is connected with or related to the prosecution of the war, or with any  
11 disposition of termination inventory by any war contractor or government agency.

NOTE: Consistent with the underlying draft contained in the Legislative Council  
committee file, inserts "the suspension" in s. 322.043 (4) (intro.) to supply a missing  
subject in the last clause of the (intro.). Amends s. 322.043 (4) (a) to (c) for proper sentence  
agreement with s. 322.043 (4) (intro.).

12 **SECTION 25.** 322.047 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
13 is amended to read:

14 322.047 (1) Any person not subject to this code may be punished by the  
15 military court in the same manner as a court of the state, if all of the following apply  
16 ~~to that person:~~

17 (a) ~~Has~~ The person has been duly subpoenaed to appear as a witness or to  
18 produce books and records before a court-martial or court of inquiry, or before any  
19 military or civil officer designated to take a deposition to be read in evidence before  
20 a court.

21 (b) ~~Has~~ The person has been duly paid or tendered the fees and mileage of a  
22 witness at the rates allowed to witnesses attending a court of the state.



1 (c) ~~Willfully~~ The person willfully neglects or refuses to appear, or refuses to  
2 qualify as a witness or to testify or to produce any evidence which that person may  
3 have been legally subpoenaed to produce.

NOTE: Reorganizes text for proper sentence agreement between s. 322.047 (1)  
(intro.) and s. 322.047 (1) (a), (b), and (c).

4 **SECTION 26.** 322.049 (3) (a) of the statutes, as created by 2007 Wisconsin Act  
5 200, is amended to read:

6 322.049 (3) (a) The witness resides or is beyond the State ~~state~~ in which the  
7 court is ordered to sit, or beyond one hundred miles from the place of trial or hearing;

NOTE: Makes capitalization and punctuation consistent with current style.

8 **SECTION 27.** 322.049 (3) (b) of the statutes, as created by 2007 Wisconsin Act  
9 200, is amended to read:

10 322.049 (3) (b) The witness by reason of death, age, sickness, bodily infirmity,  
11 imprisonment, military necessity, ~~non-amenability~~ nonamenability to process, or  
12 other reasonable cause, is unable or refuses to appear and testify in person at the  
13 place of trial or hearing.

NOTE: Corrects spelling.

14 **SECTION 28.** 322.049 (3) (c) of the statutes, as created by 2007 Wisconsin Act  
15 200, is amended to read:

16 322.049 (3) (c) The present whereabouts of the witness is are unknown.

NOTE: Replaces "is" with "are" to correct grammar.

17 **SECTION 29.** 322.0505 (4) (intro.) of the statutes, as created by 2007 Wisconsin  
18 Act 200, is amended to read:

19 322.0505 (4) (intro.) ~~Sub.~~ Subsection (3) does not apply to a court-martial  
20 composed of a military judge only. In the case of a court-martial composed of a  
21 military judge only or a summary court-martial officer, whenever mental disease or

1 defect of the accused with respect to an offense is properly at issue, the military judge  
2 or summary court-martial officer shall find the accused ~~of~~ any one of the following:

NOTE: Deletes incorrect word and inserts correct word consistent with s. 322.0505  
(3) (intro.). Corrects form of citation, consistent with current style.

3 **SECTION 30.** 322.051 (3) (a), (b), (c) and (d) of the statutes, as created by 2007  
4 Wisconsin Act 200, are amended to read:

5 322.051 (3) (a) ~~The~~ That the accused shall be presumed to be innocent until his  
6 or her guilt is established by legal and competent evidence beyond reasonable doubt.

7 (b) ~~The~~ That, in the case being considered, if there is a reasonable doubt as to  
8 the guilt of the accused, the doubt must be resolved in favor of the accused and the  
9 accused must be acquitted.

10 (c) ~~If~~ That, if there is a reasonable doubt as to the degree of guilt, the finding  
11 shall be in a lower degree as to which there is no reasonable doubt.

12 (d) ~~The~~ That the burden of proof to establish the guilt of the accused beyond  
13 reasonable doubt is upon the state.

NOTE: Inserts "that" for proper sentence agreement with s. 322.051 (3) (intro.).  
Consistent with the underlying draft contained in the Legislative Council committee file,  
"in" is inserted in s. 322.051 (3) (b).

14 **SECTION 31.** 322.0575 (2) (b) 1. of the statutes, as created by 2007 Wisconsin  
15 Act 200, is amended to read:

16 322.0575 (2) (b) 1. While in the custody of a state, the United States, or a foreign  
17 country, is temporarily returned by that state, the United States, or a foreign country  
18 to the state military forces for trial by court-martial.

NOTE: Inserts a comma for consistent sentence structure with s. 322.0575 (2) (b)  
2.

19 **SECTION 32.** 322.064 (1) (a) 1., 2. and 3. of the statutes, as created by 2007  
20 Wisconsin Act 200, are amended to read:

1           322.064 (1) (a) 1. ~~The~~ Whether the court had jurisdiction over the accused and  
2 the offense.

3           2. ~~The~~ Whether the charge and specification stated an offense.

4           3. ~~The~~ Whether the sentence was within the limits prescribed as a matter of  
5 law.

NOTE: Inserts "whether" for proper sentence agreement with s. 322.064 (1) (a)  
(intro.).

6           **SECTION 33.** 322.0675 of the statutes, as created by 2007 Wisconsin Act 200,  
7 is amended to read:

8           **322.0675 Article 67a—Review by state appellate authority.** Decisions of  
9 a court-martial are from a court with jurisdiction to issue felony convictions, and  
10 appeals are to the Wisconsin court of appeals, District IV and, if necessary, to the  
11 Wisconsin Supreme Court. The appellate procedures to be followed shall be those  
12 provided under ch. 809.

NOTE: Inserts comma to correct grammar.

13           **SECTION 34.** 322.070 (1) and (5) of the statutes, as created by 2007 Wisconsin  
14 Act 200, are amended to read:

15           322.070 (1) The senior force judge advocate shall detail a judge advocate as  
16 appellate ~~Government~~ government counsel to represent the state in the review or  
17 appeal of cases specified in s. 322.0675 and before any federal court when requested  
18 to do so by the state attorney general. Appellate government counsel shall be an  
19 attorney licensed to practice in this state or a member in good standing of the bar of  
20 the highest court of the state to which the appeal is taken.

21           (5) An accused may be represented by civilian appellate counsel at no expense  
22 to the ~~State~~ state.

NOTE: Makes capitalization consistent with current style.

1           **SECTION 35.** 322.075 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is amended to read:

3           322.075 (2) If a previously executed sentence of dishonorable or bad-conduct  
4 discharge is not imposed on a new trial, the governor may substitute ~~therefore~~  
5 therefor a form of discharge authorized for administrative issuance unless the  
6 accused is to serve out the remainder of the accused's enlistment.

NOTE: Corrects spelling.

7           **SECTION 36.** 322.083 (1) and (2) of the statutes, as created by 2007 Wisconsin  
8 Act 200, are amended to read:

9           322.083 (1) Procures his or her own enlistment or appointment in the state  
10 military forces by ~~knowingly~~ knowing false representation or deliberate concealment  
11 as to his or her qualifications for that enlistment or appointment and receives pay  
12 or allowances ~~there under~~ thereunder.

13           (2) Procures his or her own separation from the state military forces by  
14 ~~knowingly~~ knowing false representation or deliberate concealment as to his or her  
15 eligibility for that separation.

NOTE: Corrects grammar and makes spelling consistent with the remainder of the  
statutes.

16           **SECTION 37.** 322.085 (1) (a) and (2) of the statutes, as created by 2007 Wisconsin  
17 Act 200, are amended to read:

18           322.085 (1) (a) Without authority goes or remains absent from his or her unit,  
19 organization, or place of duty with intent to remain away ~~there from~~ therefrom  
20 permanently.

21           (2) Any commissioned officer of the state military forces who, after tender of  
22 his or her resignation and before notice of its acceptance, quits his or her post or

1 proper duties without leave and with intent to remain away ~~there from~~ therefrom  
2 permanently is guilty of desertion.

NOTE: Makes spelling consistent with the remainder of the statutes.

3 **SECTION 38.** 322.094 (1) (intro.) and (a) of the statutes, as created by 2007  
4 Wisconsin Act 200, are consolidated, renumbered 322.094 (1) (a) and amended to  
5 read:

6 322.094 (1) (a) Any person who ~~does any of the following shall be punished as~~  
7 ~~a court-martial may direct:~~ (a) With, with intent to usurp or override lawful military  
8 authority, refuses, in concert with any other person, to obey orders or otherwise do  
9 his or her duty or creates any violence or disturbance is guilty of mutiny.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.094 (1) (intro.) and s. 322.094 (1) (a) by combining the 2 provisions. The language relating to "shall be punished as a court-martial may direct" is repeated in s. 322.094 (2) and does not require recreation. See the next section of this bill.

10 **SECTION 39.** 322.094 (1) (b) and (c) of the statutes, as created by 2007 Wisconsin  
11 Act 200, are amended to read:

12 322.094 (1) (b) ~~With~~ Any person who, with intent to cause the overthrow or  
13 destruction of lawful civil authority, creates, in concert with any other person, revolt,  
14 violence, or other disturbance against that authority is guilty of sedition.

15 (c) ~~Fails~~ Any person who fails to do his or her utmost to prevent and suppress  
16 a mutiny or sedition being committed in his or her presence, or fails to take all  
17 reasonable means to inform his or her superior commissioned officer or commanding  
18 officer of a mutiny or sedition which he or she knows or has reason to believe is taking  
19 place, is guilty of a failure to suppress or report a mutiny or sedition.

NOTE: Consistent with the underlying draft in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.094 (1) (intro.) and s. 322.094 (1) (b) and (c). See the previous section of this bill.

1           **SECTION 40.** 322.098 (intro.) (except 322.098 (title)) and (1) of the statutes, as  
2 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.098 (1) and  
3 amended to read:

4           322.098 (1) Any person who ~~does any of the following shall be punished as a~~  
5 ~~court-martial may direct: (1) Is~~ is responsible for unnecessary delay in the  
6 disposition of any case of a person accused of an offense under this code shall be  
7 punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.098 (intro.) and s. 322.098 (1) by combining the 2 provisions. See the next section of this bill.

8           **SECTION 41.** 322.098 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
9 is amended to read:

10           322.098 (2) ~~Knowingly~~ Any person who knowingly and intentionally fails to  
11 enforce or comply with any provision of this code regulating the proceedings before,  
12 during, or after trial of an accused shall be punished as a court-martial may direct.

NOTE: The previous section of this bill eliminates a grammatical conflict between s. 322.098 (intro.) and s. 322.098 (1) by combining the 2 provisions, requiring that the penalty provision of s. 322.098 (intro.) also be added to this provision. See the previous section of this bill.

13           **SECTION 42.** 322.109 of the statutes, as created by 2007 Wisconsin Act 200, is  
14 amended to read:

15           **322.109 Article 109—Property other than military property — Waste,**  
16 **spoilage, or destruction.** Any person who willfully or recklessly wastes, spoils, or  
17 otherwise willfully and wrongfully destroys or damages any property other than  
18 military property of the United States, the ~~State~~ state, or of any state, shall be  
19 punished as a court-martial may direct.

NOTE: Makes capitalization consistent with current style.

1           **SECTION 43.** 322.1125 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is renumbered 322.1125.

NOTE: Consistent with the underlying draft in the Legislative Council committee file, eliminates unnecessary subsection designation. Section 322.1125 does not have multiple subsections.

3           **SECTION 44.** 322.114 of the statutes, as created by 2007 Wisconsin Act 200, is  
4 amended to read:

5           **322.114 Article 114—Dueling.** Any person who fights or promotes, or is  
6 concerned in or connives at fighting a duel, or who, having knowledge of a challenge  
7 sent or about to be sent, fails to report the fact promptly to the proper authority, shall  
8 be punished as a court-martial may direct.

NOTE: The Legislative Council committee file shows that text was inadvertently dropped in the drafting process. Inserts necessary comma.

9           **SECTION 45.** 322.121 (intro.) (except 322.121 (title)) and (1) of the statutes, as  
10 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.121 (1) and  
11 amended to read:

12           322.121 (1) Any person who wrongfully takes, obtains, or withholds, by any  
13 means, from the possession of the owner or of any other person any money, personal  
14 property, or ~~section~~ article of value of any kind if any of the following apply shall be  
15 ~~punished as a court-martial may direct: (1) With~~ with intent permanently to  
16 deprive or defraud another person of the use and benefit of property or to appropriate  
17 it to his or her own use or the use of any person other than the owner, steals that  
18 property and, is guilty of larceny, and shall be punished as a court-martial may  
19 direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.121 (intro.) and s. 322.121 (1) by merging the content of the (intro.) into sub. (1). See the next section of this bill. The Legislative Council committee file shows that "article" was inadvertently replaced by "section" during the drafting process.

1           **SECTION 46.** 322.121 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
2 is amended to read:

3           322.121 (2) ~~With~~ Any person who wrongfully takes, obtains, or withholds, by  
4 any means, from the possession of the owner or of any other person any money,  
5 personal property, or article of value of any kind with intent temporarily to deprive  
6 or defraud another person of the use and benefit of property or to appropriate it to  
7 his or her own use or the use of any person other than the owner, is guilty of wrongful  
8 appropriation and shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.121 (intro.) and s. 322.121 (2) by merging the content of the (intro.) into sub. (2). See the previous section of this bill.

9           **SECTION 47.** 322.123 (intro.) and (2) of the statutes, as created by 2007  
10 Wisconsin Act 200, are amended to read:

11           **322.123 Article 123—Forgery.** (intro.) Any person who, with intent to  
12 defraud ~~who~~, does any of the following is guilty of forgery and shall be punished as  
13 a court-martial may direct:

14           (2) Utters, offers, issues, or transfers a writing, known by him or her to be so  
15 made or altered; ~~is guilty of forgery.~~

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, moves text from s. 322.123 (2) to s. 322.123 (intro.) to correct sentence structure so that the moved language applies to both s. 322.123 (1) and (2). Deletes unnecessary "who" and adds necessary comma.

16           **SECTION 48.** 322.1235 (intro.) (except 322.1235 (title)), (1) and (2) of the  
17 statutes, as created by 2007 Wisconsin Act 200, are consolidated, renumbered  
18 322.1235 (1) and amended to read:

19           322.1235 (1) Any person who ~~does any of the following shall be punished as a~~  
20 ~~court-martial may direct:~~ (1) Procures, for the procurement of any section article



1 or thing of value, with intent to defraud. ~~(2) Pays; or for the payment of~~ any past  
2 due obligation, or for any other purpose, with intent to deceive; makes, draws, utters,  
3 or delivers any check, draft, or order for the payment of money upon any bank or  
4 other depository, knowing at the time that the maker or drawer has not or will not  
5 have sufficient funds in, or credit with, the bank or other depository for the payment  
6 of that check, draft, or order in full upon its presentment shall be punished as a court  
7 martial may direct.

8 (2) The making, drawing, uttering, or delivering by a maker or drawer of a  
9 check, draft, or order, payment of which is refused by the drawee because of  
10 insufficient funds of the maker or drawer in the drawee's possession or control, is  
11 prima facie evidence of his or her intent to defraud or deceive and of his or her  
12 knowledge of insufficient funds in, or credit with, that bank or other depository,  
13 unless the maker or drawer pays the holder the amount due within 5 days after  
14 receiving notice, orally or in writing, that the check, draft, or order was not paid on  
15 presentment.

NOTE: The Legislative Council committee file shows that the clause in s. 322.1235  
(1) (b) that begins "makes, draws" and ends "its presentment" was improperly placed  
within the provision, as that language is applicable to the offenses enumerated in both  
s. 322.1235 (1) and (2). The Legislative Council committee file also shows that "article"  
was inadvertently replaced by "section" during the drafting process. The language  
renumbered as s. 322.1235 (2) is moved into a separate subsection, as it is not a part of  
the offense enumerated in s. 322.1235 (1) (b), as renumbered.

16 SECTION 49. 322.126 (intro.) (except 322.126 (title)) and (1) of the statutes, as  
17 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.126 (1) and  
18 amended to read:

19 322.126 (1) Any person who ~~does any of the following shall be punished as a~~  
20 ~~court-martial may direct:~~ (1) ~~Willfully~~ willfully and maliciously burns or sets on fire  
21 an inhabited dwelling, or any other structure, movable or immovable, in which the

1 offender knows there is at the time a human being, is guilty of aggravated arson and  
2 shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.126 (intro.) and s. 322.126 (1) by merging the content of the (intro.) into sub. (1). See the next section of this bill.

3 **SECTION 50.** 322.126 (2) of the statutes, as created by 2007 Wisconsin Act 200,  
4 is amended to read:

5 322.126 (2) ~~Willfully~~ Any person who willfully and maliciously burns or sets  
6 fire to the property of another, except as provided in sub. (1), is guilty of simple arson  
7 and shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.126 (intro.) and s. 322.126 (2) by merging the content of the (intro.) into sub. (2). See the previous section of this bill.

8 **SECTION 51.** 322.128 (intro.) (except 322.128 (title)) and (1) of the statutes, as  
9 created by 2007 Wisconsin Act 200, are consolidated, renumbered 322.128 (1) and  
10 amended to read:

11 322.128 (1) ~~Any person who does any of the following shall be punished as a~~  
12 ~~court-martial may direct: (1) Attempts~~ attempts or offers with unlawful force or  
13 violence to do bodily harm to another person, whether or not the attempt or offer is  
14 consummated, is guilty of assault and shall be punished as a court-martial may  
15 direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council committee file, eliminates a grammatical conflict between s. 322.128 (intro.) and s. 322.128 (1) by merging the content of the (intro.) into sub. (1). See the next section of this bill.

16 **SECTION 52.** 322.128 (2) and (3) of the statutes, as created by 2007 Wisconsin  
17 Act 200, are amended to read:

1           322.128 (2) ~~Commits~~ Any person who commits an assault with a dangerous  
2           weapon or other means or force likely to produce death or grievous bodily harm is  
3           guilty of aggravated assault and shall be punished as a court-martial may direct.

4           (3) ~~Commits~~ Any person who commits an assault and intentionally inflicts  
5           grievous bodily harm with or without a weapon is guilty of aggravated assault and  
6           shall be punished as a court-martial may direct.

NOTE: Consistent with the underlying draft contained in the Legislative Council  
committee file, eliminates a grammatical conflict between s. 322.128 (intro.) and s.  
322.128 (2) and (3) by merging into the content of the (intro.) into subs. (2) and (3). See  
the previous section of this bill.

7           **SECTION 53.** 322.132 (1) (intro.) and (2) (intro.) of the statutes, as created by  
8           2007 Wisconsin Act 200, are amended to read:

9           322.132 (1) (intro.) For the purpose of obtaining the approval, allowance, or  
10          payment of any claim against the United States, the state, ~~or of~~ any state, or any  
11          officer:

12          (2) (intro.) For the purpose of defrauding the United States, the state, ~~or of~~ any  
13          state, or any officer:

NOTE: Deletes unnecessary language.

14          **SECTION 54.** 322.135 (1) of the statutes, as created by 2007 Wisconsin Act 200,  
15          is amended to read:

16          322.135 (1) Courts of inquiry to investigate any matter of concern to the state  
17          military forces may be convened by any person authorized to convene a general  
18          court-martial, whether or not the persons involved ~~has~~ have requested an inquiry.

NOTE: Inserts "have" to correct grammar.

19          **SECTION 55.** 322.137 of the statutes, as created by 2007 Wisconsin Act 200, is  
20          amended to read:

1           **322.137 Article 137—Articles to be available.** The This code and the  
2 manual for courts-martial shall be made available to a member of the state military  
3 forces, upon request by the member, for the member's personal examination.

NOTE: Inserts "this" for consistency with the definition in s. 322.001 (24m), as  
renumbered by this bill.

4           **SECTION 56.** 322.143 of the statutes, as created by 2007 Wisconsin Act 200, is  
5 amended to read:

6           **322.143 Article 143—Uniformity of interpretation.** This code shall be so  
7 construed as to effectuate its general purpose to make it uniform, so far as practical,  
8 with ~~the~~ 10 USC ch. 47.

NOTE: Deletes unnecessary word. ✓

9           **SECTION 57.** 2007 Wisconsin Act 200, section 2 is amended by replacing  
10 "Wisconsin national guard or state defense force;" with "Wisconsin national guard  
11 or state defense force;"

NOTE: Text was inserted without being shown as underscored. The change was  
intended. ✓

12           **SECTION 58.** 2007 Wisconsin Act 200, section 122 is amended by replacing  
13 "~~accoutrements moneys, or stores that~~" with "~~accoutrements, moneys, or stores,~~  
14 ~~that~~".

NOTE: Two commas were deleted without showing them as stricken. The change  
was intended.

15

(END)

INSERT A

✓✓

INSERT

SECTION 1. 321.40 (5) (c) of the statutes, as affected by 2007 Wisconsin Act 200, is amended to read:

321.40 (5) (c) No guard member may receive a tuition grant under sub. (4) (3) for any semester in which he or she received a payment under s. 45.20 (2).

NOTE: Corrects cross-reference. Tuition grants are provided for under s. 321.50 (3), not (4).



LPS:  
there is no  
electronic version  
of this insert -  
you will have to create  
it manually and  
proof it word for word

P.L.R. ✓

**Barman, Mike**

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**From:** Dyke, Don  
**Sent:** Wednesday, October 21, 2009 1:40 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-0589/1 Topic: Revisor's correction bill

Please Jacket LRB 09-0589/1 for the ASSEMBLY.  
Thanks,  
Don Dyke