

State of Wisconsin



2011 Senate Bill 127

Date of enactment: **April 9, 2012**
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2011 WISCONSIN ACT 273

AN ACT *to create* 948.015 (9), 972.15 (2g) and 973.017 (6m) of the statutes; **relating to:** aggravating factors for a court to consider when sentencing persons.

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

SECTION 1. 948.015 (9) of the statutes is created to read:

948.015 (9) A crime that involves an act of domestic abuse, as defined in s. 968.075 (1) (a), if the court includes in its reasoning under s. 973.017 (10m) for its sentencing decision the aggravating factor under s. 973.017 (6m).

SECTION 2. 972.15 (2g) of the statutes is created to read:

972.15 (2g) If the defendant is subject to being sentenced under s. 973.01 and a factor under s. 973.017 is pertinent to the offense, the person preparing the presentence investigation report shall include in the report any such factor.

SECTION 3. 973.017 (6m) of the statutes is created to read:

973.017 (6m) AGGRAVATING FACTORS; DOMESTIC ABUSE IN PRESENCE OF A CHILD. (a) In this subsection:

1. "Child" means an individual who has not attained the age of 18 years.
2. "Domestic abuse" has the meaning given in s. 968.075 (1) (a).

(b) When making a sentencing decision concerning a person convicted of a crime that involves an act of domestic abuse, the court shall consider as an aggravating factor the fact that the act was committed in a place or a manner in which the act was observable by or audible to a child or was in the presence of a child and the actor knew or had reason to know that the act was observable by or audible to a child or was in the presence of a child.

SECTION 4. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].