

SENATE BILL 127 (LRB -1854)

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. (FE)

2011

06-10.	S.	Introduced by Senators Harsdorf, Kapanke and Darling ; cosponsored by Representatives Bernier, Kaufert, A. Ott, E. Coggs, Spanbauer, Krug and Mursau.	
06-10.	S.	Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations	
06-28.	S.	Fiscal estimate received.	333
06-30.	S.	Fiscal estimate received.	
07-05.	S.	Fiscal estimate received.	
10-04.	S.	Public hearing held.	
10-19.	S.	Executive action taken.	
10-19.	S.	Report passage recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0	511
10-19.	S.	Available for scheduling.	
10-24.	S.	Placed on calendar 10-25-2011 pursuant to Senate Rule 18(1)	526
10-25.	S.	Read a second time	534
10-25.	S.	Ordered to a third reading	534
10-25.	S.	Rules suspended	534
10-25.	S.	Read a third time and passed	534
10-27.	S.	Ordered immediately messaged	548
10-28.	A.	Received from Senate	626
11-18.	A.	Read first time and referred to committee on Judiciary and Ethics	691
12-15.	A.	Public hearing held.	

2012

01-13.	A.	Fiscal estimate received.	
02-02.	A.	Executive action taken.	
02-22.	A.	Report concurrence recommended by committee on Judiciary and Ethics, Ayes 8, Noes 0	849
02-22.	A.	Referred to committee on Rules	849
03-02.	A.	Placed on calendar 3-6-2012 by committee on Rules.	
03-06.	A.	Made a special order of business at 11:49 A.M. on 3-13-2012 pursuant to Assembly Resolution 22	896
03-13.	A.	Read a second time.	
03-13.	A.	Ordered to a third reading.	
03-13.	A.	Rules suspended.	
03-13.	A.	Read a third time and concurred in.	
03-13.	A.	Ordered immediately messaged.	
03-13.	S.	Received from Assembly concurred in.	

AMB

**2011
ENROLLED BILL**

11en SB-127

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11-1854/1


Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-14-12

Date



Enrolling Drafter



2011 SENATE BILL 127

June 10, 2011 - Introduced by Senators HARSDORF, KAPANKE and DARLING, cosponsored by Representatives BERNIER, KAUFERT, A. OTT, E. COGGS, SPANBAUER, KRUG and MURSAU. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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

Analysis by the Legislative Reference Bureau

Current law requires courts to consider specific factors when sentencing people convicted of certain crimes. For instance, if a person is convicted of first or second degree sexual assault of a child and the person was the child's parent, guardian, or temporary caregiver or another person legally responsible for the child's welfare, the sentencing court must consider as an aggravating factor that the convicted person was responsible for the welfare of the child. Under this bill, if a person is convicted of a crime involving an act of domestic abuse and the crime was committed in the presence of a child, the sentencing court must consider as an aggravating factor that the convicted person committed the crime in the presence of a child.

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

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

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

SENATE BILL 127

1 948.015 **(9)** A crime that involves an act of domestic abuse, as defined in s.
2 968.075 (1) (a), if the court includes in its reasoning under s. 973.017 (10m) for its
3 sentencing decision the aggravating factor under s. 973.017 (6m).

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

5 972.15 **(2g)** If the defendant is subject to being sentenced under s. 973.01 and
6 a factor under s. 973.017 is pertinent to the offense, the person preparing the
7 presentence investigation report shall include in the report any such factor.

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

9 973.017 **(6m)** AGGRAVATING FACTORS; DOMESTIC ABUSE IN PRESENCE OF A CHILD. (a)

10 In this subsection:

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

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

19 **SECTION 4. Initial applicability.**

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

22 (END)