



2013 SENATE BILL 538

January 30, 2014 – Introduced by Senators HARRIS, VINEHOUT, CARPENTER and LASSA, cosponsored by Representatives PASCH, SARGENT, BARNES, JOHNSON, YOUNG, ZAMARRIPA, GOYKE, RIEMER, KESSLER, SINICKI, C. TAYLOR, BERCEAU, OHNSTAD, POPE and HULSEY. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to create* 13.0995 of the statutes; **relating to:** requiring racial impact
2 statements for bills that create a new crime, modify an existing crime, or modify
3 the penalty for an existing crime.

Analysis by the Legislative Reference Bureau

This bill provides that any bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime must have a racial impact statement. The racial impact statement must be prepared by the Joint Review Committee on Criminal Penalties (JRCCP). Under the bill, JRCCP may obtain the assistance of any agency in the executive branch of state government in preparing the racial impact statement.

The bill requires that a racial impact statement include an estimate of the number of criminal cases per year that the bill will affect, the impact of the bill on members of racial minority groups, the effect of the bill on the operations of correctional institutions, and any other matter JRCCP considers appropriate. In preparing the racial impact statement, JRCCP must also issue a finding as to whether the bill has a disparate impact on members of racial minority groups. The racial impact statement must be printed as an appendix to the bill and distributed in the same manner as amendments.

Under the bill, if JRCCP finds that a bill will have a disparate impact on members of racial minority groups, the author of the bill must either offer an amendment to the bill to reduce the disparate impact of the bill on members of racial minority groups or provide in writing his or her reasons for advancing the bill

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without amendment despite the disparate impact of the bill on members of racial minority groups.

Finally, under the bill, no house of the legislature may pass a bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime without a racial impact statement and without any applicable actions required of the bill's author.

For further information see the *state* 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:

1 **SECTION 1.** 13.0995 of the statutes is created to read:

2 **13.0995 Racial impact statements.** (1) Any bill that creates a new crime,
3 modifies an existing crime, or modifies the penalty for an existing crime shall carry
4 a racial impact statement.

5 (2) The racial impact statement shall be prepared by the joint review committee
6 on criminal penalties. The joint review committee on criminal penalties may obtain
7 the assistance of any agency in the executive branch of state government in
8 preparing the racial impact statement. If requested for assistance, an agency shall
9 promptly provide all necessary information to the joint review committee on criminal
10 penalties.

11 (3) The racial impact statement shall include an estimate of the number of
12 criminal cases per year that the bill will affect, the impact of the bill on members of
13 racial minority groups, the effect of the bill on the operations of correctional
14 institutions, and any other matter the joint review committee on criminal penalties
15 considers appropriate. In preparing the racial impact statement, the joint review
16 committee on criminal penalties shall issue a finding as to whether the bill has a
17 disparate impact on members of racial minority groups. The racial impact statement

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1 shall be printed as an appendix to the bill and shall be distributed in the same
2 manner as amendments.

3 (4) After a proposed bill has been drafted, the legislative reference bureau shall
4 inform the requester if a racial impact statement is required when it submits the
5 draft to the requester. A bill that requires a racial impact statement shall have the
6 requirement noted on the jacket when the jacket is prepared.

7 (5) If the joint review committee on criminal penalties finds that a bill will have
8 a disparate impact on members of racial minority groups, the author of the bill shall
9 do either of the following:

10 (a) Offer an amendment to the bill to reduce the disparate impact of the bill on
11 members of racial minority groups. If the author offers such an amendment, the
12 author shall identify in writing how the amendment would reduce the disparate
13 impact of the bill on members of racial minority groups. The written document shall
14 be distributed in the same manner as amendments.

15 (b) Provide in writing his or her reasons for advancing the bill without
16 amendment despite the disparate impact of the bill on members of racial minority
17 groups. The written document shall be printed as an appendix to the bill and shall
18 be distributed in the same manner as amendments.

19 (6) No house of the legislature may pass a bill that creates a new crime,
20 modifies an existing crime, or modifies the penalty for an existing crime without a
21 racial impact statement prepared under sub. (2) and, if applicable, without an action
22 of the author of the bill under sub. (5).

23 (END)