

2013 DRAFTING REQUEST

Bill

Received: 3/11/2014 Received By: phurley
Wanted: As time permits Same as LRB: -4372
For: Glenn Grothman (608) 266-7513 By/Representing:
May Contact: Drafter: phurley
Subject: Criminal Law - homicide Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Grothman@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Lesser included homicide

Instructions:

See attached

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>
/1	phurley 3/11/2014	kfollett 3/12/2014		_____	lparisi 3/12/2014	lparisi 3/13/2014	

FE Sent For:

*None
Needed*

<END>

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/1	phurley	1/15/14 3/12					

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4872/PA
PJH:kjfrs

439311

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

copy
127

3-11-14

- 1 AN ACT *to amend* 939.66 (2) of the statutes; **relating to:** lesser included
- 2 homicide crimes.

Analysis by the Legislative Reference Bureau

Under current law, a person may be charged with, and prosecuted for, a number of crimes related to the same conduct. However, a person may only be convicted of the crime charged or an included crime, but not for both. An included crime is generally a crime that has the same or similar elements as the crime charged but is equally or less serious, carries the same or a lower penalty, or requires a showing of negligence or recklessness rather than intent. Current law states that, with regard to a homicide conviction, an included crime may be "a crime which is a less serious type of criminal homicide than the one charged."

In *State of Wisconsin v. Patterson*, 2010 WI 130, the Wisconsin Supreme Court held that a less serious type of criminal homicide than the one charged must be limited to homicide charges that are brought under the statutes proscribing homicidal acts, and do not include charges that are brought under the statutes proscribing other acts that may or may not result in the death of another person.

This bill amends the included homicide statute to reflect the holding in the *Patterson* case.

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

Rose, Stefanie

From: Sen.Grothman
Sent: Wednesday, March 12, 2014 4:21 PM
To: LRB.Legal
Subject: Draft Review: LRB -4393/1 Topic: Lesser included homicide

Please Jacket LRB -4393/1 for the SENATE.