2013 DRAFTING REQUEST

Bill							
Receive	ed: 3/11/2	014		R	eceived By:	phurley	
Wanted	d: As tin	ne permits		S	ame as LRB:	-4372	
For:	Glenr	n Grothman (60	08) 266-7513	В	y/Representing:		
May Co	ontact:			D	rafter:	phurley	
Subject	t: Crim	inal Law - hom	icide	A	ddl. Drafters:		
				E	xtra Copies:		
Reques	t via email: ster's email: 1 copy (CC) to		rothman@le	egis.wisconsi	n.gov		
Pre To							
No spe	ecific pre topic	given					
Topic:							
Lesser	included hom	nicide					
Instru	ictions:				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
See att	tached						
Drafti	ing History:						
<u>Vers.</u>	<u>Drafted</u>	Reviewed	Typed	<u>Proofed</u>	Submitted	<u>Jacketed</u>	Required
/1	phurley 3/11/2014	kfollett 3/12/2014			lparisi 3/12/2014	lparisi 3/13/2014	
FE Se	ent For:						
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2013 DRAFTING REQUEST

Bill							
Receive	ed: 3/11/2	014			Received By:	phurley	
Wanted	d: As tin	ne permits			Same as LRB:	-4372	
For:	Glenn	Grothman (60	08) 266-751.	3	By/Representing	:	
May Contact:					Drafter:	phurley	
Subject: Criminal Law - homicide					Addl. Drafters:		
					Extra Copies:		
Reques Carbon Pre To	ecific pre topic	<u>:</u>	rothman@l	egis.wiscon	sin.gov		
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Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/1	phurley 3/11/2014	kfollett 3/12/2014			lparisi 3/12/2014		
FE Sei	nt For:						

<END>

2013 DRAFTING REQUEST

Bill

Received	: 3/11/20	14		Received By:	phurley	
Wanted:	As time	e permits		Same as LRB:	-4372	
For:	Glenn	Grothman (608) 266-75	513	By/Representing:	•	
May Con	tact:			Drafter:	phurley	
Subject:	Crimin	al Law - homicide		Addl. Drafters:		
				Extra Copies:		
Submit v. Requeste Carbon co		YES Sen.Grothman(@legis.wiscoi	nsin.gov		
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State of Misconsin 2013 - 2014 LEGISLATURE



4393//

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

120

3-11-1M

AN ACT to amend 939.66 (2) of the statutes; relating to: lesser included

homicide crimes.

1

2

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:

LRB-4372/P1 PJH:kjf:rs SECTION 1

1	SECTION 1. 939.66 (2) of the statutes is amended to read:
2	939.66 (2) A crime which may be charged under subch. I of ch. 940 and which
3	is a less serious type of criminal homicide than the one charged.
4	(END)

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.