



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU



☞ Appendix A ... segment II

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2013 LRB-0979/1 (For: Military Affairs)

has been copied/added to the drafting file for

2013 LRB-3430 (For: Military Affairs)

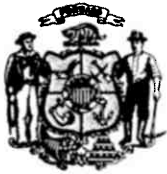
☞ Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 10/14/2013 (Per: MPG)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0979/P2

RPN:sac:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 *repeal*
AN ACT ~~to repeal~~ 322.120; *to amend* 322.001 (15), 322.001 (23), 322.016 (2) (a),
2 322.026 (2) (a), 322.129 and 322.139 (1); and *to create* 322.1201, 322.1202,
3 322.1203, 322.1204 and 322.1205 of the statutes; **relating to:** stalking and
4 sexual offenses under the code of military justice.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 SECTION 1. 322.001 (15) of the statutes is amended to read:
6 322.001 (15) "Military offenses" means those offenses prescribed under articles
7 77, principals; 78, accessory after the fact; 80, attempts; 81, conspiracy; 82,
8 solicitation; 83, fraudulent enlistment, appointment, or separation; 84, unlawful
9 enlistment, appointment, or separation; 85, desertion; 86, absence without leave; 87,

1 missing movement; 88, contempt toward officials; 89, disrespect towards superior
2 commissioned officer; 90, assaulting or willfully disobeying superior commissioned
3 officer; 91, insubordinate conduct toward warrant officer, noncommissioned officer,
4 or petty officer; 92, failure to obey order or regulation; 93, cruelty and maltreatment;
5 94, mutiny or sedition; 95, resistance, flight, breach of arrest, and escape; 96,
6 releasing prisoner without proper authority; 97, unlawful detention; 98,
7 noncompliance with procedural rules; 99, misbehavior before the enemy; 100,
8 subordinate compelling surrender; 101, improper use of countersign; 102, forcing a
9 safeguard; 103, captured or abandoned property; 104, aiding the enemy; 105,
10 misconduct as prisoner; 107, false official statements; 108, military property — loss,
11 damage, destruction, or wrongful disposition; 109, property other than military
12 property — waste, spoilage, or destruction; 110, improper hazarding of vessel; 111,
13 drunken or reckless operation of a vehicle, aircraft, or vessel; 112, drunk on duty;
14 112a, wrongful use, or possession of controlled substances; 113, misbehavior of
15 sentinel; 114, dueling; 115, malingering; 116, riot or breach of peace; 117, provoking
16 speeches or gestures; ~~120, rape or carnal knowledge; 120b, rape and sexual assault;~~
17 ~~120c, rape and sexual assault of a child; 120d, sexual misconduct; 120e, stalking;~~ 121,
18 larceny and wrongful appropriation; 122, robbery; 123, forgery; 124, maiming; 126,
19 arson; 127, extortion; 128, assault; 129, burglary; 130, housebreaking; 131, perjury;
20 132, frauds against the government; 133, conduct unbecoming an officer and a
21 gentleman; and 134, general; of this code.

22 SECTION 2. 322.001 (23) of the statutes is amended to read:

23 322.001 (23) "State military forces" means the Wisconsin army and air national
24 guard, the national guard, as defined in 32 USC 502, 503, or 904 101, the state
25 defense force, the organized naval militia of the state, and any other military force

1 organized under the Constitution and laws of the state, ~~and but~~ does not include the
2 unorganized militia, ~~state guard, or home guard, when not in (or) the national guard~~
3 when under a status subjecting them to exclusive jurisdiction under 10 USC ch. 47.

4 SECTION 3. 322.016 (2) (a) of the statutes is amended to read:
5 322.016 (2) (a) A military judge and not less than 3 members. ~~An accused may~~
6 ~~waive having 12 members and proceed to a special court-martial with not less than~~
7 ~~6 members.~~

8 SECTION 4. 322.026 (2) (a) of the statutes is amended to read:
9 322.026 (2) (a) Be a commissioned officer of the armed forces of the U.S. or of
10 a component thereof or a commissioned officer of an organized state military force.

11 SECTION 5. 322.120 of the statutes is repealed ~~and recreated to read:~~

12 SECTION 6. 322.1201 of the statutes is created to read:
13 **322.1201 Article 120a - Definitions.** In ss. 322.1201 to 322.1205:

14 (a) (1) "Act of prostitution" means a sexual act or sexual contact on account of
15 which anything of value is given to, or received by, any person.

16 (a) (2) "Bodily harm" means any offensive touching of another, however slight,
17 including any nonconsensual sexual act or nonconsensual sexual contact.

18 (b) (3) "Broadcast" means to electronically transmit a visual image with the intent
19 that it be viewed by a person.

20 (a) (4) "Child" means any person who has not attained the age of 16 years.

21 (5) (a) "Consent" means a freely given agreement to the conduct at issue by a
22 competent person.

23 2. (b) An expression of lack of consent through words or conduct means there is
24 no consent. Submission or lack of oral or physical resistance, resulting from the use
25 of force, threat of force, or placing another person in fear, does not constitute consent.

day component

11
12
13

*Insert: apple (p. 7 & 15)
banana (p. 7 handwritten)
cherry (p. 3 216-17)
blueberry (p. 3 221 to 24 211)
elderberry (p. 4 218-23)*

Calla Lily

14
15

*orange (p. 6 210 to 7 214)
honeysuckle (p. 7 212-13)*

16
17

daisy

18
19

move to bottom of p. 10

20

move to bottom of p. 9

blueberry

21
22

goes to bottom of p. 7

23
24
25

deliberate cont.

1 A current or previous dating or social or sexual relationship by itself or the manner
 2 of dress of the person involved with the accused in the conduct at issue shall not
 3 constitute consent. A sleeping, unconscious, or incompetent person cannot consent.
 4 A person cannot consent to force causing or likely to cause death or grievous bodily
 5 harm or to being rendered unconscious. A person cannot consent while under threat
 6 or in fear, or under the circumstances described in subparagraph (G) or (O) of
 7 subsection (b)(1).

***NOTE: I do not know what the reference to "subparagraphs (G) or (O) of subsection (b)(1)" refers to.

8 3. (c) Lack of consent may be inferred based on the circumstances of the offense.
 9 All the surrounding circumstances are to be considered in determining whether a
 10 person gave consent or whether a person did not resist or ceased to resist only
 11 because of another person's actions. *move to bottom of p. 7*

12 (a) (6) "Course of conduct" means any of the following: *move to bottom of p. 11*

broccoli

13 1. (a) A repeated maintenance of visual or physical proximity to a specific person.
 14 2. (b) A repeated conveyance of oral threat, written threats, or threats implied by
 15 conduct, or a combination of such threats, directed at or toward a specific person.

*16
17
circularness*

16 (c) (7) "Distribute" means delivering to the actual or constructive possession of
 17 another, including transmission by electronic means. *move to bottom of p 70*

*18
19
elderberry*

18 (c) (8) "Force" means any of the following:

19 1. (a) The use of a weapon.
 20 2. (b) The use of physical strength or violence that is likely to overcome, restrain,
 21 or injure a person.
 22 3. (c) Inflicting physical harm that is likely to coerce or compel submission by the
 23 victim. *move to bottom of p. 7*

1 (d) In the case of a child victim, inflicting physical harm.

2 (e) In the case of a parent-child or similar relationship, the abuse of parental
3 or similar authority.

4 (d) ~~(9)~~ "Grievous bodily harm" means serious bodily injury, including fractured or
5 dislocated bones, deep cuts, torn members of the body, serious damage to internal
6 organs, or other severe bodily injuries. "Grievous bodily harm" does not include
7 minor injuries such as a black eye or a bloody nose. *move to bottom of p?*

fig

8 (b) ~~(10)~~ "Immediate family" means a spouse, parent, son, daughter, or sibling of
9 the person, or a relative or intimate partner of the person who regularly resides in
10 the household of the person or who within the six months preceding the
11 commencement of a course of conduct regularly resided in the household of the
12 person. *move to bottom of p. 11*

Cabbage

13 (d) ~~(11)~~ "Indecent manner" means conduct that amounts to a form of immorality
14 relating to sexual impurity which is grossly vulgar, obscene, and repugnant to
15 common propriety, and tends to excite sexual desire or deprave morals with respect
16 to sexual relations. *move to bottom of p. 10*

fern

17 (c) ~~(12)~~ "Lewd act" means any of the following:

18 1. (a) Any sexual contact with a child.
19 2. (b) Intentionally exposing one's genitalia, anus, buttocks, or female areola or
20 nipple to a child by any means, including via any communication technology, with
21 an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the
22 sexual desire of any person.

23 3. ~~(c)~~ Intentionally communicating indecent language to a child by any means,
24 including via any communication technology, with an intent to abuse, humiliate, or
25 degrade any person, or to arouse or gratify the sexual desire of any person.

analysis

moves to bottom of p. 9

cont. ↓

enactment cont.

1 ~~4. (d)~~ Any conduct intentionally done with or in the presence of a child, including
2 via any communication technology, that amounts to a form of immorality relating to
3 sexual impurity which is grossly vulgar, obscene, and repugnant to common
4 propriety, and tends to excite sexual desire or deprave morals with respect to sexual
5 relations. *move to bottom of p. 9.*

6. statute

6 ~~(e) (13)~~ "Private area" means the naked or underwear-clad genitalia, anus,
7 buttocks, or female areola or nipple. *move to bottom of p. 10*

8. statute

8 ~~(c) (14)~~ "Repeated," with respect to a course of conduct, means two or more
9 occasions of such conduct. *move to bottom of p. 11*

10. statute

10 ~~(e) (15)~~ "Sexual act" means any of the following: *move to p. 7*

11 1. ~~(a)~~ Contact between the penis and the vulva or anus or mouth, and for purposes
12 of this subparagraph contact involving the penis occurs upon penetration, however
13 slight.

14 2. ~~(b)~~ The penetration, however slight, of the vulva or anus or mouth, of another
15 by any part of the body or by any object, with an intent to abuse, humiliate, harass,
16 or degrade any person or to arouse or gratify the sexual desire of any person.

17 ~~(f) (16)~~ "Sexual contact" means any of the following:

18 1. ~~(a)~~ Touching, or causing another person to touch, either directly or through the
19 clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person,
20 with an intent to abuse, humiliate, or degrade any person.

21 2. ~~(b)~~ Any touching, or causing another person to touch, either directly or through
22 the clothing, any body part of any person, if done with an intent to arouse or gratify
23 the sexual desire of any person. Touching may be accomplished by any part of the
24 body.

cont. ↓

Grape cont.

1 (g) (17) "Threatening or placing that other person in fear" means a communication
2 or action that is of sufficient consequence to cause a reasonable fear that
3 noncompliance will result in the victim or another person being subjected to the
4 wrongful action contemplated by the communication or action. *move to bottom of p. 7*

hyacinth

5 (f) (18) "Under circumstances in which that other person has a reasonable
6 expectation of privacy" means any of the following:

7 1. (a) Circumstances in which a reasonable person would believe that he or she
8 could disrobe in privacy, without being concerned that an image of a private area of
9 the person was being captured.

10 2. (b) Circumstances in which a reasonable person would believe that a private
11 area of the person would not be visible to the public. *move to bottom of p. 10*

honeydew

12 (h) (19) "Unlawful force" means an act of force done without legal justification or
13 excuse. *move to bottom of p. 7*

14 SECTION 7. 322.1202 of the statutes is created to read:

apple

15 ~~322.1202~~ Article 1205 - Rape and sexual assault generally.

insert cherry (p 3 216 to 17)
dewberry (p 3021 to p 4 211)
elderberry (p 4 211-23)
fig (p 5 214-7)

16 (1) Any person subject to this chapter who commits a sexual act upon another
17 person without consent by doing any of the following is guilty of rape and shall be
18 punished as a court-martial may direct:

19 (a) Using unlawful force against that other person;
20 (b) Using force causing or likely to cause death or grievous bodily harm to any
21 person.

22 (c) Threatening or placing that other person in fear that any person will be
23 subjected to death, grievous bodily harm, or kidnapping.

24 (d) Rendering that other person unconscious.

Itapalm cont.

(1) In this section, banana
APS: (some definitions moved here) cherry through honeydew

Itapalm cont.

1 (e) Administering to that other person by force or threat of force, or without the
2 knowledge or consent of that person, a drug, intoxicant, or other similar substance
3 and thereby substantially impairing the ability of that other person to appraise or
4 control his or her conduct.

5 (2) Any person subject to this chapter who does any of the following is guilty
6 of sexual assault and shall be punished as a court-martial may direct:

7 (a) Commits a sexual act upon another person without consent by doing any
8 of the following:

9 1. Threatening or placing that other person in fear.

10 2. Causing bodily harm to that other person.

11 3. Making a fraudulent representation that the sexual act serves a professional
12 purpose.

13 4. Inducing a belief by any artifice, pretense, or concealment that the person
14 is another person.

15 (b) Commits a sexual act upon another person when the person knows or
16 reasonably should know that the other person is asleep, unconscious, or otherwise
17 unaware that the sexual act is occurring.

18 (c) Commits a sexual act upon another person when the other person is
19 incapable of consenting to the sexual act due to any of the following:

20 1. Impairment by any drug, intoxicant, or other similar substance, and that
21 condition is known or reasonably should be known by the person.

22 2. A mental disease or defect or a physical disability, and that condition is
23 known or reasonably should be known by the person.

24 (3) Any person subject to this chapter who commits or causes sexual contact
25 upon or by another person, if to do so would violate sub. (1) had the sexual contact

Itapalm cont.

Itapalm cont.

1 been a sexual act is guilty of aggravated sexual contact and shall be punished as a
2 court-martial may direct.

3 (4) Any person subject to this chapter who commits or causes sexual contact
4 upon or by another person, if to do so would violate subsection (2) had the sexual
5 contact been a sexual act, is guilty of abusive sexual contact and shall be punished
6 as a court-martial may direct.

7 (5) In a prosecution under this section, in proving that a person made a threat,
8 it need not be proven that the person actually intended to carry out the threat or had
9 the ability to carry out the threat.

10 (6) An accused may raise any applicable defenses available under this chapter
11 or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue
12 in any prosecution under this section.

END Itapalm

****NOTE: What are the "Rules for Court-Martial" that are different from "this chapter"? Are there state administrative rules that can be cited here?
Insert avocado thru eggplant (avocado at P11 line 19)

13 *amuse* SECTION 8. 322.120² of the statutes is created to read:

14 **322.120² Article 120⁶ - Rape and sexual assault of a child.**

15 *garlic* (1) Any person subject to this chapter who does any of the following is guilty
16 of rape and shall be punished as a court-martial may direct:

17 (a) Commits a sexual act upon a child who has not attained the age of 12 years.

18 (b) Commits a sexual act upon a child who has attained the age of 12 years by
19 doing any of the following:

- 20 1. Using force against any person.
- 21 2. Threatening or placing that child in fear.
- 22 3. Rendering that child unconscious.
- 23 4. Administering to that child a drug, intoxicant, or other similar substance.

(1) In this section: basil
LPS: some definitions go here

Insert curry then
Insert A (akadill)
eucalyptus (P5 P17 to P4 P5)
Insert B (aka fennel)

Start cont.

1 (2) Any person subject to this chapter who commits a sexual act upon a child
2 who has attained the age of 12 years is guilty of sexual assault of a child and shall
3 be punished as a court-martial may direct.

4 (3) Any person subject to this chapter who commits a lewd act upon a child is
5 guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

6 (4) In a prosecution under this section, it need not be proven that the accused
7 knew the age of the other person engaging in the sexual act or lewd act. It is not a
8 defense that the accused reasonably believed that the child had attained the age of
9 12 years.

10 (5) In a prosecution under this section, it need not be proven that the accused
11 knew that the other person engaging in the sexual act or lewd act had not attained
12 the age of 16 years, but it is a defense in a prosecution under subs. (2) or (3), which
13 the accused must prove by a preponderance of the evidence, that the accused
14 reasonably believed that the child had attained the age of 16 years, if the child had
15 in fact attained at least the age of 12 years.

16 (6) In a prosecution under this section, in proving that a person made a threat,
17 it need not be proven that the person actually intended to carry out the threat or had
18 the ability to carry out the threat.

19 (7) Lack of consent is not an element and need not be proven in any prosecution
20 under this section. A child not legally married to the person committing the sexual
21 act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

22 SECTION 9. 322.120³ of the statutes is created to read:

23 *aster* 322.120³ Article 120³ - Other sexual misconduct.
section:

LPS: Some definitions moved here)

end of garlic

(1) In this section:
Start of bell flower

*Insert: callally (P3 PN-15)
daisy (P3 218-19)
edelweiss (P4 216-17)
fern (p5 213-16)
gladiolus (p6 216-7)
hyacinth (p7 215-11)*

1 *start this* (1) Any person subject to this chapter who, without legal justification or lawful
 2 authorization who does any of the following is guilty of sexual misconduct and shall
 3 be punished as a court-martial may direct:

4 (a) Knowingly and wrongfully views the private area of another person,
 5 without that other person's consent and under circumstances in which that other
 6 person has a reasonable expectation of privacy.

7 (b) Knowingly photographs, videotapes, films, or records by any means the
 8 private area of another person, without that other person's consent and under
 9 circumstances in which that other person has a reasonable expectation of privacy.

10 (c) Knowingly broadcasts or distributes any such recording that the person
 11 knew or reasonably should have known was made under the circumstances
 12 proscribed in paragraphs (1) and (2).

13 *3 3* (2) Any person subject to this chapter who compels another person to engage
 14 in an act of prostitution with any person is guilty of forcible pandering and shall be
 15 punished as a court-martial may direct.

16 *3 4* (3) Any person subject to this chapter who intentionally exposes, in an indecent
 17 manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent
 18 exposure and shall be punished as a court-martial may direct.

*end of iris
start of avocado*

19 *avocado* SECTION 10. 322.120⁵ of the statutes *big name of assault* is created to read:

move this section after p. 9, line 12

20 *3 1* 322.120⁵ Article 120^a - Stalking. *3 2 3* (Any person subject to this chapter who
 21 does all of the following is guilty of stalking and shall be punished as a court-martial
 22 may direct:

23 (a) (1) Wrongfully engages in a course of conduct directed at a specific person that
 24 would cause a reasonable person to fear death or bodily harm, including sexual
 25 assault, to himself or herself or a member of his or her immediate family.

assault cont.

avocado cont. (1) *12* In this section:
 LPS: some definitions go here

Insert: 9 broccoli (p4 p12-15)
 cabbage (p5 p8-12)
 daikon (p6 p8-9)

explanat cont.

1 (b) ~~(2)~~ Has knowledge or should have knowledge that the specific person will be
2 placed in reasonable fear of death or bodily harm, including sexual assault, to himself
3 or herself or a member of his or her immediate family.

4 (c) ~~(3)~~ Commits acts that induce reasonable fear in the specific person of death or
5 bodily harm, including sexual assault, to himself or herself or a member of his or her
6 immediate family.

moved to p. 9, L. 12 ↑

7 SECTION 11. 322.129 of the statutes is amended to read:

8 322.129 Article 129 - Burglary. Any person who, with intent to commit an
9 offense punishable under ss. ~~322.129 322.120~~ to 322.128, breaks and enters, in the
10 nighttime, the dwelling house of another, is guilty of burglary and shall be punished
11 as a court-martial may direct.

12 SECTION 12. 322.139 (1) of the statutes is amended to read:

13 322.139 (1) Whenever complaint is made to any commanding officer that
14 willful damage has been done to the property of any person or that the person's
15 property has been wrongfully taken by ~~members~~ a member of the state military
16 ~~forces, that person~~ ^{*force,*} the commanding officer may, under the regulations prescribed,
17 ~~convene a board to investigate the complaint. The board shall consist of from one to~~
18 ~~3 commissioned officers and, for the purpose of that investigation, it has power to~~
19 commanding officer may summon witnesses and examine them upon oath, to receive
20 depositions or other documentary evidence, and to assess the damages sustained
21 against the responsible ~~parties~~ party. The ^{*STRT*} ~~assessment of damages made by the board~~ ^{*investigator*}
22 ~~is subject to the approval of the commanding officer, and in the~~ ^{*plain*} amount approved
23 ^{*plain*} assessed by that officer shall be charged against the pay of the ~~offenders~~ offender.

24 The order of the commanding officer directing charges herein authorized is

1 conclusive on any disbursing officer for payment to the injured ~~parties~~ party of the
2 damages so assessed ~~and approved~~ ^{plain}

3 ~~XXXX~~ Note: I think we should add language
SECTION 13. Initial applicability.

4 (1) MILITARY AFFAIRS. This act first applies to offenses committed on the
5 effective date of this subsection.

6 (END)

allowing the commanding officer to
delegate the investigation, otherwise
it is unclear where "the investigator"
comes from in the "assessment of damages
made by the investigator" comes from.

*Insert A to bottom
of p 9*

1 A current or previous dating or social or sexual relationship by itself or the manner
2 of dress of the person involved with the accused in the conduct at issue shall not
3 constitute consent. A sleeping, unconscious, or incompetent person cannot consent.
4 A person cannot consent to force causing or likely to cause death or grievous bodily
5 harm or to being rendered unconscious. A person cannot consent while under threat
6 or ~~in~~ fear or under the circumstances described in subparagraph (G) or (O) of
7 subsection (b)(1).

****NOTE: I do not know what the reference to "subparagraphs (G) or (O) of subsection (b) (1)" refers to.

8 (c) Lack of consent may be inferred based on the circumstances of the offense.
9 All the surrounding circumstances are to be considered in determining whether a
10 person gave consent or whether a person did not resist or ceased to resist only
11 because of another person's actions.

12 (6) "Course of conduct" means any of the following:
13 (a) A repeated maintenance of visual or physical proximity to a specific person.
14 (b) A repeated conveyance of oral threat, written threats, or threats implied by
15 conduct, or a combination of such threats, directed at or toward a specific person.

16 (7) "Distribute" means delivering to the actual or constructive possession of
17 another, including transmission by electronic means.

START INSERT A

*INSERT A
(dill)*

(dill)

18 (8) "Force" means any of the following:
19 1. (a) The use of a weapon.
20 2. (b) The use of physical strength or violence that is likely to overcome, restrain,
21 or injure a person. *child*
22 3. (c) Inflicting physical harm that is likely to coerce or compel submission by the
23 victim.

*cont
↓*

bill cont.

Ing A cont.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(d) In the case of a child victim, inflicting physical harm.

4. (e) In the case of a parent-child or similar relationship, the abuse of parental or similar authority.

end of Insert A to bottom of p 9. 91

(9) "Grievous bodily harm" means serious bodily injury, including fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, or other severe bodily injuries. "Grievous bodily harm" does not include minor injuries such as a black eye or a bloody nose.

(10) "Immediate family" means a spouse, parent, son, daughter, or sibling of the person, or a relative or intimate partner of the person who regularly resides in the household of the person or who within the six months preceding the commencement of a course of conduct regularly resided in the household of the person.

(11) "Indecent manner" means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.

(12) "Lewd act" means any of the following:

(a) Any sexual contact with a child.

(b) Intentionally exposing one's genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person.

(c) Intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person.

↓ (Fennel)
Insert B
at 1
bottom
of p. 9

Insert B

"sexual act" and "sexual contact"
(d) have the meaning given in s. 322.120(1)

(e) "Threatening or placing that other person in fear" means a communication or action that is of sufficient consequence to cause the child to a reasonable fear that noncompliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action.

(18) "Under circumstances in which that other person has a reasonable expectation of privacy" means any of the following:

(a) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured.

(b) Circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

(19) "Unlawful force" means an act of force done without legal justification or excuse.

SECTION 7. 322.1202 of the statutes is created to read:

322.1202 Article 120b - Rape and sexual assault generally.

(1) Any person subject to this chapter who commits a sexual act upon another person without consent by doing any of the following is guilty of rape and shall be punished as a court-martial may direct:

(a) Using unlawful force against that other person;

(b) Using force causing or likely to cause death or grievous bodily harm to any person.

(c) Threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping.

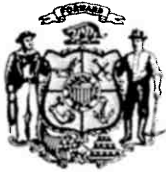
(d) Rendering that other person unconscious.

1 conclusive on any disbursing officer for payment to the injured ~~parties~~ party of the
2 damages so assessed ~~and approved.~~ ⁱⁿ

3 **SECTION 13. Initial applicability.**

4 (1) MILITARY AFFAIRS. This act first applies to offenses committed on the
5 effective date of this subsection.

6 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0979/P2

RPN:sac:pfh

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today (per RPN)

gen cat

1 **AN ACT to amend** 322.001 (15), 322.001 (23), 322.016 (2) (a), 322.026 (2) (a),
2 322.129 and 322.139 (1); **to repeal and recreate** 322.120; and **to create**
3 322.1201, 322.1202 and 322.1203 of the statutes; **relating to:** stalking and
4 sexual offenses under the code of military justice.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 **SECTION 1.** 322.001 (15) of the statutes is amended to read:
6 322.001 (15) "Military offenses" means those offenses prescribed under articles
7 77, principals; 78, accessory after the fact; 80, attempts; 81, conspiracy; 82,
8 solicitation; 83, fraudulent enlistment, appointment, or separation; 84, unlawful
9 enlistment, appointment, or separation; 85, desertion; 86, absence without leave; 87,

1 missing movement; 88, contempt toward officials; 89, disrespect towards superior
2 commissioned officer; 90, assaulting or willfully disobeying superior commissioned
3 officer; 91, insubordinate conduct toward warrant officer, noncommissioned officer,
4 or petty officer; 92, failure to obey order or regulation; 93, cruelty and maltreatment;
5 94, mutiny or sedition; 95, resistance, flight, breach of arrest, and escape; 96,
6 releasing prisoner without proper authority; 97, unlawful detention; 98,
7 noncompliance with procedural rules; 99, misbehavior before the enemy; 100,
8 subordinate compelling surrender; 101, improper use of countersign; 102, forcing a
9 safeguard; 103, captured or abandoned property; 104, aiding the enemy; 105,
10 misconduct as prisoner; 107, false official statements; 108, military property — loss,
11 damage, destruction, or wrongful disposition; 109, property other than military
12 property — waste, spoilage, or destruction; 110, improper hazarding of vessel; 111,
13 drunken or reckless operation of a vehicle, aircraft, or vessel; 112, drunk on duty;
14 112a, wrongful use, or possession of controlled substances; 113, misbehavior of
15 sentinel; 114, dueling; 115, malingering; 116, riot or breach of peace; 117, provoking
16 ^{plain} speeches or gestures; ~~120, rape~~ ^{stat} or carnal knowledge; ~~120, rape and sexual assault~~
17 generally; 120a, stalking; 120b, rape and sexual assault of a child; 120c, sexual
18 misconduct; 121, larceny and wrongful appropriation; 122, robbery; 123, forgery;
19 124, maiming; 126, arson; 127, extortion; 128, assault; 129, burglary; 130,
20 housebreaking; 131, perjury; 132, frauds against the government; 133, conduct
21 unbecoming an officer and a gentleman; and 134, general; of this code.

22 SECTION 2. 322.001 (23) of the statutes is amended to read:

23 322.001 (23) "State military forces" means the Wisconsin army and air national
24 guard, the national guard, as defined in 32 USC 502, 503, or 904 101, the state
25 defense force, the organized naval militia of the state, and any other military force

1 organized under the Constitution and laws of the state, and but does not include the
2 unorganized militia, ~~state guard, or home guard, when not in.~~ "State military forces"
3 does not include the national guard when under a status subjecting them to exclusive
4 jurisdiction under 10 USC ch. 47.

5 **SECTION 3.** 322.016 (2) (a) of the statutes is amended to read:

6 322.016 (2) (a) A military judge and not less than 3 members. ~~An accused may~~
7 ~~waive having 12 members and proceed to a special court-martial with not less than~~
8 ~~6 members.~~

9 **SECTION 4.** 322.026 (2) (a) of the statutes is amended to read:

10 322.026 (2) (a) Be a commissioned officer of the armed forces of the ^{United States} U.S. or of
11 a component thereof or a commissioned officer of an organized state military force.

12 **SECTION 5.** 322.120 of the statutes is repealed and recreated to read:

13 **322.120 Article 120 - Rape and sexual assault generally.**

14 (1) In this section:

15 (a) "Bodily harm" means any offensive touching of another, however slight,
16 including any nonconsensual sexual act or nonconsensual sexual contact.

17 (b) 1. "Consent" means a freely given agreement to the conduct at issue by a
18 competent person.

19 2. An expression of lack of consent through words or conduct means there is no
20 consent. Submission or lack of oral or physical resistance, resulting from the use of
21 force, threat of force, or placing another person in fear, does not constitute consent.
22 A current or previous dating or social or sexual relationship by itself or the manner
23 of dress of the person involved with the accused in the conduct at issue shall not
24 constitute consent. A sleeping, unconscious, or incompetent person cannot consent.
25 A person cannot consent to force causing or likely to cause death or grievous bodily

1 harm or to being rendered unconscious. A person cannot consent while under threat
2 or in fear.

3 3. Lack of consent may be inferred based on the circumstances of the offense.
4 All the surrounding circumstances are to be considered in determining whether a
5 person gave consent or whether a person did not resist or ceased to resist only
6 because of another person's actions.

7 (c) "Force" means any of the following:

8 1. The use of a weapon.

9 2. The use of physical strength or violence that is likely to overcome, restrain,
10 or injure a person.

11 3. Inflicting physical harm that is likely to coerce or compel submission by the
12 victim.

13 (d) "Grievous bodily harm" means serious bodily injury, including fractured or
14 dislocated bones, deep cuts, torn members of the body, serious damage to internal
15 organs, or other severe bodily injuries. "Grievous bodily harm" does not include
16 minor injuries such as a black eye or a bloody nose.

17 (e) "Sexual act" means any of the following:

18 1. Contact between the penis and the vulva or anus or mouth, and for purposes
19 of this subparagraph contact involving the penis occurs upon penetration, however
20 slight.

21 2. The penetration, however slight, of the vulva or anus or mouth, of another
22 by any part of the body or by any object, with an intent to abuse, humiliate, harass,
23 or degrade any person or to arouse or gratify the sexual desire of any person.

24 (f) "Sexual contact" means any of the following:

1 1. Touching, or causing another person to touch, either directly or through the
2 clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person,
3 with an intent to abuse, humiliate, or degrade any person.

4 2. Any touching, or causing another person to touch, either directly or through
5 the clothing, any body part of any person, if done with an intent to arouse or gratify
6 the sexual desire of any person. Touching may be accomplished by any part of the
7 body.

8 (g) "Threatening or placing that other person in fear" means a communication
9 or action that is of sufficient consequence to cause a reasonable fear that
10 noncompliance will result in the victim or another person being subjected to the
11 wrongful action contemplated by the communication or action.

12 (h) "Unlawful force" means an act of force done without legal justification or
13 excuse.

14 (2) Any person subject to this chapter who commits a sexual act upon another
15 person without consent by doing any of the following is guilty of rape and shall be
16 punished as a court-martial may direct:

17 (a) Using unlawful force against that other person;

18 (b) Using force causing or likely to cause death or grievous bodily harm to any
19 person.

20 (c) Threatening or placing that other person in fear that any person will be
21 subjected to death, grievous bodily harm, or kidnapping.

22 (d) Rendering that other person unconscious.

23 (e) Administering to that other person by force or threat of force, or without the
24 knowledge or consent of that person, a drug, intoxicant, or other similar substance

1 and thereby substantially impairing the ability of that other person to appraise or
2 control his or her conduct.

3 (3) Any person subject to this chapter who does any of the following is guilty
4 of sexual assault and shall be punished as a court-martial may direct:

5 (a) Commits a sexual act upon another person without consent by doing any
6 of the following:

7 1. Threatening or placing that other person in fear.

8 2. Causing bodily harm to that other person.

9 3. Making a fraudulent representation that the sexual act serves a professional
10 purpose.

11 4. Inducing a belief by any artifice, pretense, or concealment that the person
12 is another person.

13 (b) Commits a sexual act upon another person when the person knows or
14 reasonably should know that the other person is asleep, unconscious, or otherwise
15 unaware that the sexual act is occurring.

16 (c) Commits a sexual act upon another person when the other person is
17 incapable of consenting to the sexual act due to any of the following:

18 1. Impairment by any drug, intoxicant, or other similar substance, and that
19 condition is known or reasonably should be known by the person.

20 2. A mental disease or defect or a physical disability, and that condition is
21 known or reasonably should be known by the person.

22 (4) Any person subject to this chapter who commits or causes sexual contact
23 upon or by another person, if to do so would violate sub. ^{2(a)}(1) had the sexual contact
24 been a sexual act is guilty of aggravated sexual contact and shall be punished as a
25 court-martial may direct.

1 (5) Any person subject to this chapter who commits or causes sexual contact
2 upon or by another person, if to do so would violate subsection ²⁽³⁾(2) had the sexual
3 contact been a sexual act, is guilty of abusive sexual contact and shall be punished
4 as a court-martial may direct.

5 (6) In a prosecution under this section, in proving that a person made a threat,
6 it need not be proven that the person actually intended to carry out the threat or had
7 the ability to carry out the threat.

8 (7) An accused may raise any applicable defenses available under this chapter
9 or the rules for court-martial. Marriage is not a defense for any conduct in issue in
10 any prosecution under this section.

11 **SECTION 6.** 322.1201 of the statutes is created to read:

12 **322.1201 Article 120a - Stalking.**

13 (1) In this section:

14 (a) "Course of conduct" means any of the following:

- 15 1. A repeated maintenance of visual or physical proximity to a specific person.
16 2. A repeated conveyance of oral threat, written threats, or threats implied by
17 conduct, or a combination of such threats, directed at or toward a specific person.

18 (b) "Immediate family" means a spouse, parent, son, daughter, or sibling of the
19 person, or a relative or intimate partner of the person who regularly resides in the
20 household of the person or who within the six months preceding the commencement
21 of a course of conduct regularly resided in the household of the person.

22 (c) "Repeated," with respect to a course of conduct, means two or more occasions
23 of such conduct.

24 (2) Any person subject to this chapter who does all of the following is guilty of
25 stalking and shall be punished as a court-martial may direct:

1 (a) Wrongfully engages in a course of conduct directed at a specific person that
2 would cause a reasonable person to fear death or bodily harm, including sexual
3 assault, to himself or herself or a member of his or her immediate family.

4 (b) Has knowledge or should have knowledge that the specific person will be
5 placed in reasonable fear of death or bodily harm, including sexual assault, to himself
6 or herself or a member of his or her immediate family.

7 (c) Commits acts that induce reasonable fear in the specific person of death or
8 bodily harm, including sexual assault, to himself or herself or a member of his or her
9 immediate family.

10 SECTION 7. 322.1202 of the statutes is created to read:

11 **322.1202 Article 120b – Rape and sexual assault of a child.**

12 (1) In this section:

13 (a) “Child” means any person who has not attained the age of 16 years.

14 (b) “Force” means any of the following:

15 1. The use of a weapon.

16 2. The use of physical strength or violence that is likely to overcome, restrain,
17 or injure a child.

18 3. Inflicting physical harm.

19 4. In the case of a parent-child or similar relationship, the abuse of parental
20 or similar authority.

21 (c) “Lewd act” means any of the following:

22 1. Any sexual contact with a child.

23 2. Intentionally exposing one’s genitalia, anus, buttocks, or female areola or
24 nipple to a child by any means, including via any communication technology, with

1 an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the
2 sexual desire of any person.

3 3. Intentionally communicating indecent language to a child by any means,
4 including via any communication technology, with an intent to abuse, humiliate, or
5 degrade any person, or to arouse or gratify the sexual desire of any person.

6 4. Any conduct intentionally done with or in the presence of a child, including
7 via any communication technology, that amounts to a form of immorality relating to
8 sexual impurity which is grossly vulgar, obscene, and repugnant to common
9 propriety, and tends to excite sexual desire or deprave morals with respect to sexual
10 relations.

11 (d) "Sexual act" and "sexual contact" have the meaning^s given in s. 322.120 (1).^{(e) and (f)}}

12 (e) "Threatening or placing that child in fear" means a communication or action
13 that is of sufficient consequence to cause the child to fear that noncompliance will
14 result in the child or another person being subjected to the wrongful action
15 contemplated by the communication or action.

16 (2) Any person subject to this chapter who does any of the following is guilty
17 of rape and shall be punished as a court-martial may direct:

18 (a) Commits a sexual act upon a child who has not attained the age of 12 years.

19 (b) Commits a sexual act upon a child who has attained the age of 12 years by
20 doing any of the following:

21 1. Using force against any person.

22 2. Threatening or placing that child in fear.

23 3. Rendering that child unconscious.

24 4. Administering to that child a drug, intoxicant, or other similar substance.

1 (3) Any person subject to this chapter who commits a sexual act upon a child
2 who has attained the age of 12 years is guilty of sexual assault of a child and shall
3 be punished as a court-martial may direct.

4 (4) Any person subject to this chapter who commits a lewd act upon a child is
5 guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

6 (5) In a prosecution under this section, it need not be proven that the accused
7 knew the age of the other person engaging in the sexual act or lewd act. It is not a
8 defense that the accused reasonably believed that the child had attained the age of
9 12 years.

10 (6) In a prosecution under this section, it need not be proven that the accused
11 knew that the other person engaging in the sexual act or lewd act had not attained
12 the age of 16 years, but it is a defense in a prosecution under subs. ^{or (3) or (4)} (2) or (3), which
13 the accused must prove by a preponderance of the evidence, that the accused
14 reasonably believed that the child had attained the age of 16 years, if the child had
15 in fact attained at least the age of 12 years.

16 (7) In a prosecution under this section, in proving that a person made a threat,
17 it need not be proven that the person actually intended to carry out the threat or had
18 the ability to carry out the threat.

19 (8) Lack of consent is not an element and need not be proven in any prosecution
20 under this section. A child not legally married to the person committing the sexual
21 act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

22 **SECTION 8.** 322.1203 of the statutes is created to read:

23 **322.1203 Article 120c – Other sexual misconduct.**

24 (1) In this section:

1 (a) "Act of prostitution" means a sexual act or sexual contact on account of
2 which anything of value is given to, or received by, any person.

3 (b) "Broadcast" means to electronically transmit a visual image with the intent
4 that it be viewed by a person.

5 (c) "Distribute" means delivering to the actual or constructive possession of
6 another, including transmission by electronic means.

7 (d) "Indecent manner" means conduct that amounts to a form of immorality
8 relating to sexual impurity which is grossly vulgar, obscene, and repugnant to
9 common propriety, and tends to excite sexual desire or deprave morals with respect
10 to sexual relations.

11 (e) "Private area" means the naked or underwear-clad genitalia, anus,
12 buttocks, or female areola or nipple.

13 (f) "Under circumstances in which that other person has a reasonable
14 expectation of privacy" means any of the following:

15 1. Circumstances in which a reasonable person would believe that he or she
16 could disrobe in privacy, without being concerned that an image of a private area of
17 the person was being captured.

18 2. Circumstances in which a reasonable person would believe that a private
19 area of the person would not be visible to the public.

20 (2) Any person subject to this chapter who, without legal justification or lawful
21 authorization who does any of the following is guilty of sexual misconduct and shall
22 be punished as a court-martial may direct:

23 (a) Knowingly and wrongfully views the private area of another person,
24 without that other person's consent and under circumstances in which that other
25 person has a reasonable expectation of privacy.

1 (b) Knowingly photographs, videotapes, films, or records by any means the
2 private area of another person, without that other person's consent and under
3 circumstances in which that other person has a reasonable expectation of privacy.

4 (c) Knowingly broadcasts or distributes any such recording that the person
5 knew or reasonably should have known was made under the circumstances
6 proscribed in paragraphs (1) and (2). ^e pars. (a) and (b)

7 (3) Any person subject to this chapter who compels another person to engage
8 in an act of prostitution with any person is guilty of forcible pandering and shall be
9 punished as a court-martial may direct.

10 (4) Any person subject to this chapter who intentionally exposes, in an indecent
11 manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent
12 exposure and shall be punished as a court-martial may direct.

13 SECTION 9. 322.129 of the statutes is amended to read:

14 **322.129 Article 129 - Burglary.** Any person who, with intent to commit an
15 offense punishable under ss. ~~322.120 322.120~~ to 322.128, breaks and enters, in the
16 nighttime, the dwelling house of another, is guilty of burglary and shall be punished
17 as a court-martial may direct.

18 SECTION 10. 322.139 (1) of the statutes is amended to read:

19 322.139 (1) Whenever complaint is made to any commanding officer that
20 willful damage has been done to the property of any person or that the person's
21 property has been wrongfully taken by ~~members~~ a member of ~~the~~^a state military
22 ~~forces, that person~~ force, the commanding officer may, under the regulations
23 prescribed, ~~convene a board to investigate the complaint. The board shall consist of~~
24 ~~from one to 3 commissioned officers and, for the purpose of that investigation, it has~~
25 ~~power to~~ commanding officer may summon witnesses and examine them upon oath,

1 to receive depositions or other documentary evidence, and to assess the damages
 2 sustained against the responsible ~~parties~~ party. The assessment of damages made
 3 by the ~~board~~ investigator is subject to the approval of the commanding officer, and
 4 in the. The amount approved assessed by ~~that~~ ^{the commanding} officer shall be charged against the
 5 pay of the ~~offenders~~ offender. The order of the commanding officer directing charges
 6 herein ~~authorized~~ is conclusive on any disbursing officer for payment to the injured
 7 ~~parties~~ party of the damages so assessed and approved. *in the provision above*

****NOTE: I think we should add language allowing the commanding officer to delegate the investigation, otherwise it is unclear where "the investigator" in the "assessment of damages made by the investigator" comes from.

8 **SECTION 11. Initial applicability.** *→ on p 13, L. 3*

9 (1) MILITARY AFFAIRS. This act first applies to offenses committed on the
 10 effective date of this subsection.

11 (END)

Nelson, Robert

From: Barron, Julio R COL USAF NG WIARNG (US) [julio.r.barron2.mil@mail.mil]
Sent: Thursday, March 14, 2013 12:10 PM
To: Nelson, Robert
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Bob - I was on active duty with the Air Force at Buckley AFB and just got back in the office.
I asked Capt Tyler White to field any issues at LRB to get the bills moving in my absence. The Governor's Office asked that the agencies to get their bills out to the sponsors. Having said that, please send me your redraft for final review and I will get back to you.

Thanks.

Julio

-----Original Message-----

From: Nelson, Robert [mailto:Robert.Nelson@legis.wisconsin.gov]
Sent: Thursday, March 14, 2013 11:49 AM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)

Julio,

When this is done, do you want the redraft to review, or should it be sent to the governor's office? I also received an email that another member of your office is reviewing the draft. Do you want to wait for that review before I finish this redraft?

Bob

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US) [mailto:julio.r.barron2.mil@mail.mil]
Sent: Thursday, March 14, 2013 11:44 AM
To: Nelson, Robert
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Thanks again Bob!

-----Original Message-----

From: Nelson, Robert [mailto:Robert.Nelson@legis.wisconsin.gov]
Sent: Thursday, March 14, 2013 11:39 AM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)

OK

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US) [mailto:julio.r.barron2.mil@mail.mil]
Sent: Thursday, March 14, 2013 11:37 AM
To: Nelson, Robert
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
Caveats: FOUO

Bob - We discussed this issue when we met in person several weeks ago. There are

controlling military regulations that addresses this very point. We do not need to legislate this issue.

For the Army, it is AR 15-6:
http://www.apd.army.mil/pdf/files/r15_6.pdf

For the Air Force it is the Command Directed Investigation Guide:
<http://www.af.mil/shared/media/document/AFD-120228-078.pdf>

Thank you.

Julio

-----Original Message-----

From: Nelson, Robert [mailto:Robert.Nelson@legis.wisconsin.gov]
Sent: Thursday, March 14, 2013 11:23 AM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: RE: Wisconsin Code of Military Justice (UNCLASSIFIED)

Julio,

Is there any response to my note on page 13 of the bill? I do not see anything in the bill that allows the commanding officer to delegate his investigatory powers to another person. To another commissioned officer, to a civilian, or to a noncommissioned officer? Do you want to add some language to clarify this?

Bob N

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US) [mailto:julio.r.barron2.mil@mail.mil]
Sent: Thursday, March 14, 2013 7:38 AM
To: Nelson, Robert
Subject: Wisconsin Code of Military Justice (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Bob - Proposed analysis follows.

This bill corrects administrative errors in sections 322.001(23), 322.016, 322.026(2)(a), and 322.139(1).

Section 322.120 is amended to add to following punitive articles to the Wisconsin Code of Military Justice: rape and sexual assault, stalking, rape of a child, and other sexual misconduct. The other sexual misconduct includes indecent viewing, visual recording or broadcasting of private areas of another person, forcible pandering, and indecent exposure.

The bill also removes the rape and carnal knowledge as punitive articles because these offenses are subsumed by the proposed new punitive articles. This bill parallels the Wisconsin Code of Military Justice to Article 120 of the Uniform Code of military Justice which is applicable to the active military components.

-----Original Message-----

From: Nelson, Robert [mailto:Robert.Nelson@legis.wisconsin.gov]
Sent: Tuesday, March 12, 2013 11:29 AM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: RE: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program (UNCLASSIFIED)

Julio,

Is this draft, after making the change on page 3, ready to have an analysis added to it to make it ready for introduction. Or are there other changes needed?

If it is ready to include an analysis, I would appreciate your suggestions as to what to include in the analysis. Just the facts of what the bill does, no political statements or

reasons why this is a good bill.

Thanks,

Bob N

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US) [mailto:julio.r.barron2.mil@mail.mil]
Sent: Thursday, March 07, 2013 9:28 AM
To: Nelson, Robert
Subject: RE: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Bob - Thanks for the clarification on the burglary section.

One other change, page 3, line 3, please delete the term "exclusive."

Thank you.

Julio

-----Original Message-----

From: Nelson, Robert [mailto:Robert.Nelson@legis.wisconsin.gov]
Sent: Thursday, March 07, 2013 9:13 AM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: RE: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program (UNCLASSIFIED)

Julio,

This bill was drafted by Mike G, so I forwarded this message to him.

As to 13-0979, the reason the amendment to the burglary section is removed is because when we took out the definitions section, we no longer needed to change the reference to s. 322.120 in that section.

Bob N

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US) [mailto:julio.r.barron2.mil@mail.mil]
Sent: Tuesday, March 05, 2013 11:36 AM
To: Nelson, Robert
Subject: FW: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
Caveats: FOUO

Bob - The Governor's office noticed an error in the second paragraph of the analysis by the LRB. It states as follows:

"This bill extends eligibility for military family financial aid to members of the immediate family of a service member who is a Wisconsin resident and is a member of the U.S. armed forces, including any reserve unit, or of the Wisconsin national guard, regardless of whether that service member is on active duty in the U.S. armed forces. The bill also extends eligibility for military family financial aid to service members themselves based on eligibility requirements established by DMA."

It should read:

"This bill extends eligibility for military financial aid to service members themselves, who are Wisconsin residents, regardless of whether they have an immediate family and regardless of their duty status in the U.S. armed forces. The eligibility extends to part-time members of the national guard who are in a Title 32 or state active duty status,

as well as reservists in all branches of the service who are residents of Wisconsin."

May we correct the analysis portion? Thank you.

Julio

-----Original Message-----

From: Barron, Julio R COL USAF NG WIARNG (US)
Sent: Tuesday, March 05, 2013 9:14 AM
To: 'Hitt, Andrew A - GOV'
Subject: FW: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Andrew - This is 1 of 4.

-----Original Message-----

From: LRB.Legal [mailto:LRB-LegalServices@legis.wisconsin.gov]
Sent: Monday, March 04, 2013 3:40 PM
To: Barron, Julio R COL USAF NG WIARNG (US)
Subject: Draft review: LRB -1789/1 Topic: Changes to military family financial aid program

State of Wisconsin - Legislative Reference Bureau One East Main Street - Suite 200 -
Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Robert P. Nelson, Legislative Attorney, at (608) 266-9739, at robert.nelson@legis.wisconsin.gov <mailto:robert.nelson@legis.wisconsin.gov?subject=Submitted:%20LRB%20-1789/1%20Topic:%20Changes%20to%20military%20family%20financial%20aid%20program?body=> , or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

Jacket for the

ASSEMBLY <mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB%20-1789/1%20Topic:%20Changes%20to%20military%20family%20financial%20aid%20program&body=%0APlease%20Jacket%20LRB%20-1789/1%20for%20the%20ASSEMBLY.%0A>

Jacket for the

SENATE <mailto:lrb.legal@legis.wisconsin.gov?subject=Draft%20Review:%20LRB%20-1789/1%20Topic:%20Changes%20to%20military%20family%20financial%20aid%20program&body=%0APlease%20Jacket%20LRB%20-1789/1%20for%20the%20SENATE.%0A>

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov <mailto:lrb.legal@legis.wisconsin.gov?subject=Submitted:%20LRB%20-1789/1%20Topic:%20Changes%20to%20military%20family%20financial%20aid%20program?body=> or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.