



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 737

**Assembly
Amendment 1**

Memo published: February 8, 2018

Contact: David Moore, Senior Staff Attorney

CURRENT LAW

Under current law, if a person commits an act of domestic abuse and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by up to two years if the person is a domestic abuse repeater. A person is a domestic abuse repeater under either of the following circumstances:

- The person commits an act of domestic abuse that constitutes the commission of a crime during the 72 hours immediately following an arrest for a domestic abuse incident.
- The person was convicted, on two separate occasions, of a felony or misdemeanor for which the domestic abuse surcharge applied during the 10-year period immediately prior to the commission of the crime for which the person presently is being sentenced.

The domestic abuse surcharge applies if a court convicts a person of one of various specified crimes and the court finds that the conduct constituting a violation of that crime involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided, or against an adult with whom the adult person has created a child.

2017 ASSEMBLY BILL 737

2017 Assembly Bill 737 provides that a person may also be penalized as a domestic abuse repeater if he or she was convicted, during the 10-year period immediately prior to the

commission of the crime for which the person is presently being sentenced, of a felony or misdemeanor that was committed in another state if either of the following apply:

- The crime would have subjected the person to a domestic abuse surcharge had it been committed in Wisconsin.
- The crime is otherwise comparable to a crime listed in Wisconsin's domestic abuse surcharge statute.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 replaces the circumstances listed in the bill that would qualify a person who committed a crime in another state to be penalized as a domestic abuse repeater in Wisconsin with a requirement that the prior crime be "a crime of domestic abuse under the laws of that state."

BILL HISTORY

Representative Ballweg offered Assembly Amendment 1 to 2017 Assembly Bill 737 on January 24, 2018. On January 25, 2018, the Assembly Committee on Criminal Justice and Public Safety voted unanimously to recommend adoption of Assembly Amendment 1 and passage of Assembly Bill 737, as amended.

DM:jal