

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4838/1 CMH:emw

# 2017 ASSEMBLY BILL 737

December 7, 2017 – Introduced by Representatives Ballweg, Anderson, Jacque, Jagler, Kitchens, Mursau, Rohrkaste, Sargent and Tittl, cosponsored by Senators Olsen, Bewley, Darling, Marklein, Petrowski and Vukmir. Referred to Committee on Criminal Justice and Public Safety.

1 AN ACT to amend 939.621 (1) (b) of the statutes; relating to: increased 2 maximum terms of imprisonment for domestic abuse repeaters and providing 3 a criminal penalty.

#### Analysis by the Legislative Reference Bureau

Current law allows a court to increase by two years the maximum term of imprisonment for a crime if the crime constituted an act of domestic abuse and the defendant was, within the preceding ten years, convicted on at least two separate occasions of a felony or misdemeanor that was subject to a domestic abuse surcharge. A domestic abuse surcharge is a surcharge that a Wisconsin court must impose if the defendant committed one of a list of crimes against his or her current or former spouse, against an adult with whom the defendant currently or formerly resides, or against an adult with whom the defendant has created a child. Under this bill, crimes that would subject a defendant to the increased maximum term of imprisonment include felonies or misdemeanors committed in another state but that, had they been committed in Wisconsin, would have been subject to the domestic abuse surcharge.

For further information see the *state and local* 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:

2017 - 2018 Legislature

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1	<b>SECTION 1.</b> 939.621 (1) (b) of the statutes is amended to read:
2	939.621 (1) (b) A person who, during the 10-year period immediately prior to
3	the commission of the crime for which the person is presently being sentenced if the
4	<u>convictions remain of record and unreversed,</u> was convicted <del>,</del> on 2 <u>or more</u> separate
5	$occasions_{\overline{i}}$ of a felony or a misdemeanor for which a court imposed a domestic abuse
6	surcharge under s. 973.055 (1) <del>or,</del> a felony or a misdemeanor for which a court waived
7	a domestic abuse surcharge pursuant to s. 973.055 (4), during the 10-year period
8	immediately prior to the commission of the crime for which the person presently is
9	being sentenced, if the convictions remain of record and unreversed <u>or a felony or a</u>
10	misdemeanor that was committed in another state but that, had it been committed
11	in this state, would have subjected the person to a domestic abuse surcharge under
12	<u>s. 973.055 (1) or that is otherwise comparable to a crime listed under s. 973.055 (1)</u>
13	(a). For the purpose of the definition under this paragraph, it is immaterial that
14	sentence was stayed, withheld or suspended, or that the person was pardoned,
15	unless such pardon was granted on the ground of innocence. In computing the
16	preceding 10-year period, time that the person spent in actual confinement serving
17	a criminal sentence shall be excluded.

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## SECTION 2. Initial applicability.

(1) This act first applies to crimes committed on the effective date of this
subsection, but does not preclude the counting of other convictions as prior
convictions for purposes of sentencing a person.

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### (END)