

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB95)

For: Jessie Rodriguez (608) 266-0610

Drafter: ewheeler

By: Nick

Secondary Drafters:

Date: 5/29/2019

May Contact:

Same as LRB:

Submit via email: YES

Requester's email: Rep.Rodriguez@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Limits on modifications contingent on a future event

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 5/29/2019	anienaja 5/29/2019			
/P1			lparisi 5/29/2019		
/1				lparisi 6/5/2019	

FE Sent For:

<END>

## **Wheeler, Elizabeth**

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**From:** Bentz, Nick  
**Sent:** Thursday, May 23, 2019 2:50 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: amendment to AB 95

Hi Elizabeth,

It is intentional to only include the crimes that are listed in my last email to you. Please let me know if you have any other questions. Thanks!

Regards,

Nick Bentz  
Office of Rep. Jessie Rodriguez  
21<sup>st</sup> Assembly District  
608.266.0610  
Nick.bentz@legis.wi.gov

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**From:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Sent:** Thursday, May 23, 2019 1:53 PM  
**To:** Bentz, Nick <Nick.Bentz@legis.wisconsin.gov>  
**Subject:** RE: amendment to AB 95

Hi Nick,

I'm going through your list of crimes and have a few questions:

- You ask for all of s. 940.08 to be included but only 940.24 (1). 940.08 (2) and 940.24 (2) parallel each other. Do you want to exclude or include both of these on the list, or was it intentional to include the 940.08 (2) provision but not the 940.24 (2)?
- 940.32 (3) is not included in your list, but the lesser crimes in that list are. Is this intentional?

I think that is all for now.

Thanks!

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-504-5880  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Bentz, Nick <Nick.Bentz@legis.wisconsin.gov>  
**Sent:** Wednesday, May 22, 2019 8:40 AM  
**To:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Subject:** RE: amendment to AB 95

Hi Elizabeth,

Tomorrow is fine. Thanks for getting back to me!

Regards,

Nick Bentz  
Office of Rep. Jessie Rodriguez  
21<sup>st</sup> Assembly District  
608.266.0610  
[Nick.bentz@legis.wi.gov](mailto:Nick.bentz@legis.wi.gov)

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**From:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>

**Sent:** Wednesday, May 22, 2019 8:10 AM

**To:** Bentz, Nick <[Nick.Bentz@legis.wisconsin.gov](mailto:Nick.Bentz@legis.wisconsin.gov)>

**Subject:** Re: amendment to AB 95

Sure. If you need this today, please contact Sarah Walkenhorst Barber. Otherwise I can do it for you tomorrow.

Sent from my iPhone

On May 21, 2019, at 5:19 PM, Bentz, Nick <[Nick.Bentz@legis.wisconsin.gov](mailto:Nick.Bentz@legis.wisconsin.gov)> wrote:

Hi Elizabeth,

Rep. Rodriguez would like to offer an amendment to AB 95. The language we are looking to add is included below. If you have any questions please feel free to reach out. Thanks!

**767.461 Revisions agreed to by stipulation.** If after an initial order is entered under s. 767.41 the parties agree to a modification in an order of physical placement or legal custody and file a stipulation with the court that specifies the agreed upon modification, including a modification to physical placement or legal custody upon the occurrence of a specified future event, as defined under s. 767.34 (3) (a), that is reasonably certain to occur within 2 years of the date of the stipulation, the court shall incorporate the terms of the stipulation into a revised order of physical placement or legal custody unless the court finds that the modification is not in the best interest of the child. *The court may not incorporate the terms of a stipulation that is based on any anticipated behavior modification of a party including:*

- *the completion of anger management courses or therapy;*
- *batterers treatment intervention;*
- *drug or alcohol treatment courses or therapy;*
- *release from incarceration or completion of any supervisory or probationary period for the following crimes:*
  - Any felony if a penalty enhancer specified in s. 939.621 could be imposed.
  - 940.01, *First degree intentional homicide*
  - 940.02, *First degree reckless homicide* (felony violation)
  - 940.03, *Felony Murder*
  - 940.05, *Second degree intentional homicide*
  - 940.06, *Second degree reckless homicide*
  - 940.08, *Homicide by negligent handling of dangerous weapon, explosives, or fire*
  - 940.09, *Homicide by intoxicated use of vehicle or firearm*
  - 940.10, *Homicide by negligent operation of vehicle*
  - 940.19 (2), (4), (5) or (6), *Battery; substantial; aggravated*

- 940.195 (2), (4), (5) or (6), *Battery to an unborn child; substantial battery or aggravated battery to unborn child*
- 940.20, *Battery; special circumstances*
- 940.201 (2), *Battery or threat to witnesses*
- 940.203 (2), *Battery or threat to judge (felony violation)*
- 940.225 (1), (2), or (3), *Sexual assault*
- 940.23, *Reckless injury*
- 940.235, *Strangulation and suffocation*
- 940.24(1) *Injury by negligent handling of a dangerous weapon, explosive or fire*
- 940.30, *False imprisonment*
- 940.302 (2), *Human trafficking*
- 940.305, *Taking hostages*
- 940.31, *Kidnapping*
- 940.32 (2) (2e), or (2m), *Stalking*
- 940.43, *Intimidation of witnesses*
- 940.45, *Intimidation of victims*
- 941.20, *Endangering safety by use of a dangerous weapon*
- 941.29, *Possession of a firearm*
- 941.30, *Recklessly endangering safety*
- 943.011(2), *Damage or threat to property of witness*
- 947.012, *Unlawful use of a telephone*
- 947.013, *Harassment*
- 948.02 (1) or (2), *Sexual assault of a child (1<sup>st</sup> or 2<sup>nd</sup> degree)*
- 948.025, *Engaging in repeated acts of sexual assault of the same child*
- 948.03, *Physical abuse of a child*
- 948.04, *Causing mental harm to a child*
- 948.05, *Sexual exploitation of a child*
- 948.051, *Trafficking of a child*
- 948.055, *Causing a child to view sexual activity*
- 948.06, *Incest with a child*
- 948.07, *Child enticement*
- 948.08, *Soliciting a child for prostitution*
- 948.085, *Sexual assault of a child placed in substitute care*
- 948.095, *Sexual assault of child by school staff or volunteer*
- 948.30, *Abduction of another's child; constructive custody*

**Misdemeanors**

- A violation of a domestic abuse restraining order, child abuse restraining order, or harassment restraining order.
- A violation of a 72-hour no contact order under 968.075(5)
- A violation to which a penalty enhancer for use of a dangerous weapon is applied
- 940.19 (1), *Battery (causing bodily harm)*
- 940.195, *Battery to an unborn child*
- 940.42, *Intimidation of witnesses*
- 940.44, *Intimidation of victims*
- 941.20 (1), *Endangering safety by use of a dangerous weapon*
- 941.39, *Victim, witness or co-actor contact*
- 947.013, *Harassment*
- 948.55, *Leaving or storing a loaded firearm within the reach or easy access of a child*
- 951.02, *Mistreating animals*

Regards,

Nick Bentz  
Office of Rep. Jessie Rodriguez  
21<sup>st</sup> Assembly District  
608.266.0610  
[Nick.bentz@legis.wi.gov](mailto:Nick.bentz@legis.wi.gov)

5/29/19

Nick in Rodriguez's office:

- Amendment for AB 95:
- Change the following citations:
  - 940.201 becomes 940.201 (2)
  - 940.302 becomes 940.302 (2)
  - 943.001 becomes 943.001 (2)
  - 947.012 (1) becomes 947.012

Enter as a /p1



State of Wisconsin  
2019 - 2020 LEGISLATURE

0270/PI

LRBa0258/1

EAW:ahet amr

in: 5/29

due: Today

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 95**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 17: delete “party” and substitute “party, including for the  
3 anticipated completion of any of the following”.

4 **2.** Page 3, line 17: after that line insert:

5 “**SECTION 4m.** 767.461 (1) to (4) of the statutes are created to read:

6 767.461 (1) An anger management course or therapy.

7 (2) A batterer’s intervention program.

8 (3) A drug or alcohol treatment or therapy.

9 (4) A term of incarceration, extended supervision, parole, or probation for a  
10 violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19,  
11 940.195, 940.20, 940.201, 940.203 (2), 940.225 (1), (2), or (3), 940.23, 940.235, 940.24  
12 (1), 940.30, 940.302, 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.42, 940.43, 940.44,  
13 940.45, 941.20, 941.29, 941.30, 941.39, 943.011, 947.012 (1), 947.013, 948.02 (1) or

(2)  
(2)  
(2)

1 (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.055, 948.06, 948.07, 948.08,  
2 948.085, 948.095, 948.30, 948.55, or 951.02 or any felony to which the penalty  
3 enhancer under s. 939.621 could be imposed, for a violation of a 72-hour no contact  
4 order under s. 968.075 (5), for a violation of a domestic abuse restraining order, child  
5 abuse restraining order, or harassment restraining order, or for a violation to which  
6 a penalty enhancer for the use of a dangerous weapon is applied.”

7 (END)





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0270/P1  
EAW:ahe&amn

01

NO  
changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
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9           (4) A term of incarceration, extended supervision, parole, or probation for a  
10 violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19,  
11 940.195, 940.20, 940.201 (2), 940.203 (2), 940.225 (1), (2), or (3), 940.23, 940.235,  
12 940.24 (1), 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.42,

1 940.43, 940.44, 940.45, 941.20, 941.29, 941.30, 941.39, 943.011 (2), 947.012, 947.013,  
2 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.055, 948.06, 948.07,  
3 948.08, 948.085, 948.095, 948.30, 948.55, or 951.02 or any felony to which the penalty  
4 enhancer under s. 939.621 could be imposed, for a violation of a 72-hour no contact  
5 order under s. 968.075 (5), for a violation of a domestic abuse restraining order, child  
6 abuse restraining order, or harassment restraining order, or for a violation to which  
7 a penalty enhancer for the use of a dangerous weapon is applied.”

8 (END)