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CHAPTER 292

1981 Assembly Bill 736

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CHAPTER 292 , Laws of 1981

AN ACT to create 973.15 (8) of the statutes, relating to stays of execution of a sentence of imprisonment.

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

SECTION 1. 973.15 (8) of the statutes is created to read:

973.15 (8) The sentencing court may stay execution of a sentence of imprisonment only:

- (a) For legal cause;
- (b) Under s. 973.09 (1) (a); or
- (c) For not more than 60 days.

NOTE: Subsection (8) has been added to specify the circumstances under which execution of a sentence of imprisonment may be stayed. Paragraph (a) references the rule of *Reinex v. State*, 51 Wis. 152 (1881) and *Weston v. State*, 28 Wis. 2d 136 (1965), whereby execution can be stayed for "legal cause", such as during the pendency of an appeal. Paragraph (b) cross-references the probation statute. Paragraph (c) is new. It allows the court to delay the commencement of a sentence for up to 60 days. The Wisconsin supreme court recently held that courts have no authority to stay execution of a sentence of imprisonment in the absence of such a statutory provision or legal cause. *State v. Braun*, 100 Wis. 2d 77 (1981).
