



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0221/3

CMH:wlj:rs

2005 ASSEMBLY BILL 62

February 1, 2005 - Introduced by Representatives GUNDRUM, ZIEGELBAUER, GUNDERSON, VRAKAS, NASS, HINES, MUSSER, MCCORMICK, BIES, TOWNSEND, AINSWORTH, ALBERS, HAHN and HUNDERTMARK, cosponsored by Senators A. LASEE, OLSEN and LASSA. Referred to Committee on Judiciary.

1 **AN ACT to create** 941.39 and 973.049 of the statutes; **relating to:** sentencing
2 discretion of a court and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law gives a court the authority to require or prohibit specified conduct during the defendant's terms of parole, probation, or extended supervision.

This bill adds to the court's existing authority and permits a court authority over the defendant's conduct during his or her term of confinement in prison or jail following a felony conviction. When imposing a sentence, the court may decide, in the interest of public protection, to prohibit a defendant, during any part of the defendant's sentence, from contacting victims of the crime or other actors in the crime for which the defendant is being sentenced. This bill also specifies that the court may prohibit the same contact in probation cases. If the defendant intentionally violates the prohibition, he or she may be found guilty of a Class A misdemeanor and may be subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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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:

1 **SECTION 1.** 941.39 of the statutes is created to read:

2 **941.39 Victim or co-actor contact.** Whoever intentionally violates a court
3 order issued under s. 973.049 (2) is guilty of a Class A misdemeanor.

4 **SECTION 2.** 973.049 of the statutes is created to read:

5 **973.049 Sentencing; restrictions on contact. (1)** In this section:

6 (a) “Co-actor” means any individual who was a party to a crime considered at
7 sentencing, whether or not the individual was charged with or convicted of the crime
8 considered at sentencing.

9 (b) “Crime considered at sentencing” means any crime for which the defendant
10 was convicted or any read-in crime, as defined in s. 973.20 (1g) (b).

11 (2) When a court imposes a sentence on an individual or places an individual
12 on probation for a felony conviction, the court may prohibit the individual from
13 contacting victims of, or co-actors in, a crime considered at sentencing during any
14 part of the individual’s sentence or period of probation if the court determines that
15 the prohibition would be in the interest of public protection.

16 (3) If a court issues an order under sub. (2), the court shall inform the individual
17 of the prohibition and of the penalty under s. 941.39.

18 **(END)**