2019 ASSEMBLY BILL 773

1 AN ACT *to amend* 13.525 (5) (a), 13.525 (5) (b) (intro.) and 13.525 (5) (d); and *to*

2 *create* 13.525 (5) (b) 1m. and 13.525 (5m) of the statutes; **relating to:** referral

3 of legislation to the Joint Review Committee on Criminal Penalties.

Analysis by the Legislative Reference Bureau

Current law provides that if any bill introduced in the legislature creates a new crime or revises a penalty for an existing crime and the bill is referred to a standing committee, the chairperson of the standing committee may request the Joint Review Committee on Criminal Penalties to prepare a report on the bill. If the bill is not referred to a standing committee, the speaker of the assembly, if the bill is introduced in the assembly, or the presiding officer of the senate, if the bill is introduced in the senate, may request the Joint Review Committee on Criminal Penalties to prepare a report on the bill. If a report is requested, current law requires the report to contain the costs that are likely to be incurred or saved if the bill is enacted, the consistency of the penalties proposed in the bill with existing penalties, any alternative language needed to conform penalties, and whether the acts criminalized under the bill are already prohibited under current law.

This bill provides that if any bill introduced in either the assembly or senate creates a new crime or revises a penalty for an existing crime, the bill must be referred to the Joint Review Committee on Criminal Penalties and that the bill may not be passed by the house in which the bill is introduced until the committee prepares and submits its report. The bill also requires the report to contain an economic impact statement regarding the likely economic effects of the proposal on

racial groups, economic classes, and gender groups, including a finding on whether the proposal is likely to have a disparate impact on a racial group, economic class, or gender group. The bill also allows the Joint Review Committee on Criminal Penalties to prepare for the legislature and the director of state courts reports on acts passed in previous sessions that created a crime or revised a penalty for a crime. Finally, this bill requires that any report must reflect the opinions of all members of the committee.

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

1   **SECTION 1.** 13.525 (5) (a) of the statutes is amended to read:

2   13.525 **(5)** (a) If any bill that is introduced in either house of the legislature

3   proposes to create a new crime or revise a penalty for an existing crime ~~and~~, the bill

4   ~~is referred to a standing committee of the house in which it is introduced, the~~

5   ~~chairperson may request~~ <u>shall be referred to</u> the joint review committee to prepare

6   a report on the bill under par. (b). ~~If the bill is not referred to a standing committee,~~

7   ~~the speaker of the assembly, if the bill is introduced in the assembly, or the presiding~~

8   ~~officer of the senate, if the bill is introduced in the senate, may request the joint~~

9   ~~review committee to prepare a report on the bill under par. (b).~~

10   **SECTION 2.** 13.525 (5) (b) (intro.) of the statutes is amended to read:

11   13.525 **(5)** (b) (intro.) If <u>a bill that proposes to create a new crime or revise a</u>

12   <u>penalty for an existing crime is referred to</u> the joint review committee ~~receives a~~

13   ~~request under par. (a) for a report on a bill that proposes to create a new crime or~~

14   ~~revise a penalty for an existing crime~~ <u>under par. (a)</u>, the committee shall prepare a

15   report<u>, that reflects the opinions of all members of the committee, even if conflicting,</u>

16   concerning all of the following:

17   **SECTION 3.** 13.525 (5) (b) 1m. of the statutes is created to read:

1   13.525 **(5)** (b) 1m. An economic impact statement containing information about

2   the likely economic effects of the proposal on racial groups, economic classes, and

3   gender groups, including a finding on whether the proposal is likely to have a

4   disparate impact on a racial group, economic class, or gender group.

5   **SECTION 4.** 13.525 (5) (d) of the statutes is amended to read:

6   13.525 **(5)** (d) If a bill that is introduced in either house of the legislature

7   proposes to create a new crime or revise a penalty for an existing crime, ~~a standing~~

8   ~~committee to which the bill is referred may not vote on whether to recommend the~~

9   ~~bill for passage and~~ the bill may not be passed by the house in which it is introduced

10   before the joint review committee submits a report under par. (b) ~~or before the 30th~~

11   ~~day after a report is requested under par. (a), whichever is earlier.~~

12   **SECTION 5.** 13.525 (5m) of the statutes is created to read:

13   13.525 **(5m)** The committee may prepare and submit a report to the chief clerk

14   of each house of the legislature for distribution to the appropriate standing

15   committees under s. 13.172 (3) and the director of state courts concerning an act from

16   a previous session that created a crime or revised a penalty for an existing crime.

17   The report shall reflect the opinions of all members of the committee, even if

18   conflicting, and may contain any information the committee determines is relevant,

19   including the following:

20   (a) Actual costs incurred or saved by the department of corrections, the

21   department of justice, the state public defender, the courts, district attorneys, and

22   other state and local government agencies due to the act.

23   (b) Recommended changes to the act.

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1   (c) Information about the actual economic effects of the act on racial groups,

2   economic classes, and gender groups, including a finding on whether the act had a

3   disparate impact on a racial group, economic class, or gender group.

4   **(END)**