

Felony Sentencing and Probation

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Felony Sentencing and Probation

Introduction

In Wisconsin, a felony is defined as any criminal offense that is punishable by imprisonment in state prison. All other criminal offenses are classified as misdemeanors. Any person age 17 years and older who commits a felony or misdemeanor is considered an adult and may be sentenced to confinement or placed on probation, and/or fined. Under some circumstances, persons under the age of 17 may be charged and sentenced as an adult. Offenders sentenced to more than one year of incarceration are imprisoned in state correctional facilities and all sentences to state correctional facilities must be for at least one year. Those offenders sentenced to less than one year, whether for a felony or misdemeanor, are confined in county jails. A sentence of one year for a crime occurring before December 31, 1999, may be to either a state correctional facility or a county jail unless the statutes provide for a specific placement. Offenders sentenced to one year incarceration for a crime occurring on or after December 31, 1999, are imprisoned in state correctional facilities.

For all felony offenses committed on or after December 31, 1999, except for those punishable by life imprisonment, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time a felon will serve in the community on extended supervision. Under a bifurcated sentence, judges may also require that the felon be placed in the intensive sanctions program as a part of extended supervision. The bifurcated (determinate) sentencing structure is commonly known as "truth-in-sentencing." Judges may also fine an offender in addition to, or instead of, imposing a bifurcated sentence or jail term, or may place a felon

on probation. In addition, certain serious sex offenders may be placed on lifetime supervision after the expiration of their sentence or upon completion of probation. Felons sentenced to life imprisonment do not receive a bifurcated sentence, but rather may apply to the court for release to extended supervision under specific circumstances.

For felony offenses committed before December 31, 1999, convicted felons may be: (a) sentenced to an indeterminate term of imprisonment; (b) sentenced to the intensive sanctions program; or (c) placed on state-supervised probation. As under a bifurcated sentence, a convicted felon may also be fined in addition to, or instead of, any other punishment. This sentencing structure is referred to as "indeterminate" because felons may be paroled from prison and discharged from supervision prior to serving the maximum sentence imposed by the court.

Once a court sentences a felony offender to confinement in state prison under a bifurcated or indeterminate sentence, the offender is transferred to the custody of the Department of Corrections (Corrections). After a period of assessment and evaluation at the Dodge Correctional Institution in Wau-pun, Corrections determines which correctional facility is appropriate for a sentenced offender.

In sentencing offenders for misdemeanor offenses, judges may imprison an offender in a county jail or place a person on probation. Maximum misdemeanor imprisonment ranges from not more than 30 days for a Class C misdemeanor to not more than nine months for a Class A misdemeanor. Offenders in jail for sentences of more than four days are eligible to earn good time credit of up to 25% of the court-imposed sentence. The county has custody of misdemeanants sentenced to

county jail. Corrections supervises misdemeanants placed on probation by the court.

This paper addresses the various methods by which an offender may be placed under state supervision in the adult programs of the Department of Corrections. The paper is divided into the following sections: (a) felony sentencing under a bifurcated sentence; (b) the Sentencing Commission; (c) felony sentencing under an indeterminate sentence; (d) serious repeat offenders; (e) sentencing to the intensive sanctions program; (f) probation; (g) lifetime supervision of serious sex offenders; (h) original court jurisdiction over certain juveniles; (i) waiver of certain juveniles to adult court; and (j) placement of juveniles sentenced to prison.

In this paper the following terms are used:

1. "Incarceration" or "Confinement." Placement of an offender in a state correctional facility or county jail.

2. "Parole." Release of an offender sentenced under an indeterminate sentence to the community under the supervision of the Department of Corrections. Corrections may discharge a person from parole prior to the person serving the maximum sentence imposed by the court.

3. "Mandatory Release." Release from prison to parole supervision after serving two-thirds of an indeterminate sentence established by the court for offenses occurring before December 31, 1999.

4. "Extended Supervision." Release of an offender as part of a bifurcated sentence or release of an offender sentenced to life imprisonment to the community under the supervision of Corrections. Corrections may not discharge a person from extended supervision prior to the time specified by the court.

5. "Intensive Sanctions." A sentence imposed to the intensive sanctions program in Corrections by a judge for a felony offense that includes a term

of confinement in prison and highly structured community supervision, followed by parole. Prior to parole, an offender under an intensive sanctions sentence is considered an inmate and may be returned to prison without a revocation hearing. Judges may only sentence individuals to intensive sanctions for offenses that occur between August 15, 1991, and December 30, 1999. Persons not sentenced under a bifurcated sentence may also be placed in intensive sanctions by actions of Corrections or the Parole Commission. A sentence to the intensive sanctions program is for a maximum period and may be modified by administrative actions of the Parole Commission or Corrections.

For offenses occurring on or after December 31, 1999, an offender may not be sentenced to the intensive sanctions program and may not participate in the program during the confinement portion of a bifurcated sentence, but may be placed in the program as a condition of extended supervision. Participation in the intensive sanctions program does not allow Corrections to modify the length of a bifurcated sentence.

6. "Probation." Placement of an offender under the supervision of Corrections in the community without confinement in state prison, although confinement in a county jail may be required. An offender placed on probation is subject to conditions imposed by the court and/or Corrections.

Bifurcated Sentence

For Offenses Committed on or after December 1, 1999, and before February 1, 2003

In 1997 Act 283, a bifurcated (determinate) sentencing structure was created for all felony offenses ("truth-in-sentencing"). Under this structure, courts are required to impose a bifurcated (two-part) sentence for any felony occurring on or after December 31, 1999, except for

felonies resulting in a life sentence. The sentence consists of a term of confinement in prison followed by a term of extended supervision in the community. Persons serving a bifurcated sentence are not eligible for the intensive sanctions or community residential confinement programs during the prison portion of the bifurcated sentence. A person serving a bifurcated sentence is not eligible for the challenge incarceration program ("boot camp") unless the sentencing court specifies that he or she is eligible. If an eligible person successfully completes the challenge incarceration program, the judge is required to reduce the prison portion of the sentence so the person is released to supervision, while the supervision portion of the sentence is increased by a corresponding amount, resulting in the same total sentence length. Under 2001 Act 109, the bifurcated sentence structure was modified, effective February 1, 2003, and is discussed in the following section.

Felony offenses, committed prior to February 1, 2003, are identified as either classified felonies (Appendix I) or unclassified felonies (Appendix II). Appendix II identifies the penalties under a bifurcated sentence and for penalties under an indeterminate sentence for all unclassified felonies. All felony offenses (with the exception of three offenses) were placed under a classification system by 2001 Act 109 (Appendix III).

The maximum sentence (confinement time plus extended supervision) for classified felonies occurring on or after December 31, 1999 and before February 1, 2003, is: (a) Class A felony, life; (b) Class B felony, 60 years; (c) Class BC, 30 years; (d) Class C felony, 15 years; (e) Class D felony, 10 years; and (f) Class E felony, 5 years. The maximum term of confinement for these is: (a) Class A felony, life; (b) Class B felony, 40 years; (c) Class BC, 20 years; (d) Class C felony, 10 years; (e) Class D felony, 5 years; and (f) Class E felony, 2 years. For any felony other than a felony listed above, the term of confinement in prison cannot exceed 75% of the total length of the bifurcated sentence.

When sentencing a felon, judges may specify

that sentences run concurrently or consecutively. Judges may not, however, order imprisonment followed by probation as the sentence for a single crime. The length of sentence may be increased for certain offenders by penalty enhancers for activities such as habitual criminality, use of a dangerous weapon or repeated serious sex crimes.

Under a bifurcated sentence, the term of confinement in prison cannot be less than one year, subject to any minimum sentence prescribed for the felony and any penalty enhancement. If the maximum term of confinement in prison is increased by a penalty enhancement, the total length of the bifurcated sentence (confinement plus extended supervision) that can be imposed is increased by the same amount.

The extended supervision portion of the bifurcated sentence may not be less than 25% of the length of the term of confinement in prison. The court may impose conditions on the term of extended supervision. A person serving a bifurcated sentence is not eligible for parole or mandatory release. Further, a person sentenced to a bifurcated sentence is required to serve the confinement portion without reduction for good behavior. Corrections is prohibited from discharging a person serving a bifurcated sentence from custody, control and supervision until the person has served the entire bifurcated sentence, including any periods of extension in prison imposed by Corrections for disciplinary reasons. The court is required to inform a person being sentenced of Corrections' ability to extend a sentence for disciplinary reasons as described below.

An inmate imprisoned under a bifurcated sentence is not eligible for release to extended supervision until the court-specified term of confinement is completed. A warden or superintendent of a correctional facility is required to keep a record of the conduct of each inmate, specifying each infraction of the rules. If an inmate violates any regulation of the prison or refuses or neglects to perform required or assigned duties, Corrections may extend

the term of confinement as follows:

1. 10 days for the first offense.
2. 20 days for the 2nd offense.
3. 40 days for the 3rd or each subsequent offense.

Further, in addition to the above sanctions, if an inmate is placed in adjustment, program, or controlled segregation status, Corrections may extend his or her term of confinement by a number of days equal to 50% of the number of days spent in segregation status. Corrections is required to use the definition of adjustment, program, or controlled segregation status under administrative rules in effect at the time an inmate is placed in that status. No extension of a term of confinement may require an inmate to serve more days in prison than the total length of the bifurcated sentence. If the term of confinement in prison is increased, the term of extended supervision is reduced so that the total length of the bifurcated sentence is not changed.

All consecutive bifurcated sentences are computed as one continuous sentence. A person serves any term of extended supervision only after serving all terms of confinement in prison. An inmate is allowed to waive entitlement to release to extended supervision if Corrections agrees to the waiver.

Before a person is released to extended supervision, Corrections is required to notify the municipal police department and the county sheriff for the area where the person will be residing. Inmates released to extended supervision are subject to all conditions and rules of extended supervision until the expiration of the extended supervision portion of the bifurcated sentence. Corrections may establish conditions of extended supervision, in addition to any conditions set by the court at sentencing, if the conditions set by Corrections do not conflict with the court's conditions.

If a person released to extended supervision violates a condition of that placement, the Division of Hearings and Appeals in the Department of

Administration or Corrections (if the person on extended supervision waives a hearing) may revoke the extended supervision of the person. If the person is returned to prison, he or she may be returned for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The term "time remaining" is defined as the total length of the bifurcated sentence, less time served in custody before release to extended supervision by the person. The period of reincarceration time may be extended for disciplinary reasons.

A person sentenced to life imprisonment for crimes that occur on or after December 31, 1999, is not given a bifurcated sentence and is not eligible for release on parole. The court is required to make an extended supervision eligibility date determination regarding the person and choose one of the following options:

1. The person is eligible for release to extended supervision after serving 20 years.
2. The person is eligible for release to extended supervision on a date set by the court that is later than 20 years.
3. The person is not eligible for release to extended supervision.

When sentencing a person to life imprisonment, the court is required to inform the person of Corrections' ability to increase the date of eligibility to apply for release for disciplinary reasons. The court is also required to inform a person sentenced to life imprisonment of the procedure for petitioning for release to extended supervision.

A person sentenced to life imprisonment for crimes occurring on or after December 31, 1999, is generally subject to the same sentencing provisions as other offenders except that the following specific provisions also apply:

1. No individual sentenced to life without the possibility of extended supervision may be placed

on extended supervision.

2. An inmate serving a life sentence with the possibility of extended supervision may not petition the sentencing court for release to extended supervision until after either: (a) he or she has served 20 years, if the inmate is given a sentence allowing that possibility; or (b) he or she reaches the extended supervision eligibility date set by the court.

3. Violations of prison rules and regulations may result in the extension of the date of eligibility for extended supervision.

4. An inmate serving a life sentence who seeks release to extended supervision is required to file a petition for release with the court that sentenced him or her. An inmate may not file an initial petition earlier than 90 days before his or her extended supervision eligibility date. If an inmate files an initial petition for release to extended supervision at any time earlier than 90 days, the court is required to deny the petition without a hearing. An inmate filing for release is also required to serve a copy of a petition for release on the district attorney's office that prosecuted him or her, and the district attorney is required to give a written response to the petition within 45 days after he or she receives the petition.

After reviewing a petition for release and the district attorney's response, the court is required to decide whether to hold a hearing on the petition or, if it does not hold a hearing, whether to grant or deny the petition without a hearing. If the court decides to hold a hearing, the hearing must be without a jury.

5. Before deciding whether to grant or deny the inmate's petition, the court is required to allow a victim or family member of a homicide victim to make a statement or submit a statement concerning the release of the inmate to extended supervision. The court may also allow any other person to make or submit a statement. Any statement, however,

must be relevant to the release of the inmate to extended supervision.

In order to be released to extended supervision, an inmate is required to prove to the court, by clear and convincing evidence, that he or she is not a danger to the public. If the court grants the inmate's petition for release, the court may impose conditions on the term of extended supervision. If the court denies the inmate's petition, the court is required to specify the date on which the inmate may file a subsequent petition. An inmate may file a subsequent petition at any time on or after the date specified by the court, but if the inmate files a subsequent petition for release to extended supervision before the date specified by the court, the court may deny the petition without a hearing.

An inmate may also appeal an order denying his or her petition, but the appellate court is required to determine only whether the court properly exercised its discretion in denying the petition.

6. A person serving a life sentence who is returned to prison after revocation of extended supervision is required to be incarcerated for at least five years, after which period of time the person may, upon petition to the sentencing court, be released to extended supervision. An inmate may not file a petition earlier than 90 days before the end of the reincarceration period, which includes any extensions for prison rules violations.

7. If a person serving a life sentence files a petition for release or rerelease, the clerk of the circuit court in which the petition is filed is required to send a copy of the petition and, if a hearing is scheduled, a notice of hearing to victims who request notification. If the victim died as a result of the crime, an adult member of the victim's family is notified. The Director of State Courts is required to design and prepare victim address cards to send to the clerks of the circuit courts, without charge. The clerks of circuit court are then required to provide the cards, without charge, to victims.

Modification to Bifurcated Sentencing on or after February 1, 2003

In 1997 Act 283, an 18-member Criminal Penalties Study Committee was created to study and prepare a report on: (a) the classification of criminal offenses in the criminal code (Chapters 939 to 951 of the Statutes); (b) the penalties for all felonies and Class A misdemeanors; and (c) other issues related to the implementation of the changes in sentencing made in the Act. Most of the Committee's recommendations were enacted under 2001 Act 109, which modified the original bifurcated sentence structure, effective February 1, 2003. The most significant changes include: (a) reclassifying and expanding the classes of felonies; (b) providing statutory caps on the extended supervision portion of the bifurcated sentence; (c) modifying maximum fines; (d) creating sentencing guidelines; (e) specifying the order in which penalty enhancers are applied; (f) providing mechanisms for offenders to petition to the sentencing court to modify their sentence; (g) modification of the terms of extended supervision; (h) providing a new sanction for violation of extended supervision conditions; and (i) providing that the sentencing court determines the length of time an offender will be returned to prison for revocation of extended supervision.

Felony Classification. Under the modified bifurcated sentence structure, the previous six classes of felonies are expanded to nine (Class A through Class I). Generally, classified crimes were reclassified as follows:

- (1) Class A felonies became Class A or B felonies.
- (2) Class B felonies became Class C felonies.
- (3) Class BC felonies became Class C or D felonies.
- (4) Class C felonies became Class F felonies.
- (5) Class D felonies became Class H felonies.
- (6) Class E felonies became Class I felonies.

Table 1 shows the maximum bifurcated sentences (confinement in prison plus extended supervision) for the nine felony classes, compared with the indeterminate sentences (discussed in the following section) for crimes occurring before December 31, 1999, and the bifurcated sentences for crimes under the prior felony classifications. Table 2 shows the maximum term of imprisonment under the revised felony classes (excluding time that may be imposed for misconduct in prison or return after revocation), and also shows the mandatory release times under indeterminate sentencing for crimes committed prior to December 31, 1999.

Appendix III identifies all felony offenses as classified beginning February 1, 2003.

Table 1: Maximum Total Sentence (Confinement in Prison Plus Parole or Extended Supervision)

Classification	Maximum Sentence for Crimes Occurring		Maximum Sentence for Crimes Occurring	
	Before 12/31/99	On or After 12/31/99 and Before 2/1/03	Classification	On or After 2/1/03
Class A	Life	Life	Class A	Life
			Class B	60 years
Class B	40 years	60 years	Class C	40 years
Class BC	20 years	30 years	Class D	25 years
			Class E	15 years
Class C	10 years	15 years	Class F	12.5 years
			Class G	10 years
Class D	5 years	10 years	Class H	6 years
Class E	2 years	5 years	Class I	3.5 years

Table 2: Maximum Time Confined in Prison for a Maximum Sentence

	Crimes Committed Before 12/31/99		Crimes Committed On or After 12/31/99 and before 2/1/03	Crimes Committed On or After 2/1/03	
	Eligible for Parole	Mandatory Release	Maximum Prison Sentence	Maximum Prison Sentence	
Class A	Set by Sentencing Court	N.A.	ES Eligibility Date Set by Sentencing Court	Class A	ES Eligibility Date Set by Sentencing Court
				Class B	40 years
Class B	10 years	26.6 years	40 years	Class C	25 years
Class BC	5 years	13.3 years	20 years	Class D	15 years
				Class E	10 years
Class C	2.5 years	6.6 years	10 years	Class F	7.5 years
				Class G	5 years
Class D	1.25 years	3.3 years	5 years	Class H	3 years
Class E	0.5 years	1.3 years	2 years	Class I	1.5 years

"ES" means extended supervision.

Table 3 summarizes the maximum confinement and extended supervision for the modified bifurcated sentencing structure.

Table 3: Maximum Bifurcated Sentence for Offenses Committed on or after February 1, 2003

Felony Cases	Maximum Term of Confinement	Maximum Extended Supervision	Maximum Total Sentence
A	Life	---	Life
B	40 years	20 years	60 years
C	25 years	15 years	40 years
D	15 years	10 years	25 years
E	10 years	5 years	15 years
F	7.5 years	5 years	12.5 years
G	5 years	5 years	10 years
H	3 years	3 years	6 years
I	18 months	2 years	3.5 year

Maximum Fines. For crimes occurring prior to February 1, 2003, the maximum fine for classified felonies is \$10,000. For unclassified felonies, the range of fines varies by offense from \$25 to \$1,000,000. Beginning February 1, 2003, the maximum fines that may imposed by the sentencing court are also increased: (a) Classes C and D, \$100,000; (b) Class E, \$50,000; (c) Classes F and G, \$25,000; and (d) Classes H and I, \$10,000.

Sentencing Guidelines, and Consideration of Aggravating and Mitigating Factors. When making a sentencing decision (a decision to impose a bifurcated sentence or place a person on probation, and a decision as to the length of a bifurcated sentence, including the length of each component of the bifurcated sentence, the amount of a fine, and the length of a term of probation) for an offense committed on or after February 1, 2003, a court is required to consider all of the following:

a. Felony sentencing guidelines adopted by the Sentencing Commission or any applicable temporary sentencing guideline adopted by the Criminal Penalties Study Committee created under 1997

Wisconsin Act 283.

- b. Protection of the public.
- c. The gravity of the offense.
- d. The rehabilitative needs of the defendant.
- e. Any applicable mitigating factors and any applicable aggravating factors.

Guidelines generally evaluate the severity of an offense and the risk factors associated with an offender, and then provide a range of sentence lengths based on those factors. Courts are not required to make a sentencing decision that is within any range or consistent with a recommendation specified in the guidelines. Further, statutes specify that there is no right to appeal a court's sentencing decision based on the court's decision to depart in any way from any guideline.

In a sentencing decision, a court is required to consider all of the following as aggravating factors:

- a. The fact that the person committed the crime while his or her usual appearance was concealed, disguised, or altered, with the intent to make it less likely that he or she would be identified with the crime.
- b. The fact that the person committed the crime using information that was disclosed to him or her from the state's sex offender registry.
- c. The fact that the person committed the crime for the benefit of, at the direction of, or in association with any criminal gang, with the specific intent to promote, further, or assist in any criminal conduct by criminal gang members.
- d. The fact that the person committed the felony while wearing a vest or other garment designed, redesigned, or adapted to prevent bullets from penetrating the garment.

e. The fact that the person committed the felony with the intent to influence the policy of a governmental unit or to punish a governmental unit for a prior policy decision, if any of the following circumstances also applies to the felony committed by the person: (1) the person caused bodily harm, great bodily harm, or death to another; (2) the person caused damage to the property of another and the total property damaged is reduced in value by \$25,000 or more; or (3) the person used force or violence or the threat of force or violence. The provision would not apply to conduct arising out of or in connection with a labor dispute.

In addition to the general aggravating circumstances courts are required to consider at sentencing, courts are required to consider the following special aggravating circumstances for serious sex crimes, crimes against the elderly, child sexual assault, homicide or injury by intoxicated use of motor vehicle, and controlled substances:

- *Serious Sex Crimes.* Courts are required to consider as an aggravating factor the fact that the serious sex crime was committed under all of the following circumstances:

- a. At the time that he or she committed the serious sex crime, the person convicted of committing the serious sex crime had a sexually transmitted disease or acquired immunodeficiency syndrome or had had a positive test for the presence of human immunodeficiency virus (HIV).

- b. At the time that he or she committed the serious sex crime, the person convicted of committing the serious sex crime knew that he or she had a sexually transmitted disease or acquired immunodeficiency syndrome or that he or she had had a positive test for the presence of HIV.

- c. The victim of the serious sex crime was significantly exposed to HIV or to the sexually transmitted disease, by the acts constituting the serious sex crime.

- *Violent Felonies Committed Against an Elderly Person (62 years of age or older).* Courts are required to consider as an aggravating factor the fact that the victim of the violent felony was an elderly person, even if the offender mistakenly believed that the victim had not attained the age of 62 years.

- *Child Sexual Assault or Child Abuse.* Courts are required to consider as an aggravating factor the fact that the person was a person responsible for the welfare of the child who was the victim of the violation.

- *Homicide or Injury by Intoxicated Use of a Vehicle.* Courts are required to consider as an aggravating factor the fact that, at the time of the violation, there was a minor passenger under 16 years of age or an unborn child in the person's motor vehicle.

- *Controlled Substances Offenses.* Courts are required to consider as an aggravating factor the fact that the violation involved delivering, distributing, or possessing with intent to deliver or distribute a controlled substance or controlled substance analog to a prisoner within the precincts of any prison, jail, or house of correction. Further, when making a sentencing decision concerning a person convicted of a controlled substance delivering, distributing, or possessing with intent to deliver or distribute offense, a court is required to consider as an aggravating factor the fact that the violation involved delivering, distributing, or possessing with intent to deliver or distribute a controlled substance included in schedule I or II (drugs with a high potential for abuse, no or severely limited acceptable medical treatment or which may lead to dependence) and that the person knowingly used a public transit vehicle during the violation.

Under the statutes, the aggravating factors are not elements of a crime. A prosecutor is not required to charge any aggravating factor or otherwise allege the existence of an aggravating factor in any pleading for a court to consider the aggravat-

ing factor when making a sentencing decision.

In making a sentencing decision, a court is required to state the reasons for its sentencing decision, and do so in open court and on the record. However, if a court determines that it is not in the interest of the defendant for it to state the reasons for its sentencing decision in the defendant's presence, the court must state the reasons for its sentencing decision in writing and include the written statement in the record.

Application Order of Penalty Enhancers. For offenses committed on or after February 1, 2003, if more than one of the following penalty enhancement statutes apply to a crime, a court is required to apply them in the order listed in calculating the maximum term of imprisonment for the crime:

- a. domestic abuse, violence in a school zone, hate crimes, distribution or delivery of a controlled substance to a person under 18 years of age, and distribution of a controlled substance in or near certain places.
- b. use of a dangerous weapon.
- c. habitual criminality or second or subsequent controlled substances offenses.

Modification of Bifurcated Sentence. Under the modified bifurcated sentence structure, beginning February 1, 2003, there are two means by which a bifurcated sentence may be modified. Under the first method, an inmate, serving a sentence for a crime other than a Class B felony, may seek modification of the sentence if he or she meets one of the following criteria:

1. The inmate is 65 years of age or older and has served at least five years of the term of confinement for the prison portion of the bifurcated sentence;
2. The inmate is 60 years of age or older and has served at least 10 years of the term of confine-

ment for the prison portion of the bifurcated sentence; or

3. The inmate has a terminal condition. A terminal condition is defined as an incurable condition afflicting a person, caused by injury, disease, or illness, as a result of which the person has a medical prognosis that his or her life expectancy is six months or less, even with available life-sustaining treatment provided in accordance with the prevailing standard of medical care.

An inmate who meets one of the above criteria may petition the program review committee of the correctional institution requesting modification of a bifurcated sentence. The program review committee may deny the petition or may refer it to the sentencing court if the committee determines that public interest would be served by modification of the sentence. If the petition is referred, the sentencing court is required to conduct a hearing, where the inmate has the burden of proving by the greater weight of the credible evidence that modification would serve public interest. If the inmate meets the burden of proof, the court is required to modify the inmate's sentence by releasing the inmate to extended supervision within 30 days after the date of the court issues its order. The term of extended supervision is lengthened so that the total length of the bifurcated sentence originally imposed does not change. The state may appeal the court's decision to grant an inmate's petition to the appellate court. If the inmate's petition is denied, the inmate may appeal the decision. The appellate court may reverse the decision only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

Any petition that is denied by the program review committee or court, may not be refiled within one year. Inmates eligible to seek modification have the right to be represented by counsel, including representation by the State Public Defender.

The second manner in which a bifurcated sentence may be modified provides that an inmate,

serving a sentence for a crime other than a Class B felony, may petition the sentencing court to adjust the sentence if: (a) the inmate has served at least 85% of the term of confinement for a Class C to E felony; or (b) the inmate has served at least 75% of the term of confinement for a Class F, G, H, or I felony. The inmate may submit only one petition for each imposed sentence. Any one of the following is ground for a petition:

1. The inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced;

2. There was a change in law or procedure, effective after the inmate was sentenced, related to sentencing that would have resulted in a shorter term of confinement, if the change had been applicable when the inmate was sentenced;

3. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported; or

4. The sentence adjustment is otherwise in the interests of justice.

A court may deny any petition it receives, or hold the petition for further consideration. If the court holds the petition for further consideration, the court must notify the district attorney of the inmate's petition. If the district attorney objects to adjustment of the sentence within 45 days of receiving the court's notification, the court must deny the petition. If the sentence is for certain sex offenses (second-degree sexual assault, third-degree sexual assault, second-degree sexual assault involving a person under 16 years of age, or soliciting a child for prostitution) and the district attorney does not object to the petition within 10 days of receiving notice, the district attorney is required to notify the victim of the offense of the inmate's petition. If the victim objects to the petition within 45 days of receiving notice, the court must deny the

petition.

If the sentencing court does not receive an objection to the sentence adjustment, and the court determines that adjustment is in the public interest, the court may modify the sentence. If the sentence is modified the court must reduce the term of confinement by the amount of time remaining for confinement, less up to 30 days, and increase the term of extended supervision by the corresponding amount. If the court adjusts a sentence based on a change in law or procedure, and the total adjusted sentence length is greater than the maximum total sentence length that the inmate could have received under the change in law or procedure, the court may reduce the length of extended supervision so that the total adjusted sentence length does not exceed the maximum sentence length provided under the new law or procedure. If the adjusted term of extended supervision is greater than the maximum term of extended supervision the inmate could have received under the change in law or procedure, the court may reduce the term of extended supervision so that the term does not exceed the maximum term.

Modification of Extended Supervision. Beginning February 1, 2003, an inmate or the Department of Corrections may petition the sentencing court to modify any conditions of extended supervision set by the court. The court may conduct a hearing to consider the petition and grant the petition in full or in part if it determines that the modification would meet the needs of Corrections and public and would be consistent with the objective of the person's sentence. The offender or Corrections can appeal any such order, and the appellate court can reverse the order only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

An inmate may not petition the court to modify the conditions of extended supervision earlier than one year before the inmate's scheduled date of release to extended supervision or more than once before the inmate's release. An inmate may not peti-

tion the court to modify the conditions of extended supervision within one year after his or her release to extended supervision. If an offender files a petition for modification after his or her release to extended supervision, the offender may not file another petition until one year after the date of filing the former petition.

Sanctions for Violations of Extended Supervision Conditions. Beginning February 1, 2003, if Corrections alleges that a condition or rule of extended supervision has been violated, Corrections may take physical custody of the person for investigation of the alleged violation. If the person signs a statement admitting a violation of a condition of extended supervision, the Department may, as a sanction for the violation, confine the person for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. If a county jail were used, the Department is required to reimburse the county for its actual costs of confining the person.

Court Determination of Length of Revocation. Under prior law, revocation of parole or extended supervision and the length of time that an offender is returned to prison was decided by Corrections if the offender waived a hearing, or by an administrative law judge (ALJ) if a hearing is held. As of February 1, 2003, however, while Corrections or the ALJ continue to make the revocation decision for a violation of extended supervision; the sentencing court determines the length of time the offender will be returned to prison.

Earned Release Provisions under 2003 Act 33

An earned release program was created in 2003 Act 33 for eligible inmates who successfully complete the substance abuse treatment program at the Drug Abuse Correctional Center (DACC). All inmates are eligible for the DACC earned release program, except inmates who are incarcerated for crimes against life and bodily security (crimes under Chapter 940 of the statutes), or for certain crimes against a child. Inmates in the intensive sanctions program may participate in the program

but are not eligible for earned release. For inmates serving a bifurcated sentence, the sentencing court must decide at sentencing whether or not an inmate is eligible for the program. Inmates serving a bifurcated sentence prior to the creation of the DACC program must petition the sentencing court to determine eligibility. The sentencing court must rule on the inmate's petition no later than 90 days after the petition is filed. In addition, eligible inmates serving an indeterminate sentence may be placed in the earned release program by the Department.

If the Department determines that an inmate serving a bifurcated sentence has successfully completed the treatment program, the Department must notify the sentencing court. The sentencing court must: (a) reduce the prison portion of the bifurcated sentence so that the inmate will be released to extended supervision within 30 days of the date on which the court received notice; and (b) lengthen the term of extended supervision so that the total length of the bifurcated sentence does not change. Inmates in the program serving indeterminate sentences may be paroled upon successful completion and must be placed in an intensive supervision program for drug abuses.

Crimes under Chapter 940 for which inmates are ineligible for the earned release program include: (a) homicides; (b) felony murder; (c) mutilating or hiding a corpse; (d) assisting suicide; (e) abortion; (f) partial-birth abortion; (g) batteries; (h) mayhem; (i) sexual exploitation by therapist; (j) sexual assault; (k) reckless injury; (l) injury by negligent handling of dangerous weapon, explosives or fire; (m) injury by intoxicated use of a vehicle; (n) abuse of vulnerable adults or residents of penal facilities; (o) failure to render aid by a law enforcement officer; (p) abuse and neglect of patients and residents; (q) false imprisonment; (r) taking hostages; (s) kidnapping; (t) stalking; (u) duty to aid victim or report crime; and (v) intimidation or attempted intimidation of witnesses or victims. Crimes against a child for which inmates are ineligible for the earned release program include: (a)

sexual assault of a child; (b) engaging in repeated acts of sexual assault of the same child; (c) physical abuse of a child; (d) sexual exploitation of a child; (e) causing a child to view or listen to sexual activity; (f) incest with a child; (g) child enticement; (h) use of a computer to facilitate a child sex crime; (i) soliciting a child for prostitution; and (j) sexual assault of a student by a school instructional staff person.

Sentencing Commission

A 21-member Sentencing Commission is attached to the Department of Administration, and consists of the following members:

1. The Attorney General or his or her designee.
2. The State Public Defender or his or her designee.
3. Seven members, at least two of whom are not employed by any unit of federal, state or local government, appointed by the Governor.
4. One majority party member and one minority party member from each house of the Legislature, appointed in the same manner as the members of standing committees in their respective houses.
5. Two circuit judges, appointed by the Supreme Court.
6. One representative of crime victims and one prosecutor, each appointed by the Attorney General.
7. One attorney in private practice engaged primarily in the practice of criminal defense, appointed by the criminal law section of the State Bar of Wisconsin.

8. The Secretary of Corrections or his or her designee, as a nonvoting member.

9. The Chairperson of the Parole Commission or his or her designee, as a nonvoting member.

10. The Director of State Courts or his or her designee, as a nonvoting member.

The Sentencing Commission is required to do all of the following:

1. Select an executive director having appropriate training and experience to study sentencing practices and prepare proposed sentencing guidelines;
2. Monitor and compile data regarding sentencing practices in the state;
3. Adopt advisory sentencing guidelines for felonies committed on or after July 30, 2002, to promote public safety, to reflect changes in sentencing practices and to preserve the integrity of the criminal justice and correctional systems;
4. Provide information to the Legislature, state agencies and the public regarding the costs to and other needs of the Department of Corrections which result from sentencing practices;
5. Provide information to judges and lawyers about the sentencing guidelines;
6. Publish and distribute to all circuit judges hearing criminal cases an annual report regarding its work, which must include all sentencing guidelines and all changes in existing sentencing guidelines adopted during the preceding year;
7. Study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the Governor, to each house of the Legislature, and to the Supreme Court;

8. Assist the Legislature in assessing the cost of enacting new or revising existing statutes affecting criminal sentencing;

9. At least semiannually, submit reports to all circuit judges, and to the chief clerk of each house of the Legislature for distribution to appropriate standing committees of the Legislature, that contain statistics regarding criminal sentences. Each semiannual report must have a different focus and need not contain statistics regarding every crime. Each report must contain information regarding sentences imposed statewide and in each of the following geographic areas: (a) Milwaukee County; (b) Dane and Rock counties; (c) Brown, Outagamie, Calumet and Winnebago counties; (d) Racine and Kenosha counties; and (e) all other counties; and

10. Study how sentencing options affect various types of offenders and offenses.

The Commission is scheduled to sunset on December 31, 2007. Budgeted funding for the Commission in 2004-05 is \$235,600 general purpose revenue (GPR) and 2.0 GPR positions.

Indeterminate Sentence

For felony offenses occurring before December 31, 1999, offenders are sentenced under an indeterminate sentencing structure. Under an indeterminate sentence, judges may impose a sentence for each charge resulting in a conviction. The sentence is for a fixed amount of time equal to or less than the statutory maximum. The sentence length imposed by a judge includes both time in prison and on parole. The maximum indeterminate sentences for Wisconsin's previous six classes of felonies are identified in Table 4.

Under an indeterminate sentence, persons sentenced to prison, other than those sentenced to life, must serve a minimum of the greater of six months

or 25% of the court-imposed sentence before becoming eligible for parole (commonly referred to as the "parole eligibility date"). Convictions for some offenses (particularly drug crimes) may require a longer minimum prison term before a person reaches the parole eligibility date. Inmates serving life sentences generally become eligible for parole after serving 13 years and four months. For crimes punishable by life imprisonment, a judge may, however, set any parole eligibility date that is later than the statutorily-defined date or may impose a sentence of life without the possibility of parole. Further, judges may establish a parole eligibility date for individuals convicted of serious felony offenses (see Appendix IV under "parole eligibility") who have previously been convicted of a serious felony offense. The date established by the court cannot be less than the parole eligibility date or more than two-thirds of a sentence. If the court does not establish a parole eligibility date, an individual is eligible for parole after serving 25% of his or her sentence.

The use of "good time credit" also affects the length of time a felon is imprisoned under an indeterminate sentence. Under this concept, inmates receive credit against the time they are sentenced to serve based on the inmate's performance in the areas of prison duties, labor and educational studies.

Table 4: Maximum Total Sentence for Classified Felonies Under Indeterminate Sentencing

Class A	Life imprisonment.
Class B	Imprisonment not to exceed 40 years for offenses occurring after April 20, 1994, and imprisonment not to exceed 20 years for offenses that occurred prior to that date.
Class BC	Fine not to exceed \$10,000 or imprisonment not to exceed 20 years for offenses occurring after December 1, 1995.
Class C	Fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.
Class D	Fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.
Class E	Fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both.

Except as discussed below, for crimes committed after May 31, 1984, and prior to December 31, 1999, offenders sentenced to prison are subject to mandatory release upon serving two-thirds of the court-imposed sentence. This release date may be extended for infractions of regulations.

The decision to grant discretionary parole (release from prison at any time between the parole eligibility date and the mandatory release date) is made by the Parole Commission. The Commission consists of eight members: the chairperson, appointed for a two-year term by the Governor, with the advice and consent of the Senate; and seven other members in the classified service appointed by the chairperson. The Parole Commission conducts interviews with parole-eligible inmates and decides whether to grant a discretionary release. Authority for final discretionary parole decisions rests with the Parole Commission chair. If discretionary parole is granted, the parolee is placed under the supervision of the Department of Corrections for a period not to exceed the court-imposed sentence, less time already served.

Persons who reach their mandatory release date without being paroled by the Parole Commission are, upon reaching that date, also placed under parole supervision for a period not to exceed the court-imposed sentence, less time already served. A person sentenced to life imprisonment is not subject to mandatory release provisions. The Department may discharge a parolee from supervision on or after his or her mandatory release date or after two years of supervision. Individuals serving their entire sentence in prison or completing their sentence in prison are released directly from prison without parole supervision.

For individuals convicted of certain serious felony offenses (see Appendix IV under "mandatory release"), the Parole Commission may decide not to release an inmate on the mandatory release date, but instead establish a later release date (commonly referred to as "presumptive mandatory release"). If the Commission does not deny an individual subject to the presumptive mandatory release provisions

release at two-thirds of the court-imposed sentence, the individual is released on parole supervision. If release is denied, regular reviews of the inmate's case are required.

Serious Repeat Offenders

Under both determinate and indeterminate sentencing, Wisconsin has a "three strikes" provision for serious repeat offenders and a "two strikes" provision for serious child sex offenders. These provisions apply to both offenders sentenced under bifurcated and indeterminate sentences. The "three strikes" provision requires a court to sentence an individual to life imprisonment without parole if the person is convicted on three separate occasions for any serious felony. Since creation of the "three strikes" law in 1994, nine offenders have been sentenced to life imprisonment without parole under the provision.

The "two strikes" provision, created in 1997 Act 326, requires the court to sentence an individual to life imprisonment without parole if the person is convicted on two separate occasions of: sexual assault of a child, engaging in repeated acts of sexual assault with the same child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest, child enticement, soliciting a child for prostitution, sexual assault of a student by a school instructional staff person, abduction of a minor or kidnapping of a minor. As of November, 2004, 11 offenders have been convicted under the "two strikes" provision.

For both the "two strikes" and "three strikes" provisions, prosecutors must allege and prove that the offender had prior offenses before a court is required to sentence a person to life without the possibility of parole or extended supervision. Appendix IV identifies the felonies that are included under the "three strikes" and "two strikes" laws.

Intensive Sanctions

The Department of Corrections administers the intensive sanctions program. The program is designed to provide: (a) punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision or extended supervision; (b) component phases that are intensive and highly structured; and (c) a series of component phases for each participant that is based on public safety considerations and a participant's needs for punishment and treatment. The component phases are required to include one or more of the following sanctions: (a) confinement; (b) intensive or other field supervision; (c) electronic monitoring; (d) community service; (e) restitution; and (f) other programs as prescribed by the Department.

A person may be sentenced by the court to the intensive sanctions program for a felony offense occurring between August 15, 1991, and December 30, 1999. A person not sentenced under a bifurcated sentence may, however, also enter the intensive sanctions program if: (a) the person is a prisoner serving a felony sentence not punishable by life imprisonment and the Department of Corrections directs the person to participate in the program; or (b) the Parole Commission grants the person parole and requires the person to participate in the program as a condition of parole. Further, a person may be placed in the program if the Department and the person agree to his or her participation in the program as an alternative to revocation of probation, extended supervision or parole. Finally, a person sentenced for a felony occurring on or after December 31, 1999: (a) may not be sentenced to the program; (b) is not eligible for the program while serving the confinement portion of a bifurcated sentence; and (c) may be placed in the program as a condition of extended supervision.

In September, 1997, the Department of Corrections administratively discontinued the use of the

intensive sanctions program. As a result, the Department no longer administratively transfers offenders to intensive sanctions or uses the program as an alternative to the revocation of probation or parole. In addition, offenders are no longer paroled to the program.

Judges may, however, continue to sentence persons to the intensive sanctions program for felony offenses committed prior to December 31, 1999. Between September, 1997, and December 30, 1999, 192 offenders were sentenced to intensive sanctions. The number of offenders in the program has decreased from a high of 1,628 offenders in the community on September 5, 1997, to three offenders in November, 2004.

Probation

If a person is convicted of a crime, a court may grant probation, either by withholding a sentence or by imposing a sentence and staying its execution. The person is then placed on probation under the supervision of the Department of Corrections. The court may impose any conditions on the probationer that appear to be reasonable and appropriate. Corrections may also impose rules and regulations on the offender. The period of probation may be made consecutive to a sentence on a different charge, whether imposed at the same time or previously. The court may not, however, provide consecutive probationary periods. No offender convicted of any of the following offenses may be placed on probation: (a) an offense punishable by life imprisonment; (b) repeat serious sexual offenses; (c) repeat serious violent crimes (felony murder and second-degree intentional homicide); and (d) operating a vehicle under the influence of an intoxicant or other drug for a first, second and third offense.

Under the statutes, the lengths of terms of probation are as follows:

1. For one misdemeanor at any one time, not less than six months nor more than two years.

2. For not less than two nor more than four misdemeanors at the same time, the maximum original term of probation may be increased to three years.

3. For five or more misdemeanors at the same time, the maximum original term of probation may be increased to four years.

4. For any felony, occurring on or after February 1, 2003, not less than one year nor more than the statutory maximum term of confinement in prison for the crime or three years, whichever is greater. For offenses occurring before February 1, 2003, not less than one year nor more than the statutory maximum term of imprisonment for the crime or three years, whichever is greater.

5. If the offender is convicted of two or more crimes, including at least one felony, at the same time, the maximum original term of probation may be increased by one year for each felony conviction.

The court may require, as a condition of probation, that a probationer be confined in a county jail, Huber (work release) facility, work camp or tribal jail for up to one year during the term of probation. If an offender is convicted of an offense that provides a mandatory or presumptive minimum period of one year or less of imprisonment, a court may place the person on probation if the court requires, as a condition of probation, that the person be confined in a county jail, Huber facility, work camp or tribal jail for at least that mandatory or presumptive minimum period. An offender placed in a county jail as a condition of probation is eligible to earn good time credit of up to 25% of the period of confinement. In addition, with the consent of the Department of Corrections and when recommended in a presentence investigation, a court may order a felony offender confined to a facility in the City of Milwaukee to allow the offender to complete an

alcohol and other drug abuse treatment program.

A court may require, as a condition of probation, that the probationer perform community service work for a public agency or a nonprofit charitable organization. The number of hours of community service may not exceed what would be reasonable considering the seriousness of the offense. Community service work may only be ordered if agreed to by the probationer and the organization or agency. A court is required to ensure that a probationer is provided a written statement of the terms of the community service order and that the community service order is monitored. If the court requires community service and confinement time, a probationer reduces the period of confinement by one day for each three, eight-hour days of work performed.

When placing a person on probation, a court is required to order a probationer to pay restitution, unless the court finds there is substantial reason not to order restitution as a condition of probation. If a court does not require restitution to be paid to a victim, the court is required to state its reason on the record. If a court does require restitution, it is required to notify the Department of Justice of its decision if the victim is eligible for compensation under state crime victim compensation program.

If a court places the person on probation, the court may require the probationer to reimburse the county or the state for any costs of legal representation for the defense of the case. The court may also require a probationer to make a contribution to a crime prevention organization or a law enforcement agency with a crime prevention fund.

The Department of Corrections may initiate the probation revocation process if a probationer violates a condition of probation. Under this process, the Department of Administration's Division of Hearings and Appeals or Corrections, if a probationer waives a hearing, conducts an administrative hearing and enters an order to either revoke or not revoke an offender's probation. If an offender is revoked, the person is either: (a) ordered to be brought

before the court for sentencing, if sentence had been withheld; or (b) ordered to prison or jail if the probationer had already been sentenced and the original sentence was stayed.

Prior to the expiration of any probation period, a court, for cause and by order, may extend probation for a specified period or modify the terms and conditions. Any of the following situations constitute a cause for the extension of probation: (a) the probationer has not made a good faith effort to discharge court-ordered payment obligations or to pay the required probation and parole supervision fees owed to the Department of Corrections; (b) the probationer is not presently able to make required restitution payments and the probationer and the person to whom restitution is owed consent to the performance of community service work in satisfaction of restitution ordered for that person, for which an extended period of probation is required; or (c) the court finds that extension would serve the purposes for which probation was imposed and the probationer agrees to the extension. If a probationer does not agree to an extension or modification of probation, revocation proceedings may begin that could result in the original stayed sentence being imposed or result in the imposition of a sentence if one had originally been withheld. If probation is not extended and restitution or fees are still owed, a civil judgment may be entered against a probationer.

A probationer is discharged from probation when the court-ordered period of probation has expired and the probationer has satisfied the conditions of his or her probation. Upon completion of probation, Corrections is required to do all of the following:

1. If the probationer was placed on probation for a felony, issue the probationer one of the following: (a) a certificate of discharge from probation for the felony for which he or she was placed on probation if, at the time of discharge, the probationer is on probation or parole for another felony; or (b) a certificate of final discharge if, at the time of discharge, the probationer is not on probation or

parole for another felony. A certificate of final discharge lists the civil rights that have and have not been restored to the probationer.

2. If the probationer was placed on probation for a misdemeanor, notify the probationer that his or her period of probation has expired.

3. Notify the court that placed the probationer on probation that the period of probation has expired.

Lifetime Supervision for Serious Sex Offenders

A court may, in addition to sentencing a person, placing a person on probation or committing a person to a mental health facility, place a person on lifetime supervision by Corrections if a person is convicted of a serious sex offense or found not guilty of a serious sex offense by reason of mental disease or defect. A court must determine that lifetime supervision is necessary to protect the public and must notify the person that he or she is being placed on lifetime supervision. A person placed on lifetime supervision is subject to the control of Corrections under conditions set by the court and regulations of the Department that are necessary to protect the public and promote the rehabilitation of the person placed on lifetime supervision.

"Serious sex offenses" for which a person may be placed on lifetime supervision include: (a) the commission of, or the solicitation, conspiracy or attempt to commit, sexual exploitation by a therapist, first-, second- and third-degree sexual assault, first- and second-degree sexual assault of a child, engaging in repeated acts of sexual assault with the same child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, soliciting a child for prostitution, exposing a child to harmful materials or harmful descriptions or narratives, possession of child pornography, using a computer to facilitate a child sex

crime, and child sex offender working with children; or (b) a violation of, or the solicitation, conspiracy or attempt to commit a violation, under the statutes related to life and bodily security, property crimes, crimes against sexual morality or crimes against children, if a court determines that one of the purposes for the conduct constituting the violation was for a person's sexual arousal or gratification. If a prosecutor seeks lifetime supervision for a person who is charged with committing a serious sex offense under (b), a court is required to find a special verdict as to whether the conduct constituting the offense was for the defendant's sexual arousal or gratification.

Lifetime supervision begins: (a) if the person is placed on probation for the serious sex offense, upon his or her discharge from probation; (b) if the person is sentenced to prison for the serious sex offense, upon his or her discharge from parole or extended supervision; (c) if the person is sentenced to prison for the serious sex offense and is being released from prison because he or she has reached the expiration date of his or her sentence, upon his or her release from prison; (d) if the person has been committed to a mental health facility for the serious sex offense, upon the termination of his or her commitment or his or her discharge from the commitment; or (e) if none of the previous situations apply, upon the person being sentenced for a serious sex offense.

A person placed on lifetime supervision is under the control of Corrections. The Department may temporarily take a person on lifetime supervision into custody if it has reasonable grounds to believe that the person has violated a condition or regulation of lifetime supervision. Custody may, however, last only as long as is reasonably necessary to investigate whether the person violated a condition or regulation of lifetime supervision and, if warranted, refer the person to the appropriate prosecuting agency for commencement of prosecution. No person placed on lifetime supervision may knowingly violate a condition or regulation of lifetime supervision established by the

court or by Corrections. If any violation occurs, it could be considered a Class A misdemeanor unless the violation is a felony, in which case the person could be charged with a Class E felony prior to February 1, 2003, and a Class I felony on or after February 1, 2003.

A person placed on lifetime supervision may file a petition with the court requesting that lifetime supervision be terminated if: (a) he or she has not been convicted of a crime that was committed during the period of lifetime supervision; and (b) he or she has been on lifetime supervision for at least 15 years. The petition must be filed with the court that ordered the lifetime supervision. If a person files a petition requesting termination at any time earlier than 15 years after the date on which the period of lifetime supervision began, the court is required to deny the petition without a hearing.

A request for supervision termination follows the process outlined below.

1. Upon receiving a petition requesting termination of lifetime supervision, the court is required to send a copy of the petition to the district attorney responsible for prosecuting the serious sex offense that was the basis for the order of lifetime supervision. Upon receiving a copy of a petition sent to him or her, the district attorney must conduct a criminal history record search to determine whether the person has been convicted of a criminal offense that was committed during the period of lifetime supervision. No later than 30 days after the date on which he or she receives the copy of the petition, the district attorney must report the results of the criminal history record search to the court and may also provide a written response to the petition.

2. After reviewing the report of the district attorney, the court is required to do whichever of the following is applicable:

- a. If the report of the district attorney indicates that the person has been convicted of a criminal offense that was committed during the period of life-

time supervision, the court must deny the person's petition without a hearing.

b. If the report of the district attorney indicates that the person has not been convicted of a criminal offense that was committed during the period of lifetime supervision, the court is required to order the person to be examined by a physician or psychologist, to notify Corrections that it may submit a report and schedule a hearing on the petition.

3. A person entitled to a hearing must be examined by a person who is either a physician or a psychologist and who is approved by the court. The physician or psychologist who conducts an examination is required to prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for termination of lifetime supervision is a danger to public. The physician or psychologist must file the report of his or her examination with the court within 60 days after completing the examination, and the court is required to provide copies of the report to the person filing the petition and the district attorney. The contents of the report are confidential until the physician or psychologist testifies at a hearing. The person petitioning for termination of lifetime supervision must pay the cost of an examination.

4. After it receives notification from the court, Corrections may prepare and submit to the court a report concerning the person. If Corrections prepares and submits the report, the report must include information concerning the person's conduct while on lifetime supervision and an opinion as to whether lifetime supervision of the person is still necessary to protect the public. The contents of the report must be revealed to the attorney for the person who filed the petition and to the district attorney.

5. A hearing on a petition may not be conducted until the person filing the petition has been examined and a report of the examination has been filed. At the hearing, the court must take evidence it considers relevant to determining whether lifetime

supervision should be continued because the person who filed the petition is a danger to the public. The person who filed the petition and the district attorney who received the petition may offer evidence relevant to the issue of the person's dangerousness and the continued need for lifetime supervision.

6. The court may grant a petition requesting termination of lifetime supervision if it determines after a hearing that lifetime supervision is no longer necessary to protect the public.

7. If a petition requesting termination of lifetime supervision is denied after a hearing, the person may not file a subsequent petition requesting termination of lifetime supervision until at least three years have elapsed since the most recent petition was denied.

8. If the court grants a petition requesting termination of lifetime supervision and the person is registered with Corrections as a sex offender, the court may also order that the person is no longer required to comply with the sex offender registry reporting requirements. This provision does not, however, apply to any person who is required by the court to comply with the registration requirements for life.

As of November, 2004, 11 offenders have been placed on lifetime supervision.

Original Jurisdiction of Adult Court for Juvenile Offenders

Adult criminal courts have original jurisdiction over juveniles under the following conditions:

1. If a juvenile is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday;

2. If a juvenile has been adjudicated delinquent and is alleged to have committed battery or assault while placed in a secured correctional facility, a secure detention facility, a secured child caring institution or a secured group home or against an aftercare agent or a probation, extended supervision and parole agent; or

3. If a juvenile is alleged to have violated any state criminal law and has either been convicted of a previous violation in adult court (following waiver to adult court or under the original jurisdiction of the adult court) or has criminal proceedings pending in adult court (commonly referred to as "once waived/always waived").

In addition, a juvenile specified in (1) or (2), who is alleged to have attempted or committed a violation of any state criminal law in addition to the violation alleged under (1) or (2), is under the adult court's jurisdiction for all of the alleged violations if the violations can be charged in the same complaint ("joined").

If a preliminary examination (held for felony charges only) is held regarding a juvenile who is subject to the original jurisdiction of the adult court, the court is required to determine whether there is probable cause to believe that the juvenile has committed the violation of which he or she is accused. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

If the adult court finds probable cause, it is required (except for certain 15- and 16-year-old juveniles, as noted below) to determine whether to retain jurisdiction or to transfer jurisdiction to the juvenile court (referred to as "reverse waiver"). The adult court must retain jurisdiction unless the juvenile proves by a preponderance of the evidence all of the following:

1. That, if convicted, the juvenile could not receive adequate treatment in the criminal justice system;

2. That transferring jurisdiction to the juvenile court would not depreciate the seriousness of the offense; and

3. That retaining jurisdiction is not necessary to deter the juvenile or other juveniles from committing such violations.

A juvenile who is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after his or her 15th birthday is not eligible for reverse waiver from the adult court to a juvenile court.

In adult court, the juvenile is subject to criminal court procedures and criminal penalties, except that the adult court may impose a disposition under the juvenile justice code under certain conditions. With the exception of certain 15- and 16-year-old juveniles, the adult court must impose a juvenile disposition, in lieu of a criminal penalty, if either of the following conditions apply:

1. The adult court finds that the juvenile committed a lesser offense or a joined offense that is **not**: (a) an attempt to commit first-degree intentional homicide on or after the juvenile's 10th birthday, but before the juvenile's 15th birthday; (b) first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday, but before the juvenile's 15th birthday; (c) battery or assault while placed in a secured correctional facility, a secure detention facility or a secured child caring institution or against an aftercare agent or a probation, extended supervision and parole agent; or (d) an offense for which the juvenile court may waive its jurisdiction over the juvenile; or

2. The adult court finds that the juvenile committed a lesser offense that **is** an offense specified in (a), (b), (c) or (d) in the above paragraph **and** the court determines, based on certain criteria, that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile dis-

position under the juvenile justice code. The criteria used by the adult court in making this determination are identical to those used by the juvenile court in determining whether a juvenile should be waived to adult court. These criteria are described in the next section.

A separate statutory provision pertains to juveniles alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 15th birthday (including any additional crimes joined in the complaint). In these cases, if the juvenile is found to have committed a lesser offense that is not an offense specified in this paragraph, the court must impose a juvenile disposition, in lieu of a criminal penalty, if the court determines, after considering the criteria for waiver to adult court, that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile disposition.

Waiver To Adult Court

A district attorney or a juvenile may apply to the juvenile court to waive its jurisdiction in any of the following situations:

1. If the juvenile is alleged to have committed felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary or the manufacture, distribution or delivery of a controlled substance on or after the juvenile's 14th birthday;

2. If the juvenile is alleged to have committed, on or after the juvenile's 14th birthday, a violation, at the request of or for the benefit of a criminal gang, that would constitute a felony if committed by an adult; or

3. If the juvenile is alleged to have violated any state criminal law on or after the juvenile's 15th birthday.

The judge may also initiate a petition for waiver in any of these situations, if the judge disqualifies himself or herself from any future proceedings on the case.

The juvenile must be represented by counsel at the waiver hearing and counsel must be provided access to the social records and other reports pertaining to the case. The juvenile has the right to present testimony on his or her own behalf, including expert testimony, and has the right to cross-examine witnesses at the hearing. The juvenile does not have the right to a jury at a waiver hearing.

If a petition for waiver of jurisdiction is contested, the court hears testimony and considers other relevant evidence. If uncontested, no testimony need be taken if the court determines that the decision not to contest the waiver of jurisdiction is knowingly, intelligently and voluntarily made. The court must base its decision whether to waive jurisdiction on criteria relating to: (a) the personality and prior record of the juvenile; (b) the type and seriousness of the offense; (c) the adequacy and suitability of facilities, services and procedures available for treatment of the juvenile in the juvenile justice system and the protection of the public; and (d) the desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in adult court.

After considering these criteria, the court must state its finding with respect to the criteria on the record. If the court determines that it is established by clear and convincing evidence that it would be contrary to the best interests of the juvenile or of the public to hear the case, the court enters an order waiving jurisdiction and referring the matter to the district attorney for appropriate proceedings in criminal court. If the waiver is granted, the DA may charge the offense he or she deems is appropriate

and a court or jury may convict the juvenile in regard to any offense. If the waived juvenile is being held in secure custody, he or she is transferred to an appropriate officer or adult facility and is eligible for bail.

In a preliminary examination in adult court for a waived juvenile, for a violation alleged to have occurred prior to his or her 15th birthday (a 14-year-old offender), the court may bind the juvenile over for trial only if there is probable cause to believe that felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary, or the manufacture, distribution or delivery of a controlled substance has been committed or that a crime that would constitute a felony if committed by an adult has been committed at the request of or for the benefit of a criminal gang. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

Correctional Placement of Juveniles Convicted in Adult Court

If a juvenile who has not attained the age of 16 years is sentenced to a state prison, Corrections must place the juvenile at a secured juvenile correctional facility or a secured child caring institution. While there are some inconsistencies in current law regarding the age at which a juvenile who has been convicted in adult court may be transferred to an adult prison, it appears that for a juvenile who has not attained the age of 16 years, Corrections may determine that a prison placement is appropriate based on: (a) the juvenile's prior record of adjustment in a correctional setting, if any; (b) the juvenile's present and potential vocational and educational needs, interests and abilities; (c) the adequacy and suitability of available facilities; (d) the services and procedures available for treatment of the juvenile within the various institutions; (e) the protection of the public; and (f) any other considerations promulgated by the Department by rule. Current law does not preclude Corrections from designating an adult correctional institution as a reception center for the juvenile and subsequently transferring the juvenile to a secured juvenile correctional facility or a secured child caring institution.

APPENDIX I

Classified Felony Offenses, Prior to February 1, 2003 [Statutory Cite]

(Sentence Lengths for Each Classification are Identified in Table 1 on Page 7)

Class A Felonies

1. First-degree intentional homicide [940.01]
2. Intentionally performing a partial-birth abortion [940.16]
3. Taking hostages, unless each hostage is released without bodily harm before the hostage taker's arrest [940.305]
4. Kidnapping with intent to cause another to transfer property to obtain the release of the victim, where the victim is not released without permanent physical injury prior to the time the first witness is sworn at trial [940.31]
5. Causing death to another by tampering with household products [941.327]
6. Causing death to another during a carjacking [943.23(1r)]
7. Treason [946.01]
8. Absconding after being adjudicated delinquent for a Class A felony [946.50]
9. Use of child to commit a Class A felony [948.36]

Class B Felonies

1. Conspiracy to commit a crime for which the penalty is life imprisonment [939.31]
2. Attempt to commit a crime for which the penalty is life imprisonment [939.32]
3. First-degree reckless homicide [940.02]
4. Second-degree intentional homicide [940.05]
5. Homicide by intoxicated use of a vehicle [940.09]
6. Mayhem [940.21]
7. First-degree sexual assault [940.225(1)]
8. Abuse of vulnerable adults under circumstances that cause death, except for employees of certain institutions, facilities and programs [940.285(2)(b)1g]
9. Abuse or neglect by employees of certain institutions, facilities or programs of vulnerable persons under circumstances that cause death [940.295(3)(b)1g]
10. Taking hostages when, before the time of the hostage taker's arrest, each person who is held as a hostage is released without bodily harm [940.305]
11. Kidnapping [940.31]
12. Arson of a building; damage of property by explosives [943.02]
13. Aggravated burglary [943.10(2)]
14. Carjacking [943.23(1g)&(1m)]
15. Armed robbery [943.32(2)]
16. Absconding after being adjudicated delinquent for a Class B felony [946.50(2)]
17. First-degree sexual assault of a child [948.02(1)]
18. Repeated sexual assault of a child [948.025(1)]
19. Abduction of another's child by force or threat of force [948.30(2)]
20. Solicitation of a child to commit a Class A felony [948.35(1)(b)]

Class BC Felonies

1. Second-degree sexual assault [940.225(2)]
2. Second-degree sexual assault of a child [948.02(2)]
3. Incest with a child [948.06]
4. Child enticement [948.07]
5. Soliciting a child for prostitution [948.08]

Class C Felonies

1. Solicitation to commit a crime for which the penalty is life imprisonment [939.30(2)]
2. Second-degree reckless homicide [940.06]
3. Homicide resulting from negligent control of a vicious animal [940.07]
4. Mutilating a corpse [940.11]
5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause either substantial bodily harm or great bodily harm) [940.19(5)]
6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause either substantial or great bodily harm) [940.195(5)]
7. Sexual exploitation by a therapist [940.22(2)]
8. First-degree reckless injury [940.23(1)]
9. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m]
10. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m]
11. Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) [940.32(3)]
12. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]
13. Modifying a firearm to make it a machine gun [941.26(2)(b)]
14. Possession of explosives [941.31]
15. Administering a dangerous or stupefying drug with intent to facilitate commission of a crime [941.32]
16. Causing great bodily harm by tampering with household products [941.327(2)(b)3]
17. Contributing to the death of another by obstructing emergency or rescue personnel [941.37(4)]
18. Burglary [943.10(1)]
19. Theft (if the value of the property exceeds \$2,500) [943.20(3)(c)]
20. Unlawful transfer of recorded sounds if involving at least 1,000 recordings or if the transferred sounds are replayed by others from the Internet at least 1,000 times during a 180-day period or after the person has been convicted of such unlawful transfer [943.207(3m)(c)]
21. Recording performance without consent of performance owner if involving at least 1,000 sound recordings or 100 audiovisual recordings during a 180-day period or after the person has been convicted of such recording [943.208(2)(c)]
22. Failure to disclose manufacturer of a recording if involving at least 100 recordings during a 180-day period or after the person has been convicted of failure to disclose the manufacturer of a recording [943.209(2)(c)]
23. Loan sharking [943.28]
24. Robbery [943.32(1)]
25. Receiving stolen property (if the value of the property exceeds \$2,500) [943.34(1)(c)]
26. Forgery of certain documents; uttering certain forged documents [943.38(1)&(2)]
27. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500) [943.41(8)(c)]

Class C Felonies (continued)

28. Retail theft (if the value of the merchandise exceeds \$2,500) [943.50(4)(c)]
29. Theft of library material (if the value of the library materials exceeds \$2,500) [943.61(5)(c)]
30. Unlawful receipt of payments to obtain a loan for another (if the value of the payment exceeds \$2,500) [943.62(4)(c)]
31. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another, or if it causes an interruption or impairment of governmental operations or public communication, of transportation or of a supply of water, gas or other public service) [943.70(2)(b), 3g, 3r and 4 & (3)(b)4]
32. Unauthorized release of animals lawfully confined without consent [943.75(2m)]
33. Infecting animals with a contagious disease (intentional introduction) [943.76(2)]
34. Incest [944.06]
35. Pandering (if compensated from the earnings of prostitute) [944.33]
36. Sabotage [946.02]
37. Sedition [946.03]
38. Assault by prisoners [946.43(1m)]
39. Public officer or public employee assisting or permitting escape [946.44(1g)]
40. Bringing a firearm into prison or jail; transferring a firearm to a prisoner [946.44(1m)]
41. Absconding after being adjudicated delinquent for a Class C felony [946.50(3)]
42. Engaging in racketeering activity [946.84]
43. Failure by a person responsible for the welfare of a child to prevent sexual assault of the child [948.02(3)]
44. Physical abuse of a child (intentionally causing great bodily harm; causing bodily harm by conduct creating a high probability of great bodily harm) [948.03(2)]
45. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]
46. Causing mental harm to a child; failure by a person responsible for the welfare of a child to prevent mental harm to the child [948.04]
47. Sexual exploitation of a child [948.05]
48. Causing a child under the age of 13 to view or listen to sexual activity [948.055(2)(a)]
49. Child sex offender working with children [948.13(2)]
50. Neglect of a child resulting in death [948.21]
51. Abduction of another's child [948.30(1)]
52. Interference with custody of a child with intent to deprive the custodian of custody rights; concealing a child [948.31(1)(b)&(3)]
53. Solicitation of a child to commit a Class B felony [948.35(1)(c)]
54. Contributing to the delinquency of a child if death is a consequence [948.40(4)(a)]
55. Receiving stolen property from a child (if the value of the property exceeds \$2,500) [948.62(1)(c)]

Class D Felonies

1. Solicitation to commit a felony (other than a Class A or Class E felony) [939.30(1)]
2. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]
3. Homicide by intoxicated use of a firearm [940.09(1g)]
4. Hiding a corpse [940.11(2)]
5. Assisting suicide [940.12]

Class D Felonies (continued)

6. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause substantial bodily harm; causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(3),(4)&(6)]
7. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm; causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195(3),(4)&(6)]
8. Battery by prisoners [940.20(1)]
9. Battery to law enforcement officers and fire fighters [940.20(2)]
10. Battery to probation and parole agents and aftercare agents [940.20(2m)]
11. Battery to jurors [940.20(3)]
12. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]
13. Battery or threat to witnesses [940.201]
14. Battery or threat to a judge [940.203]
15. Battery or threat to a Department of Revenue employee [940.205]
16. Battery or threat to a Department of Commerce or Department of Workforce Development employee [940.207]
17. Third-degree sexual assault [940.225(3)]
18. Second-degree reckless injury [940.23(2)]
19. Injury by intoxicated use of a vehicle [940.25(1)]
20. Abuse of vulnerable adults under circumstances that are likely to cause great bodily harm [940.285(2)(b)1r]
21. Abuse and neglect of patients and residents under circumstances that cause or are likely to cause great bodily harm [940.295(3)(b)1r]
22. Stalking (if the defendant intentionally gains access to certain records in order to facilitate the violation or if the defendant has a prior stalking or harassment conviction) [940.32(2m)]
23. Felony intimidation of a witness [940.43]
24. Felony intimidation of a victim [940.45]
25. Unsafe burning of buildings [941.11]
26. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]
27. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]
28. Unlawful possession of a firearm, second offense [941.29(2m)]
29. Possession of body armor, second or subsequent violation [941.291(3)(b)]
30. First-degree recklessly endangering safety [941.30(1)]
31. Unlawful delivery or distribution of nitrous oxide [941.315(3)]
32. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]
33. Damage to certain property [943.01(2)]
34. Damage or threat to damage property of a witness [943.011(2)]
35. Criminal damage to property of a judge [943.013(2)]
36. Criminal damage to property of a Department of Revenue employee [943.015]
37. Graffiti to certain property [943.017(2)]
38. Graffiti to property of a witness [943.017(2m)(b)]

Class D Felonies (continued)

39. Arson with intent to defraud [943.04]
40. Theft (under certain circumstances and if the value of the property does not exceed \$2,500) [943.20(3)(d)]
41. Misappropriation of personal identifying information or personal identification documents [943.201(2)]
42. Unauthorized transfer of recorded sounds if fewer than 1,000 records during a 180-day period and the value exceeds \$2,500 [943.207(3m)(b)]
43. Recording performance without consent of performance owner if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value exceeds \$2,500 [943.208(2)(b)]
44. Failure to disclose manufacturer of recording if fewer than 100 recordings during a 180-day period and the value exceeds \$2,500 [943.209(2)(b)]
45. Taking and driving a motor vehicle without the owner's consent [943.23(2)]
46. Threats to injure or accuse of a crime (extortion) [943.30]
47. Fraudulent writings [943.39]
48. Fraudulent destruction of certain writings [943.40]
49. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.45(3)(d)]
50. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.455(4)(d)]
51. Theft of cable television service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.46(4)(d)]
52. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.47(3)(d)]
53. Use of recording device in a movie theatre without written consent (second or subsequent offense) [943.49(2)(b)2]
54. Criminal slander of title [943.60]
55. Theft of farm-raised fish (second or subsequent violation) [943.74]
56. Crime against computer system or computer (if storage is greater than \$2,500) [943.70(3)(b)3]
57. Obscenity (if the person has two or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material) [944.21(5)(c)&(e)]
58. Soliciting prostitutes [944.32]
59. Keeping a place of prostitution [944.34]
60. Bribery of a participant in a contest [945.08]
61. Bribery of public officers and employees [946.10]
62. Perjury [946.31]
63. False swearing [946.32(1)]
64. Obstructing an officer (by giving or providing information or evidence that results in the conviction of innocent person) [946.41(2m)]
65. Felony escape [946.42(3)]
66. Felony failure to report to jail [946.425(1), (1m)(b)&(1r)(b)]
67. Assisting or permitting escape [946.44(1)]
68. False information regarding kidnapped or missing persons [946.48]
69. Felony bail jumping [946.49(1)(b)]
70. Absconding after being adjudicated delinquent for a Class D felony [946.50(4)]
71. Bribery of a witness [946.61]
72. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process) [946.68(1r)(b)&(c)]

Class D Felonies (continued)

73. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime [946.70(2)]
74. Tampering with public records [946.72(1)]
75. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution) [946.74(2)]
76. Harassment (if defendant has a prior conviction or intentionally gains access to certain records in order to facilitate the violation) [947.013(1v)&(1x)]
77. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]
78. Physical abuse of a child (recklessly causing great bodily harm or recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(a)&(c)]
79. Failing to act to prevent bodily harm to a child [948.03(4)(b)]
80. Causing a child between the ages of 13 and 17 to view or listen to sexual activity [948.055(2)(b)]
81. Sexual assault of a student by a school instructional staff person [948.095]
82. Abandonment of a child [948.20]
83. Unauthorized placement for adoption [948.24]
84. Solicitation of a child to commit a Class C felony [948.35(1)(d)]
85. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony) [948.40(4)(b)]
86. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age discharges the firearm and the discharge causes death of any person) [948.60(2)(c)]
87. Discharging or attempting to discharge a firearm in a school zone [948.605(3)(a)]
88. Receiving stolen property from a child (if the value of the property exceeds \$500 but does not exceed \$2,500) [948.62(1)(b)]
89. Instigating fights between animals (second or subsequent violation) [951.18(2)]
90. Harassment of police or fire department animals (causing death to the animal) [951.18(2m)]

Class E Felonies

1. Solicitation to commit a Class E felony [939.30(2)]
2. Violation of conditions of lifetime supervision (if the violation also constitutes a felony) [939.615(7)(b)2]
3. Homicide by negligent operation of a vehicle [940.10]
4. Abortion (various prohibitions) [940.15]
5. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)]
6. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)]
7. Battery by a person subject to certain injunctions [940.20(1m)]
8. Battery to public officers [940.20(4)]
9. Battery to a technical college district or school district officer or employee [940.20(5)]
10. Battery to a public transit vehicle operator or passenger [940.20(6)]
11. Injury by negligent handling of a dangerous weapon, explosives or fire [940.24]
12. Intentional abuse of vulnerable adults under circumstances that cause or are likely to cause bodily harm [940.285(2)(b)2]
13. Reckless or negligent abuse of vulnerable adults under circumstances that cause or are likely to cause great bodily harm [940.285(2)(b)3]
14. Abuse of residents of penal facilities [940.29]

Class E Felonies (continued)

15. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause or are likely to cause bodily harm [940.295(3)(b)2]
16. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause or are likely to cause great bodily harm [940.295(3)(b)3]
17. False imprisonment [940.30]
18. Stalking (if the victim suffers fear of bodily injury or death or defendant has certain prior convictions against same victim) [940.32(2)&(2e)]
19. Interfering with fire fighters or a fire alarm system [941.12(1)]
20. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]
21. Criminal damage to plant research and development [943.01(2d)(b)]
22. Disarming a peace officer [941.21]
23. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]
24. Sale or commercial transportation of a tear gas device [941.26(2)(e)]
25. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]
26. Selling, transporting or possessing a short-barreled shotgun or rifle [941.28]
27. Possession of a firearm by certain persons [941.29(2)]
28. Possession of body armor [943.291(3)(a)]
29. Selling, manufacturing or possessing an electric weapon [941.295]
30. Using or possessing a handgun with armor-piercing bullets during the commission of certain crimes [941.296]
31. Selling, delivering or possessing a firearm silencer [941.298]
32. Second-degree recklessly endangering safety [941.30(2)]
33. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised explosive device [941.31(2)]
34. Placing foreign objects in edibles [941.325]
35. Tampering with household products [941.327(2)(b)1]
36. False information concerning an act that constitutes tampering with household products [941.327(3)]
37. Obstructing emergency or medical personnel with reasonable grounds to believe that the interference may endanger another's safety [941.37]
38. Soliciting a child to participate in criminal gang activity [941.38(2)]
39. Unlawful visual representations of nudity [942.09]
40. Criminal damage to plant research and development [943.01(2d)(b)]
41. Criminal damage to certain coin-operated or card-operated machines with intent to commit theft [943.01(2g)]
42. Criminal damage to or graffiti on religious and other property [943.012]
43. Arson of property other than a building [943.03]
44. Possession, manufacture or transfer of a fire bomb [943.06]
45. Possession of burglarious tools [943.12]
46. Theft of trade secrets [943.205]
47. Fraud on a hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$2,500) [943.21(3)(b)]
48. Operating a vehicle without owner's consent [943.23(3)]
49. Removing a major part of a vehicle without owner's consent [943.23(5)]

Class E Felonies (continued)

50. Issuing worthless checks for more than \$2,500 [943.24(2)]
51. Transfer of encumbered property [943.25]
52. Possession of records of certain usurious loans [943.27]
53. Threats to communicate derogatory information [943.31]
54. Fraudulent insurance or employee benefit claim (if the value of the claim or benefit exceeds \$2,500) [943.395(2)(b)]
55. Certain financial transaction card crimes [943.41(8)(b)]
56. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain) [943.45(3)(c)]
57. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain) [943.455(4)(c)]
58. Theft of cable television service (for direct or indirect commercial advantage or private financial gain) [943.46(4)(c)]
59. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain) [943.47(3)(c)]
60. Computer crime (if the offense is committed to defraud or to obtain property, or damage is valued at between \$1,000 and \$2,500) [943.70(2)(b)2 and 3 & (3)(b)2]
61. Unauthorized release of animals (third or subsequent violation) [943.75]
62. Bigamy [944.05]
63. Adultery [944.16]
64. Unlawful visual representations of nudity [944.205]
65. Commercial gambling except if violation involves five or less video gambling machines in a tavern [945.03(1m)]
66. Dealing in gambling devices, except if the violation involves a video gambling machine [945.05(1)]
67. Permitting seditious assembly [946.03(2)]
68. Special privileges from public utilities [946.11]
69. Misconduct in public office [946.12]
70. Private interest in public contracts [946.13]
71. Purchasing claims at less than full value [946.14]
72. Public construction contracts at less than full rate [946.15(1)&(3)]
73. Failure to comply with an officer's attempt to take person into custody [946.415]
74. Harboring or aiding felons [946.47]
75. Bail jumping by a witness [946.49(2)]
76. Absconding after being adjudicated delinquent for a Class E felony [946.50(5)]
77. Destruction of documents subject to subpoena [946.60]
78. Communicating with jurors [946.64]
79. Obstructing justice [946.65]
80. Simulating legal process [946.68(1r)(a)]
81. Falsely assuming to act as a public officer or employee [946.69]
82. Premature disclosure of search warrant [946.76]
83. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) [947.013(1t)]
84. Bomb scares [947.015]
85. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]

Class E Felonies (continued)

86. Exposing a child to harmful material [948.11(2)(a)(intro)]
87. Exposing a child to harmful narratives or descriptions [948.11(2)(am)]
88. Possession of child pornography [948.12]
89. Failure to support (for 120 or more consecutive days) [948.22(2)]
90. Concealing death of child [948.23]
91. Interference with custody of a child [948.31(2)]
92. Hazing (if the act results in great bodily harm or death to another) [948.51(3)(b)]
93. Giving a dangerous weapon to a person under 18 years of age [948.60(2)(b)]
94. Possession of a dangerous weapon on school premises (second or subsequent conviction) [948.61(2)(b)]
95. Receiving stolen property from a child (if the value does not exceed \$500) [948.62(1)(a)]
96. Mistreating an animal (if the mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured) [951.18(1)]
97. Instigating fights between animals (first offense) [951.18(2)]
98. Harassment of a police or fire department animal and causing injury to the animal [951.18(2m)]

APPENDIX II

Comparison of Felony Penalties Under Bifurcated and Indeterminate Sentencing Excluding Classified Felonies, Prior to February 1, 2003

Statute	Offense	Bifurcated	Indeterminate
11.61(1)(a) and (b)	Criminal violations of campaign finance statutes	Fine not more than \$10,000 or imprisoned for not more than 4 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 3 years or both
12.60(1)(a)	Criminal violations of elections statutes	Fine not more than \$10,000 or imprisoned for not more than 4 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 3 years in the Wisconsin state prisons or both
13.05	Logrolling by members of the Legislature prohibited	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 4 years and 6 months or both	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 3 years or both
13.06	Granting of executive favor by members of the Legislature prohibited	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 3 years or both	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 2 years or both
13.69(6m)	Criminal violations of lobby law statutes	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
23.33(13)(cg)	Causing death or injury by interfering with all-terrain vehicle route or trail sign standard	Fine not more than \$10,000 or imprisoned for not more than 3 years or both if the violation causes the death or injury	Fine not more than \$10,000 or imprisoned for not more than 2 years or both if the violation causes the death or injury
26.14(8)	Intentionally setting fires to land of another or a marsh	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both
29.971(1)(c)	Possession of fish with a value exceeding \$1,000 in violation of statutes	Fine of not more than \$10,000 or imprisonment for not more than 3 years or both	Fine of not more than \$10,000 or imprisonment for not more than 2 years or both
29.971(1m)(c)	Possession of clams with a value exceeding \$1,000 in violation of statutes	Fine of not more than \$10,000 or imprisonment for not more than 3 years or both	Fine of not more than \$10,000 or imprisonment for not more than 2 years or both
29.971(11m)(a)	Illegal shooting, shooting at, killing, taking, catching or possessing a bear	Fine of not more than \$5,000 or imprisonment for not more than 2 years or both for the second and any subsequent violation	Fine of not more than \$5,000 or imprisonment for not more than one year or both for the second and any subsequent violation
29.971(11p)(a)	Entering the den of a hibernating black bear and harming the bear	Fine of not more than \$10,000 or imprisonment for not more than 2 years or both	Fine of not more than \$10,000 or imprisonment for not more than one year or both

Statute	Offense	Bifurcated	Indeterminate
30.80(2g)(b)	Failure to render aid in a boating accident that involves injury to a person but not great bodily harm	Fine not less than \$300 nor more than \$5,000 or imprisoned for not more than 2 years or both	Fine not less than \$300 nor more than \$5,000 or imprisoned not more than one year or both
30.80(2g)(c)	Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned not more than 2 years or both
30.80(2g)(d)	Failure to render aid in a boating accident that involves the death of a person	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both
30.80(3m)	Falsifying boat certificate or title, or altering hull or engine serial numbers	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years or both
36.25(6)(d)	Improper release of mines and explored mine land information by employees of the Geological and Natural History Survey or Department of Revenue	Fine not less than \$50 nor more than \$500 or imprisoned for not less than one month nor more than 3 years	Fine not less than \$50 nor more than \$500, or imprisoned in the county jail for not less than one month nor more than 6 months, or imprisoned in the Wisconsin state prisons for not more than 2 years
47.03(3)(d)	Illegal use of the term "blind-made"	Fine not more than \$1,000 or imprisoned for not more than 2 years or both	Fine not more than \$1,000 or imprisoned not more than one year or both
49.141(7)(a)	Committing a fraudulent act in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.141(7)(b)	Committing other fraudulent acts to obtain W-2 benefits or payments	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Fine not more than \$10,000 or imprisoned for not more than one year or both
49.141(9)(a)	Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.141(9)(b)	Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.141(10)(b)	Improper charging by a provider for W-2 services	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both

Statute	Offense	Bifurcated	Indeterminate
49.195(3n)(k)	Removal, deposit or concealment of property or aiding in the removal, deposit or concealment of any property with intent to evade or defeat the assessment or collection of any debt under the Aid to Families with Dependent Children and Wisconsin Works programs on or after October 29, 1999	Fine not more than \$5,000 or imposed for not more than 4 years and 6 months or both	Fine not more than \$5,000 or imprisoned for not more than 3 years or both
49.49(1)(b)1.	Committing a fraudulent act in connection with providing items or services under medical assistance	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.49(2)(a)	Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.49(2)(b)	Offering or paying a kickback, bribe or rebate in connection with providing medical assistance	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned for not more than 5 years or both
49.49(3)	Fraudulent certification of qualified medical assistance facilities	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned not more than 5 years or both
49.49(3m)(b)	Improper charging by a provider for medical assistance services	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned not more than 5 years or both
49.49(4)(b)	Improper charging by a facility for medical assistance services	Fine not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$25,000 or imprisoned not more than 5 years or both
49.689(9)(b)	Violation of a rule relating to prescription drug assistance for elderly persons	Fine not more than \$25,000, or imprisoned not more than 7 years and 6 months or both	Not applicable
49.795(8)(a)2.	Illegal use of food stamps with a value over \$100, but is less than \$5,000, first offense	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both
49.795(8)(b)2.	Illegal use of food stamps with a value over \$100, but is less than \$5,00, second and subsequent offenses	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both
49.795(8)(c)	Illegal use of food stamps with a value of \$5,000 or more	Fine not more than \$250,000 or imprisoned not more than 30 years or both	Fine not more than \$250,000 or imprisoned not more than 20 years or both

Statute	Offense	Bifurcated	Indeterminate
49.95(1)	Illegal intent to secure public assistance if the value exceeds \$1,000 but does not exceed \$2,500	Fine not more than \$500 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$500 or imprisoned for not more than 5 years or both
51.15(12)	False statement related to emergency mental health detentions	Fine not more than \$5,000 or imprisoned for not more than 7 years or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
51.30(10)(bm)	Intentional disclosure of confidential mental health records for pecuniary gain, on or after May 6, 2000	Fine not more than \$100,000 or imprisoned for not more than 3 years and 6 months or both	Not applicable
55.06(11)(am)	False statement related to protective services placements	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
66.1207(1)(b)	False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
66.1207(1)(c)	False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
69.24(1)(intro)	Fraudulent or destroyed vital statistical record	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned not more than 2 years or both
70.47(18)(a)	Tampering with records of the Board of Review with intent to injure or defraud	Fine not more than \$1,000 or imprisoned for not more than 3 years or both	Fine not more than \$1,000 or imprisoned not more than 2 years or both
71.83(2)(b)1.	False income tax return; fraud	Fine not to exceed \$10,000 or imprisoned not more than 7 years and 6 months or both	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both
71.83(2)(b)2.	Officer of a corporation; false franchise or income tax return	Fine not more than \$10,000 or imprisoned not more than 7 years and 6 months or both, together with the cost of prosecution	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both, together with the cost of prosecution
71.83(2)(b)3.	Income tax evasion	Fine not more than \$5,000 or imprisoned not more than 4 years and 6 months or both, together with the cost of prosecution	Fine not more than \$5,000 or imprisoned not more than 3 years or both, together with the costs of prosecution
71.83(2)(b)4.	Fraudulent claim for tax credit	Fine not more than \$10,000 or imprisoned not more than 7 years and 6 months or both, together with the cost of prosecution	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both, together with the cost of prosecution

Statute	Offense	Bifurcated	Indeterminate
86.192(4)	Tampering with road signs if the tampering results in the death of a person	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine up to \$10,000 or imprisoned not more than 2 years , or both
97.43(4)	Use of meat from dead or diseased animals	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 5 years or both
97.45(2)	Violation of horsemeat labeling requirements	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 5 years or both
100.171(7)(b)	Intentional violation of prize notification laws	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 3 years or both
100.26(2)	Violation of commission merchant duties and responsibilities	Fine not less than \$50 nor more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and 6 months or both	Fine not less than \$50 nor more than \$3,000, or by imprisonment for not less than 30 days nor more than 3 years , or both
100.26(5)	Violations of dairy license requirements, DATCP orders or regulations and false advertising	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than 2 years or both	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than one year or both
100.26(7)	Fraudulent drug advertising	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 2 years or both for each offense	Fine not less than \$500 nor more than \$5,000 or imprisoned not more than one year or both for each offense
101.10	Storage and handling of anhydrous ammonia	Fine not more than \$10,000 or imprisoned for not more than 3 years and 6 months or both	Not applicable
101.143(10)(b)	Intentional destruction of a PECFA record	Fine not more than \$10,000 or imprisoned for not more than 15 years or both	Fine not more than \$10,000 or imprisoned for not more than 10 years or both
101.9204(2)	Knowingly making a false statement in an application for a certificate of title for a mobile home, on or after July 1, 2000	Fine not more than \$5,000 or imprisoned for not more than 5 years or both	Not applicable
101.94(8)(b)	Intentional violation of manufactured home laws that threaten health and safety	Fine not more than \$1,000 or imprisoned for not more than 2 years or both	Fine not more than \$1,000 or imprisoned not more than one year or both
102.835(11)	Intent to evade collection of uninsured employer levies under the worker's compensation law	Fine not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both, and shall be liable to the state for the cost of prosecution	Fine not more than \$5,000 or imprisoned for not more than 3 years or both, and shall be liable to the state for the cost of prosecution

Statute	Offense	Bifurcated	Indeterminate
102.835(18)	Discharge or discrimination by employer against employee who has been the subject of a worker's compensation levy	Fine not more than \$1,000 or imprisoned for not more than 2 years or both	Fine not more than \$1,000 or imprisoned for not more than one year or both
102.85(3)	Violation of an order to cease operation because of a lack of worker's compensation insurance	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
108.225(11)	Evading collection of unemployment compensation levies under employment compensation law	Fine not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both	Fine not more than \$5,000 or imprisoned for not more than 3 years or both
108.225(18)	Discharge or discrimination by employer against employee who has been the subject of an unemployment compensation levy	Fine not more than \$1,000 or imprisoned for not more than 2 years or both	Fine not more than \$1,000 or imprisoned for not more than one year or both
114.20(18)(c)	False statement related to aircraft registration	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years or both
125.075(2)	Injury or death by providing alcohol beverages to a minor	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
125.085(3)(a)2.	Receiving money or other considerations for providing false proof of age	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
125.105(2)(b)	Impersonating an agent, inspector or employee of DOR or DOJ in commission of a crime	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
125.66(3)	Sale and manufacturing of liquor without permits	Fine not more than \$10,000 or imprisonment for not more than 15 years or both	Fine not more than \$10,000 or imprisonment for not more than 10 years or both
125.68(12)(b)	Delivering alcohol from denatured alcohol	Fine not less than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more than 15 years or both	Fine not less than \$1,000 nor more than \$5,000 or imprisoned not less than one year nor more than 10 years or both
125.68(12)(c)	Sale or disposal of denatured alcohol resulting in death	Imprisoned for not more than 15 years	Imprisoned for not more than 10 years
132.20(2)	Trafficking in counterfeit trademarks and other commercial marks with intent to deceive	Fine not more than \$250,000 or imprisoned for not more than 7 years and 6 months or both, or, if the person is not an individual, be fined not more than \$1,000,000	Fine not more than \$250,000 or imprisoned for not more than 5 years or both, or, if the person is not an individual, be fined not more than \$1,000,000

Statute	Offense	Bifurcated	Indeterminate
133.03(1)	Unlawful contracts or conspiracies in restraint of trade or commerce	Fine not more than \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$100,000 if a corporation, or, if any other person, \$50,000, or be imprisoned for not more than 5 years , or both
133.03(2)	Monopolization of any part of trade or commerce	Fine not more than \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$100,000 if a corporation, or, if any other person, \$50,000, or be imprisoned for not more than 5 years or both
134.05(4)	Bribery of an agent, employee or servant	Fine of not less than \$10 nor more than \$500 or by such fine and by imprisonment for not more than 2 years	Fine of not less than \$10 nor more than \$500, or by such fine and by imprisonment for not more than one year
134.16	Fraudulently receiving deposits	Imprisoned in the Wisconsin state prisons for not less than one year nor more than 15 years or fined not more than \$10,000	Imprisoned in the Wisconsin state prisons not more than 10 years nor less than one year or fined not more than \$10,000
134.20(1)(intro)	Fraudulent issuance or use of warehouse receipts or bills of lading	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
134.205(4)	Issuance of warehouse receipts without entering item into register with intent to defraud	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
134.58	Unauthorized use of armed persons to protect persons or property or to suppress strikes	Fine not more than \$1,000 or imprisoned for not less than one year nor more than 4 years and 6 months or both	Fine not more than \$1,000 or imprisoned not less than one year nor more than 3 years or both
139.44(1)	Use or manufacturing of counterfeit cigarette stamps	Imprisonment not less than one year nor more than 15 years	Imprisonment not less than one year nor more than 10 years
139.44(1m)	Tampering with cigarette meter	Imprisoned not less than one year nor more than 15 years	Imprisoned not less than one year nor more than 10 years
139.44(2)	False or fraudulent report or attempts to evade the cigarette tax	Fine not less than \$1,000 nor more than \$5,000 or imprisoned not less than 90 days nor more than 2 years or both	Fine not less than \$1,000 nor more than \$5,000, or imprisoned not less than 90 days nor more than one year , or both
139.44(8)(c)	Unlawful possession of cigarettes if the number exceeds 36,000	Fine not more than \$10,000 or imprisoned not more than 3 years or both	Fine not more than \$10,000 or imprisoned not more than 2 years or both
139.95(2)	Possessing a schedule I or II controlled substance or ketamine or flunitrazepam not bearing drug tax stamp	Fine not more than \$10,000 or imprisoned not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both (does not apply to ketamine or flunitrazepam)

Statute	Offense	Bifurcated	Indeterminate
139.95(3)	False or fraudulent drug tax stamp	Fine not more than \$10,000 or imprisoned not less than one year nor more than 15 years or both	Fine not more than \$10,000 or imprisoned not less than one year nor more than 10 years or both (does not apply to ketamine or flunitrazepam)
146.345(3)	Sale of human organs for transplantation prohibited	Fine not more than \$50,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$50,000 or imprisoned for not more than 5 years or both
146.35(5)	Female genital mutilation	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
146.60(9)(am)	Second violation of failing to comply with notice of release of genetically engineered organisms into the environment requirements	Fine not less than \$1,000 nor more than \$50,000 or imprisoned for not more than 2 years or both	Fine not less than \$1,000 nor more than \$50,000 or imprisoned for not more than one year or both
146.70(10)(a)	Filing of false 911 report	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both for any other offense committed within 4 years after the first offense	Fine not more than \$10,000 or imprisoned not more than 5 years or both for any other offense committed within 4 years after the first offense
146.84(2)(c)	Intentional disclosure of confidential health care records for pecuniary gain, on or after May 6, 2000	Fine not more than \$100,000 or imprisoned for not more than 3 years and 6 months or both	Not applicable
154.15(2)	Falsification or withholding of information related to a declaration to a physician	Fine not more than \$10,000 or imprisoned for not more than 15 years or both	Fine not more than \$10,000 or imprisoned not more than 10 years or both
154.29(2)	Falsification or withholding of information related to a do-not-resuscitate order	Fine not more than \$10,000 or imprisoned for not more than 15 years or both	Fine not more than \$10,000 or imprisoned for not more than 10 years or both
166.20(11)(b)1.	Knowing and willful failure to report release of a hazardous substance, first offense	Fine not less than \$100 nor more than \$25,000 or imprisoned for not more than 3 years or both	Fine not less than \$100 nor more than \$25,000 or imprisoned for not more than 2 years or both
166.20(11)(b)2.	Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses	Fine not less than \$200 nor more than \$50,000 or imprisoned for not more than 3 years or both	Fine not less than \$200 nor more than \$50,000 or imprisoned for not more than 2 years or both
167.10(9)(g)	Violation of fireworks manufacturing licensure requirement	Fine not more than \$10,000 or imprisoned for not more than 15 years or both	Fine not more than \$10,000 or imprisoned not more than 10 years or both

Statute	Offense	Bifurcated	Indeterminate
175.20(3)	Violation of amusement place licensure requirements	Fine not less than \$25 nor more than \$1,000 and may be imprisoned for not less than 30 days nor more than 2 years or both.	Fine of not less than \$25 and not more than \$1,000, or by imprisonment for not less than 30 days in the county jail and not more than one year in the state prison, or by both such fine and imprisonment
180.0129(2)	Filing of a false document with DFI, business corporation	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
181.0129(2)	Filing of a false document with DFI, nonstock corporations	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
185.825	Filing of a false document with DFI, cooperatives	Fine not more than \$1,000 or imprisoned for not more than 4 years and 6 months or both	Fine not more than \$1,000 or imprisoned not more than 3 years or both
201.09(2)	Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation	Fine not less than \$500 or imprisoned in the state prison for not less than one nor more than 15 years or both	Fine of not less than \$500, or by imprisonment in the state prison not less than one or more than 10 years , or by both fine and imprisonment
214.93	Filing of a false document with the Division of Savings and Loans	Imprisoned for not more than 30 years	Imprisoned for not more than 20 years
215.02(6)(b)	Illegal disclosure of information by employees of the Division of Savings and Loans	Fine not less than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than 3 years or both	Fine not less than \$100 nor more than \$1,000, or imprisoned not less than 6 months nor more than 2 years or both
215.12	Falsification of records and dishonest acts, savings and loans	Imprisoned in the Wisconsin state prisons for not more than 30 years	Imprisoned in the Wisconsin state prisons for not to exceed 20 years
215.21(21)	Giving or accepting money for loans, savings and loans	Fine not more than \$10,000 or imprisoned in the Wisconsin state prisons for not more than 3 years or both	Fine not to exceed \$10,000 or imprisoned in the Wisconsin state prisons not to exceed 2 years or both
218.21(7)	False statement related to a motor vehicle salvage dealer license	Fine not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years or both
220.06(2)	Illegal disclosure of information by employees of the Division of Banking	Fined not less than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than 3 years or both	Fine of not less than \$100 nor more than \$1,000, or imprisonment in the Wisconsin state prisons not less than 6 months nor more than 2 years , or both
221.0625(2) (intro)	Illegal loans to government officials	Imprisoned for not more than 15 years	Imprisoned for not more than 10 years

Statute	Offense	Bifurcated	Indeterminate
221.0636(2)	Theft by bank employee or officer	Imprisoned for not more than 30 years	Imprisoned for not more than 20 years
221.0637(2)	Illegal commission to bank office and employees	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
221.1004(2)	False statements related to records, reports and legal processes, state banks	Fine not less than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more than 15 years or both	Fine not less than \$1,000 nor more than \$5,000, or imprisoned not less than one year nor more than 10 years , or both
252.15(9)	Intentional disclosure of confidential blood test results for pecuniary gain, on or after May 6, 2000	Fine not more than \$100,000 or imprisoned for not more than 3 years and 6 months or both	Not applicable
253.06(4)(b)	Violation of statutes related to the Women, Infant and Children Program	Fine not more than \$10,000 or imprisoned not more than 3 years or both for first offense, and fine not more than \$10,000 or imprisoned 7 years and 6 months or both for second and subsequent offense	Fine not more than \$10,000 or imprisoned not more than 2 years , or both for first offense, and fine not more than \$10,000 or imprisoned 5 years or both for second and subsequent offense
285.87(2)(b)	Intentional violations of air pollution statutes and rules, second and subsequent convictions	Fine not more than \$50,000 per day of violation or imprisonment for not more than 3 years or both	Fine not more than \$50,000 per day of violation or imprisonment for not more than 2 years or both
291.97(2)(b) (intro)	1. Transportation of hazardous waste to an unlicensed facility or site 2. Storage, treatment, transportation or disposal of any hazardous waste without a license	Fine not less than \$1,000 nor more than \$100,000 or imprisoned not more than 7 years and 6 months or both	Fine not less than \$1,000 nor more than \$100,000 or imprisoned not more than 5 years or both
291.97(2)(c)1.	Second or subsequent violation of hazardous waste handling reporting requirements	Fine not less than \$1,000 nor more than \$50,000 or imprisoned not more than 2 years or both	Fine not less than \$1,000 nor more than \$50,000 or imprisoned not more than one year in state prison or both
291.97(2)(c)2.	Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal	Fine not less than \$5,000 nor more than \$150,000 or imprisoned not more than 15 years or both	Fine not less than \$5,000 nor more than \$150,000 or imprisoned not more than 10 years or both
299.53(4)(c)2.	False statement to DNR related to used oil facilities, second or subsequent violations	Fine not more than \$50,000 or imprisonment for not more than 3 years or both	Fine not more than \$50,000 or imprisonment for not more than 2 years or both
301.45(6)(a)2	Failure to comply with sex offender registration requirements, second or subsequent offenses, on or after May 9, 2000	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Not applicable

Statute	Offense	Bifurcated	Indeterminate
302.095(2)	Illegal delivery of articles to inmates by prison or jail employees	Imprisoned for not more than 3 years or fined not more than \$500	Imprisoned for not more than 2 years or fined not more than \$500
341.605(3)	Unlawful transfer of license plates, insert tag, decal or other evidence of registration or the transfer of counterfeit, forged or fictitious license plates, insert tag, decal or other evidence of registration	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years or both
342.06(2)	False statement in an application for a vehicle title	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
342.065(4)(b)	Failing to obtain title for salvage vehicle, with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
342.155(4)(b)	Violation of mileage disclosure requirements with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
342.156(6)(b)	Transfers of leased vehicles, with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
342.30(3)(a)	Alteration of vehicle identification number	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
342.32(3)	Counterfeiting and unlawful possession of certificate of title	Fine not more than \$5,000 or imprisoned not more than 7 years and 6 months , or both	Fine not more than \$5,000 or imprisoned not more than 5 years , or both
344.48(2)	Forged proof of security for past accidents	Fine not more than \$1,000 or imprisoned for not more than 2 years or both	Fine not more than \$1,000 or imprisoned not more than one year or both
346.17(3)(a)	Fleeing an officer	Fine not less than \$300 nor more than \$10,000 and may be imprisoned not more than 3 years	Fine not less than \$300 nor more than \$10,000 and may be imprisoned not more than 2 years
346.17(3)(b)	Fleeing an officer resulting in bodily harm, or damage to property	Fine not less than \$500 nor more than \$10,000 and may be imprisoned not more than 3 years	Fine not less than \$500 nor more than \$10,000 and may be imprisoned not more than 2 years
346.17(3)(c)	Fleeing an officer resulting in great bodily harm	Fine not less than \$600 nor more than \$10,000 and may be imprisoned not more than 3 years	Fine not less than \$600 nor more than \$10,000 and may be imprisoned not more than 2 years
346.17(3)(d)	Fleeing an officer resulting in death	Fine not less than \$500 nor more than \$10,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$600 nor more than \$10,000 and may be imprisoned not more than 5 years

Statute	Offense	Bifurcated	Indeterminate
346.65(2)(e)	Operating a motor vehicle under the influence of an intoxicant or other drug, five or more violations	Fine not less than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more than 5 years	Fine not less than \$600 nor more than \$2,000 and imprisoned for not less than 6 months nor more than 5 years
346.65(5)	Negligent use of a vehicle causing great bodily harm	Fine not less than \$600 nor more than \$2,000 and may be imprisoned not less than 90 days nor more than 2 years and 3 months	Fine not less than \$600 nor more than \$2,000 and may be imprisoned not less than 90 days nor more than 18 months
346.74(5)(b)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person but the person does not suffer great bodily harm	Fine not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than 2 years , or both	Fine not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than one year or both
346.74(5)(c)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm	Fine not more than \$10,000 or imprisoned not more than 3 years , or both	Fine not more than \$10,000 or imprisoned not more than 2 years or both
346.74(5)(d)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death	Fine no more than \$10,000 or imprisoned not more than 7 years and 6 months , or both	Fine no more than \$10,000 or imprisoned not more than 5 years or both
350.11(2m)	Causing death or injury by interfering with snowmobile route or trail sign or standard	Fine not more than \$10,000 or imprisoned for not more than 3 years or both	Fine not more than \$10,000 or imprisoned for not more than 2 years or both
446.07	Violation of Chiropractic Examining Board statutes	Fine not less than \$100 nor more than \$500 or imprisoned for not more than 2 years or both	Fine not less than \$100 nor more than \$500 or imprisoned not more than one year or both
447.09	Violation of Dental Examining Board statutes, second or subsequent offenses	Fine not more than \$2,500 or imprisonment for not more than 3 years or both for the second or subsequent conviction within 5 years	Fine not more than \$2,500 or imprisonment for not more than 2 years or both for the second or subsequent conviction within 5 years
450.11(9)(b)	Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 5 years or both
450.14(5)	Illegal delivery of poisons	Fine not less than \$100 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years and 6 months or both	Fine not less than \$100 nor more than \$1,000 or imprisoned not less than one year nor more than 5 years or both

Statute	Offense	Bifurcated	Indeterminate
450.15(2)	Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant	Fine not less than \$100 nor more than \$1,000 or imprisoned for not less than <i>one year</i> nor more than <i>7 years and 6 months</i> or both	Fine not less than \$100 nor more than \$1,000 or imprisoned not less than <i>one year</i> nor more than <i>5 years</i> or both
551.58(1)	Willful violation of securities law	Fine not more than \$5,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned not more than <i>5 years</i> or both
552.19(1)	Willful violation of corporate take-over laws	Fine not more than \$5,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned not more than <i>5 years</i> or both
553.52(1)	Willful violation of fraudulent and practices statutes under state franchise investment law	Fine not more than \$5,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned for not more than <i>5 years</i> or both
553.52(2)	Fraud in connection with the offer or sale of any franchise	Fine not more than \$5,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned for not more than <i>5 years</i> or both
562.13(3)	Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud	Fine not more than \$10,000 or imprisoned for not more than <i>3 years</i> or both	Fine not more than \$10,000 or imprisoned for not more than <i>2 years</i> or both
562.13(4)	Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities	Fine not more than \$10,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$10,000 or imprisoned for not more than <i>5 years</i> or both
565.50(2)	Forged or altered lottery ticket	Fine not more than \$10,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$10,000 or imprisoned for not more than <i>5 years</i> or both
565.50(3)	Possession of forged or altered lottery ticket	Fine not more than \$10,000 or imprisoned for not more than <i>3 years</i> or both	Fine not more than \$10,000 or imprisoned for not more than <i>2 years</i> or both
601.64(4)	Intentional violation of any insurance statute or rule	Fine not more than \$5,000 or imprisoned for not more than <i>4 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned for not to exceed <i>3 years</i> or both
641.19(4)(a)	Willful violation or failure to comply with statutes or false statements related to employee welfare funds	Fine not more than \$5,000 or imprisoned for not more than <i>7 years and 6 months</i> or both	Fine not more than \$5,000 or imprisoned not more than <i>5 years</i> or both
641.19(4)(b)	Willful and unlawful use of employee welfare funds	Fine not more than \$10,000 or imprisoned for not more than <i>7 years and 6 months</i>	Fine not more than \$10,000 or imprisoned not more than <i>5 years</i> or both
765.30(1)(intro)	Marriage outside state to circumvent state law	Fine not less than \$200 nor more than \$1,000 or imprisoned for not more than <i>2 years</i> or both	Fine not less than \$200 nor more than \$1,000, or imprisoned not more than <i>one year</i> , or both

Statute	Offense	Bifurcated	Indeterminate
765.30(2)(intro)	False marriage license statement; unlawful issuance of marriage license; false solemnization of marriage	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than 2 years or both	Fine not less than \$100 nor more than \$1,000, or imprisoned not more than one year , or both
767.242(8)	Intentional violation of an injunction ordering a respondent to strictly comply with a judgment or order related to a physical placement, on or after May 1, 2000	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Not applicable
768.07	Violation of actions abolished statutes	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than 2 years or both	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than one year , or both
783.07	Failure or neglect to respond to a writ of mandamus	Fine not more than \$5,000 per officer or imprisonment for not more than 7 years and 6 months	Fine not more than \$5,000 per officer or imprisonment for a term not exceeding 5 years
940.04(1)	Abortion ("feticide") by a person other than the pregnant woman	Fine not more than \$5,000 or imprisoned not more than three years or both	Fine not more than \$5,000 or imprisoned not more than three years or both
940.04(2)	Abortion ("feticide") of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child	Imprisoned for not more than 15 years	Imprisoned for not more than 15 years
940.04(4)	Abortion by a pregnant woman	Imprisoned not more than two years	Imprisoned not more than two years
946.43(2m)	Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances, on or after June 2, 2000	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Not applicable
946.85(1)	Engaging in a continuing criminal enterprise	Imprisoned for not less than 10 years nor more than 30 years , and fined not more than \$10,000	Imprisoned not less than 10 years nor more than 20 years , and fined not more than \$10,000
961.41(1)(a)	Manufacture, distribution or delivery of a narcotic included in schedule I or II	Fine not more than \$25,000 or imprisoned not more than 22 years and 6 months or both	Fine not more than \$25,000 or imprisoned not more than 15 years or both

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(b)	Manufacture, distribution or delivery of any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II	Fine not more than \$15,000 or imprisoned not more than 7 years and 6 months or both	Fine not more than \$15,000 or imprisoned not more than 5 years or both
961.41(1)(cm)1.	Manufacture, distribution or delivery of cocaine or cocaine base, five grams or less	Fine not more than \$500,000 and may be imprisoned not more than 15 years	Fine not more than \$500,000 and may be imprisoned not more than 10 years
961.41(1)(cm)2.	Manufacture, distribution or delivery of cocaine or cocaine base, more than 5 grams, but not more than 15 grams	Fine not more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1)(cm)3.	Manufacture, distribution or delivery of cocaine or cocaine base, more than 15 grams, but not more than 40 grams	Fine not more than \$500,000 and imprisoned not less than 3 years nor more than 30 years	Fine not more than \$500,000 and imprisoned not less than 3 years nor more than 20 years
961.41(1)(cm)4.	Manufacture, distribution or delivery of cocaine or cocaine base, more than 40 grams, but not more than 100 grams	Fine not more than \$500,000 and imprisoned not less than 5 years nor more than 45 years	Fine not more than \$500,000 and imprisoned not less than 5 years nor more than 30 years
961.41(1)(cm)5.	Manufacture, distribution or delivery of cocaine or cocaine base, more than 100 grams	Fine not more than \$500,000 and imprisoned not less than 10 years nor more than 45 years	Fine not more than \$500,000 and imprisoned not less than 10 years nor more than 30 years
961.41(1)(d)1.	Manufacture, distribution or delivery of heroin, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 15 years
961.41(1)(d)2.	Manufacture, distribution or delivery of heroin, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 15 years
961.41(1)(d)3.	Manufacture, distribution or delivery of heroin, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1)(d)4.	Manufacture, distribution or delivery of heroin, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 15 years
961.41(1)(d)5.	Manufacture, distribution or delivery of heroin, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 15 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(d)6.	Manufacture, distribution or delivery of heroin, more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 30 years
961.41(1)(e)1.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 5 years
961.41(1)(e)2.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than three grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 5 years
961.41(1)(e)3.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1)(e)4.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 15 years
961.41(1)(e)5.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 15 years
961.41(1)(e)6.	Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 30 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(em)1.	Manufacture, distribution or delivery of methamphetamine (on or after April 26, 2000) three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 22 years and 6 months	Not applicable
961.41(1)(em)2.	Manufacture, distribution or delivery of methamphetamine (on or after April 26, 2000) more than three grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 22 years and 6 months	Not applicable
961.41(1)(em)3.	Manufacture, distribution or delivery of methamphetamine (on or after April 26, 2000) more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Not applicable
961.41(1)(em)4.	Manufacture, distribution or delivery of methamphetamine (on or After April 26, 2000), more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Not applicable
961.41(1)(em)5.	Manufacture, distribution or delivery of methamphetamine (on or after April 26, 2000), more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Not applicable
961.41(1)(em)6.	Manufacture, distribution or delivery of methamphetamine (on or after April 26, 2000), more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Not applicable
961.41(1)(f)1.	Manufacture, distribution or delivery of lysergic acid diethylamide, one gram or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 5 years
961.41(1)(f)2.	Manufacture, distribution or delivery of lysergic acid diethylamide, more than one gram but not more than 5 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 5 years
961.41(1)(f)3.	Manufacture, distribution or delivery of lysergic acid diethylamide, more than 5 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1)(g)1.	Manufacture, distribution or delivery of psilocin or psilocylin, one hundred grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 5 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(g)2.	Manufacture, distribution or delivery of psilocin or psilocylin, more than 100 grams but not more than 500 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than <i>7 years and 6 months</i>	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than <i>5 years</i>
961.41(1)(g)3.	Manufacture, distribution or delivery of psilocin or psilocylin, more than 500 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than <i>22 years and 6 months</i>	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than <i>15 years</i>
961.41(1)(h)1.	Manufacture, distribution or delivery of THC, five hundred grams or less, or 10 or fewer plants containing THC	Fine not less than \$500 nor more than \$25,000 and may be imprisoned not more than <i>4 years and 6 months</i>	Fine not less than \$500 nor more than \$25,000 and may be imprisoned not more than <i>3 years</i>
961.41(1)(h)2.	Manufacture, distribution or delivery of THC, more than 500 grams but not more than 2,500 grams, or more than 10 plants containing THC but not more than 50 plants containing THC	Fine not less than \$1,000 nor more than \$50,000 and imprisoned not less than 3 months nor more than <i>7 years and 6 months</i>	Fine not less than \$1,000 nor more than \$50,000 and imprisoned not less than 3 months nor more than <i>5 years</i>
961.41(1)(h)3.	Manufacture, distribution or delivery of THC, more than 2,500 grams, or more than 50 plants containing THC	Fine not less than \$1,000 nor more than \$100,000 and imprisoned not less than one year nor more than <i>15 years</i>	Fine not less than \$1,000 nor more than \$100,000 and imprisoned not less than one year nor more than <i>10 years</i>
961.41(1)(hm)1.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxyamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxyamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than <i>7 years and 6 months</i>	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(hm)2.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned for not less than 6 months nor more than 7 years and 6 months	Not applicable
961.41(1)(hm)3.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than one year nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(hm)4.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 3 years nor more than 22 years and 6 months	Not applicable
961.41(1)(hm)5.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 5 years nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(hm)6.	Manufacture, distribution or delivery of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxyamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxyamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 10 years nor more than 45 years	Not applicable
961.41(1)(i)	Manufacture, distribution or delivery of a substance included in schedule IV, except flunitrazepam on or before April 26, 2000	Fine not more than \$10,000 or imprisoned not more than 4 years and 6 months or both	Fine not more than \$10,000 or imprisoned not more than 3 years or both
961.41(1)(im)	Manufacture, distribution or delivery of flunitrazepam, on or after April 26, 2000, and before September 1, 2001	Fine not more than \$15,000 or imprisoned not more than 7 years and 6 months or both	Not applicable
961.41(1)(im)1.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months	Not applicable
961.41(1)(im)2.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned for not less than 6 months nor more than 7 years and 6 months	Not applicable
961.41(1)(im)3.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than one year nor more than 22 years and 6 months	Not applicable
961.41(1)(im)4.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 3 years nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1)(im)5.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 5 years nor more than 22 years and 6 months	Not applicable
961.41(1)(im)6.	Manufacture, distribution or delivery of flunitrazepam on or after September 1, 2001, more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 10 years nor more than 45 years	Not applicable
961.41(1)(j)	Manufacture, distribution or delivery of a substance included in schedule V	Fine not more than \$5,000 or imprisoned not more than 2 years or both	Fine not more than \$5,000 or imprisoned not more than one year or both
961.41(1m)(a)	Possession with intent to manufacture, distribute or deliver of a narcotic included in schedule I or II	Fine not more than \$25,000 or imprisoned not more than 22 years and 6 months or both	Fine not more than \$25,000 or imprisoned not more than 15 years or both
961.41(1m)(b)	Possession with intent to manufacture, distribute or deliver any other controlled substance included in schedule I, II or III, or a controlled substance analog of a controlled substance included in schedule I or II	Fine not more than \$15,000 or imprisoned not more than 7 years and 6 months or both	Fine not more than \$15,000 or imprisoned not more than 5 years or both
961.41(1m)(cm)1.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, five grams or less	Fine not more than \$500,000 and may be imprisoned not more than 15 years	Fine not more than \$500,000 and may be imprisoned not more than 10 years
961.41(1m)(cm)2.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 5 grams but not more than 15 grams	Fine not more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1m)(cm)3.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 15 grams but not more than 40 grams	Fine not more than \$500,000 and imprisoned not less than 3 years nor more than 30 years	Fine not more than \$500,000 and imprisoned not less than 3 years nor more than 20 years
961.41(1m)(cm)4.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 40 grams but not more than 100 grams	Fine not more than \$500,000 and imprisoned not less than 5 years nor more than 45 years	Fine not more than \$500,000 and imprisoned not less than 5 years nor more than 30 years
961.41(1m)(cm)5.	Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 100 grams	Fine not more than \$500,000 and imprisoned not less than 10 years nor more than 45 years	Fine not more than \$500,000 and imprisoned not less than 10 years nor more than 30 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(d)1.	Possession with intent to manufacture, distribute or deliver heroin, three grams or less	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 15 years
961.41(1m)(d)2.	Possession with intent to manufacture, distribute or deliver heroin, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 15 years
961.41(1m)(d)3.	Possession with intent to manufacture, distribute or deliver heroin, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1m)(d)4.	Possession with intent to manufacture, distribute or deliver heroin, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 15 years
961.41(1m)(d)5.	Possession with intent to manufacture, distribute or deliver heroin, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 15 years
961.41(1m)(d)6.	Possession with intent to manufacture, distribute or deliver heroin, more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 30 years
961.41(1m)(e)1.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, three grams or less	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 5 years
961.41(1m)(e)2.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than three grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 5 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(e)3.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1m)(e)4.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 15 years
961.41(1m)(e)5.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 15 years
961.41(1m)(e)6.	Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine (before April 26, 2000) or methcathinone, more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 30 years
961.41(1m)(em)1.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned not more than 22 years and 6 months	Not applicable
961.41(1m)(em)2.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), more than three grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned not less than 6 months nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(em)3.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Not applicable
961.41(1m)(em)4.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 3 years nor more than 22 years and 6 months	Not applicable
961.41(1m)(em)5.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than 5 years nor more than 22 years and 6 months	Not applicable
961.41(1m)(em)6.	Possession with intent to manufacture, distribute or deliver methamphetamine (on or after April 26, 2000), more than 400 grams	Fine not less than \$1,000 nor more than \$1,000,000 and imprisoned not less than 10 years nor more than 45 years	Not applicable
961.41(1m)(f)1.	Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, one gram or less	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 5 years
961.41(1m)(f)2.	Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than one gram but not more than 5 grams	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 5 years
961.41(1m)(f)3.	Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than 5 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 22 years and 6 months	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than 15 years
961.41(1m)(g)1.	Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, one hundred grams or less	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$100,000 and may be imprisoned not more than 5 years
961.41(1m)(g)2.	Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 100 grams but not more than 500 grams	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 7 years and 6 months	Fine not less than \$1,000 nor more than \$200,000 and imprisoned not less than 6 months nor more than 5 years

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(g)3.	Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 500 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than <i>22 years and 6 months</i>	Fine not less than \$1,000 nor more than \$500,000 and imprisoned not less than one year nor more than <i>15 years</i>
961.41(1m)(h)1.	Possession with intent to manufacture, distribute or deliver THC, five hundred grams or less, or 10 or fewer plants containing THC	Fine not less than \$500 nor more than \$25,000 and may be imprisoned not more than <i>4 years and 6 months</i>	Fine not less than \$500 nor more than \$25,000 and may be imprisoned not more than <i>3 years</i>
961.41(1m)(h)2.	Possession with intent to manufacture, distribute or deliver THC, more than 500 grams but not more than 2,500 grams, or more than 10 plants containing THC but not more than 50 plants containing THC	Fine not less than \$1,000 nor more than \$50,000 and imprisoned not less than 3 months nor more than <i>7 years and 6 months</i>	Fine not less than \$1,000 nor more than \$50,000 and imprisoned not less than 3 months nor more than <i>5 years</i>
961.41(1m)(h)3.	Possession with intent to manufacture, distribute or deliver THC, more than 2,500 grams or more than 50 plants containing THC	Fine not less than \$1,000 nor more than \$100,000 and imprisoned not less than one year nor more than <i>15 years</i>	Fine not less than \$1,000 nor more than \$100,000 and imprisoned not less than one year nor more than <i>10 years</i>
961.41(1m)(hm)1.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than <i>7 years and 6 months</i>	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(hm)2.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned for not less than 6 months nor more than 7 years and 6 months	Not applicable
961.41(1m)(hm)3.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than one year nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(hm)4.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 3 years nor more than 22 years and 6 months	Not applicable
961.41(1m)(hm)5.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 5 years nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
961.41(1m)(hm)6.	Possession with the intent to manufacture, distribute or deliver gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine, more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 10 years nor more than 45 years	Not applicable
961.41(1m)(i)	Possession with intent to manufacture, distribute or deliver a substance included in schedule IV, except flunitrazepam on or after April 26, 2000	May be fined not more than \$10,000 or imprisoned not more than 4 years and 6 months or both	May be fined not more than \$10,000 or imprisoned not more than 3 years or both
961.41(1m)(im)	Possession with intent to manufacture, distribute or deliver flunitrazepam, on or after April 26, 2000, and before September 1, 2001	Fine not more than \$15,000 or imprisoned not more than 7 years and 6 months or both	Not applicable
961.41(1m)(im)1.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, three grams or less	Fine not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months	Not applicable
961.41(1m)(im)2.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, more than 3 grams but not more than 10 grams	Fine not less than \$1,000 nor more than \$250,000 and imprisoned for not less than 6 months nor more than 7 years and 6 months	Not applicable
961.41(1m)(im)3.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, more than 10 grams but not more than 50 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than one year nor more than 22 years and 6 months	Not applicable

Statute	Offense	Bifurcated	Indeterminate
f961.41(1m)(im)4.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, more than 50 grams but not more than 200 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 3 years nor more than 22 years and 6 months	Not applicable
961.41(1m)(im)5.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, more than 200 grams but not more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 5 years nor more than 22 years and 6 months	Not applicable
961.41(1m)(im)6.	Possession with the intent to manufacture, distribute or deliver flunitrazepam on or after September 1, 2001, more than 400 grams	Fine not less than \$1,000 nor more than \$500,000 and imprisoned for not less than 10 years nor more than 45 years	Not applicable
961.41(1m)(j)	Possession with intent to manufacture, distribute or deliver a substance included in schedule V	May be fined not more than \$5,000 or imprisoned not more than 2 years or both	May be fined not more than \$5,000 or imprisoned not more than one year or both
961.41(1n)(c)	Possession of any amount of piperidine	May be fined not more than \$250,000 or imprisoned not more than 15 years or both	May be fined not more than \$250,000 or imprisoned not more than 10 years or both
961.41(2)(a)	Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule I or II which is a narcotic drug	May be fined not more than \$25,000 or imprisoned not more than 22 years and 6 months or both	May be fined not more than \$25,000 or imprisoned not more than 15 years or both
961.41(2)(b)	Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, any other counterfeit substance included in schedule I, II or III	May be fined not more than \$15,000 or imprisoned not more than 7 years and 6 months or both	May be fined not more than \$15,000 or imprisoned not more than 5 years or both
961.41(2)(c)	Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule IV, except flunitrazepam on or after April 26, 2000	May be fined not more than \$10,000 or imprisoned not more than 4 years and 6 months or both	May be fined not more than \$10,000 or imprisoned not more than 3 years or both

Statute	Offense	Bifurcated	Indeterminate
961.41(2)(cm)	Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance which is flunitrazepam, before September 1, 2001	May be fined not more than \$10,000 or imprisoned not more than 7 years and 6 months or both	Not applicable
961.41(2)(cm)	Manufacture, distribution or delivery of an intent to manufacture, distribute or deliver a counterfeit substance which is flunitrazepam, on or after September 1, 2001, and before February 1, 2003	Same fine or imprisonment as is applicable to the genuine substance under s. 961.41(1)(im) and (1m)(im)	Not applicable
961.41(2)(d)	Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule V	May be fined not more than \$5,000 or imprisoned not more than 2 years or both	May be fined not more than \$5,000 or imprisoned not more than one year or both
961.41(3g)(a)1.	Possession of a narcotic included in schedule I or II	Upon a first conviction, not more than \$5,000 or imprisoned not more than 2 years or both. Second or subsequent offense, fine not more than \$10,000 or imprisoned not more than 3 years or both	Upon a first conviction, not more than \$5,000 or imprisoned not more than one year or both. Second or subsequent offense, fine not more than \$10,000 or imprisoned not more than 2 years or both
961.41(3g)(a)2.	Possession or attempted possession of heroin	May be fined not more than \$5,000 or imprisoned not more than 2 years or both	May be fined not more than \$5,000 or imprisoned not more than one year or both
961.41(3g)(dm)	Possession or attempted possession of methamphetamine on or after April 26, 2000	May be fined not more than \$5,000 or imprisoned not more than 2 years or both	Not applicable
961.41(3g)(f)	Possession or attempted possession of gamma-hydroxybutyric acid (GHB), gamma-butyrolactone, ketamine or flunitrazepam	May be fined not more than \$5,000 or imprisoned for not more than 2 years or both	May be fined not more than \$5,000 or imprisoned for not more than 2 years or both
961.41(4)(am)3.	Distribution or delivery of imitation controlled substance	May be fined not more than \$5,000 or imprisoned not more than 2 years or both	May be fined not more than \$5,000 or imprisoned not more than one year or both
961.42(2)	Keeping of a drug house	May be fined not more than \$25,000 or imprisoned not more than two years or both	May be fined not more than \$25,000 or imprisoned not more than one year or both

Statute	Offense	Bifurcated	Indeterminate
961.43(2)	Acquire or obtain a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge	May be fined not more than \$30,000 or imprisoned not more than 6 years or both	May be fined not more than \$30,000 or imprisoned not more than 4 years or both
961.437	Possession or disposal of waste from manufacture of methamphetamine on or after May 24, 2000	For first offense, may be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than 7 years and 6 months . For second or subsequent offense, may be fined not less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years or both	Not applicable
961.455(1)	Use of a person who is 17 years of age or under for the purpose of the manufacture, distribution or delivery of a controlled substance	May be fined not more than \$50,000 or imprisoned not more than 15 years or both	May be fined not more than \$50,000 or imprisoned not more than 10 years or both
961.573(3)	Use of, or possession with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, on or after May 24, 2000	May be fined not more than \$10,000 or imprisoned not more than 5 years or both	Not applicable
961.574(3)	Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack or store methamphetamine or an analog of methamphetamine, on or after May 24, 2000	May be fined not more than \$10,000 or imprisoned not more than 5 years or both	Not applicable
961.575(3)	Drug paraphernalia delivery or possession with intent to deliver, by any person age 17 or older, to any person 17 years or younger for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, on or after May 24, 2000	May be fined not more than \$50,000 or imprisoned not more than 10 years or both	Not applicable

Statute	Offense	Bifurcated	Indeterminate
968.31(1)(intro)	Illegal interception and disclosure of wire, electronic or oral communications	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both
968.34(3)	Illegal use of pen register or trap and trace device	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Fine not more than \$10,000 or imprisoned not more than one year or both
968.43(3)	Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury	Imprisoned for not more than 7 years and 6 months	Imprisoned for not more than 5 years
977.06(2)(b)	False statement to qualify for assignment of a Public Defender	Fine not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both	Fine not more than \$10,000 or imprisoned for not more than 5 years or both

APPENDIX III

Classified Felony Offenses, On or After February 1, 2003 [Statutory Cite]

(Sentence Lengths for Each Classification are Identified in Table 1 on Page 7)

Class A Felonies

1. First-degree intentional homicide [940.01]
2. Intentionally performing a partial-birth abortion [940.16]
3. Treason [946.01]
4. Absconding after being adjudicated delinquent for a Class A felony [946.50]

Class B Felonies

1. Conspiracy to commit a crime for which the penalty is life imprisonment [939.31]
2. Attempt to commit a crime for which the penalty is life imprisonment [939.32]
3. First-degree reckless homicide [940.02]
4. Second-degree intentional homicide [940.05]
5. First-degree sexual assault [940.225(1)]
6. Taking hostages, unless each hostage is released without bodily harm before the hostage taker's arrest [940.305]
7. Kidnapping with intent to cause another to transfer property to obtain the release of the victim, where the victim is not released without permanent physical injury prior to the time the first witness is sworn at trial [940.31]
8. Absconding after being adjudicated delinquent for a Class B felony [946.50(2)]
9. First-degree sexual assault of a child [948.02(1)]
10. Repeated first- or second-degree sexual assault of a child, if at least three of the offenses are first-degree sexual assault of a child [948.025(1)]

Class C Felonies

1. First-degree reckless homicide, where drugs are provided or administered ("Len Bias" Law) [940.02]
2. Homicide by intoxicated use of a vehicle, one or more previous convictions, suspension or revocation relating to certain operating under the influence offenses [940.09(1c)(b)]
3. Mayhem [940.21]
4. Second-degree sexual assault [940.225(2)]
5. Abuse of vulnerable adults under circumstances that cause death by intentional or reckless maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)1g]
6. Abuse or neglect by employees of certain institutions, facilities or programs of vulnerable persons under circumstances that cause death by intentional or reckless abuse or neglect [940.295(3)(b)1g]
7. Taking hostages when, before the time of the hostage taker's arrest, each person who is held as a hostage is released without bodily harm [940.305]
8. Kidnapping [940.31]
9. Causing death to another by tampering with household products [941.327]
10. Arson of a building; damage of property by explosives [943.02]
11. Carjacking [943.23(1g)]
12. Armed robbery [943.32(2)]
13. Absconding after being adjudicated delinquent for a Class C felony [946.50(3)]
14. Second-degree sexual assault of a child [948.02(2)]
15. Repeated first- or second-degree sexual assault of a child, if fewer than three of the offenses are first-degree sexual assault of a child [948.025(1)]

Class C Felonies (continued)

16. Incest with a child [948.06]
17. Abduction of another's child by force or threat of force [948.30(2)]
18. Manufacture, distribution or delivery of cocaine or cocaine base, more than 40 grams [961.41(1)(cm)4.]
19. Manufacture, distribution or delivery of heroin, more than 50 grams [961.41(1)(d)4.]
20. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1)(e)4.]
21. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1)(hm)4.]
22. Manufacture, distribution or delivery of flunitrozepam more than 50 grams [961.41(1)(im)4.]
23. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 40 grams [961.41(1m)(cm)4.]
24. Possession with intent to manufacture, distribute or deliver heroin, more than 50 grams [961.41(1m)(d)4.]
25. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1m)(e)4.]
26. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1m)(hm)4.]
27. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 50 grams [961.41(1m)(im)4.]

Class D Felonies

1. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death [346.74(5)(d)]
2. Second-degree reckless homicide [940.06]
3. Homicide by intoxicated use of a vehicle [940.09(1c)(a)]
4. Homicide by intoxicated use of a firearm [940.09(1g)]
5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)]
6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)]
7. First-degree reckless injury [940.23(1)]
8. Abuse of vulnerable adults under circumstances that cause death by negligent maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)(1g)]
9. Abuse or neglect by employees of certain institutions, facilities or programs of vulnerable persons under circumstances that cause death by negligent abuse or neglect [940.295(3)(b)g]
10. Possession of body armor, second or subsequent violation [941.291(3)(b)]
11. Theft of farm raised fish (second or subsequent violation) [943.74]
12. Absconding after being adjudicated delinquent for a Class D felony [946.50(4)]
13. Child enticement [948.07]
14. Using a computer to facilitate a child sex crime [948.075]
15. Soliciting a child for prostitution [948.08]
16. Neglect of a child resulting in death [948.21]
17. Contributing to the delinquency of a child if death is a consequence [948.40(4)(a)]
18. Manufacture, distribution or delivery of cocaine or cocaine base, more than 15 grams, but not more than 40 grams [961.41(1)(cm)3.]
19. Manufacture, distribution or delivery of heroin, more than 10 grams but not more than 50 grams [961.41(1)(d)3.]
20. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1)(e)3.]
21. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1)(hm)3.]

Class D Felonies (continued)

22. Manufacture, distribution or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1)(im)3.]
23. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 15 grams but not more than 40 grams [961.41(1m)(cm)3.]
24. Possession with intent to manufacture, distribute or deliver heroin, more than 10 grams but not more than 50 grams [961.41(1m)(d)3.]
25. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1m)(e)3.]
26. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1m)(hm)3.]
27. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1m)(im)3.]

Class E Felonies

1. Sale or disposal of denatured alcohol resulting in death [125.68(12)(c)]
2. Fleeing an officer resulting in death [346.17(3)(d)]
3. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm [346.74(5)(c)]
4. Abortion ("feticide") of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child [940.04(2)]
5. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m]
6. Possession of body armor [941.291(3)(a)]
7. Contributing to the death of another by obstructing emergency or rescue personnel [941.37(4)]
8. Aggravated burglary [943.10(2)]
9. Robbery [943.32(1)]
10. Absconding after being adjudicated delinquent for a Class E felony [946.50(5)]
11. Engaging in racketeering activity [946.84]
12. Engaging in a continuing criminal enterprise [946.85(1)]
13. Physical abuse of a child (intentionally causing great bodily harm) [948.03(2)(a)]
14. Abduction of another's child [948.30(1)]
15. Manufacture, distribution or delivery of a narcotic included in schedule I or II [961.41(1)(a)]
16. Manufacture, distribution or delivery of cocaine or cocaine base, more than 5 grams, but not more than 15 grams [961.41(1)(cm)2.]
17. Manufacture, distribution or delivery of heroin, more than 3 grams but not more than 10 grams [961.41(1)(d)2.]
18. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1)(e)2.]
19. Manufacture, distribution or delivery of lysergic acid diethylamide, more than 5 grams [961.41(1)(f)3.]
20. Manufacture, distribution or delivery of psilocin or psilocylin, more than 500 grams [961.41(1)(g)3.]
21. Manufacture, distribution or delivery of THC more than 10,000 grams or more than 200 plants containing THC [961.41(1)(h)5.]
22. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1)(hm)2.]
23. Manufacture, distribution or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1)(im)2.]
24. Possession with intent to manufacture, distribute or deliver of a narcotic included in schedule I or II [961.41(1m)(a)]
25. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 5 grams but not more than 15 grams [961.41(1m)(cm)2.]

Class E Felonies (continued)

26. Possession with intent to manufacture, distribute or deliver heroin, more than 3 grams but not more than 10 grams [961.41(1m)(d)2.]
27. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1m)(e)2.]
28. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than 5 grams [961.41(1m)(f)3.]
29. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 500 grams [961.41(1m)(g)3.]
30. Possession with intent to manufacture, distribute or delivery THC, more than 10,000 grams or more than 200 plants containing THC [961.41(1m)(h)5.]
31. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1m)(hm)2.]
32. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1m)(im)2.]
33. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule I or II which is a narcotic drug [961.41(2)(a)]

Class F Felonies

1. Sale and manufacturing of liquor without permits [125.66(3)]
2. Delivering alcohol from denatured alcohol [125.68(12)(b)]
3. Fraudulently receiving deposits [134.16]
4. False or fraudulent drug tax stamp [139.95(3)]
5. Falsification or withholding of information related to a declaration to a physician [154.15(2)]
6. Falsification or withholding of information related to a do-not-resuscitate order [154.29(2)]
7. False statements by officer, director, or employee of a credit union [186.80(2)]
8. Filing of a false document with the Division of Savings and Loans [214.93]
9. Falsification of records and dishonest acts, savings and loans [215.12]
10. Illegal loans to government officials [221.0625(2) (intro)]
11. False statements by officer, director or employee of a state bank [221.1004(2)]
12. Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal [291.97(2)(c)2.]
13. Fleeing an officer resulting in great bodily harm [346.17(3)(c)]
14. Solicitation to commit a crime for which the penalty is life imprisonment [939.30(2)]
15. Mutilating a corpse [940.11]
16. Sexual exploitation by a therapist [940.22(2)]
17. Second-degree reckless injury [940.23(2)]
18. Injury by intoxicated use of a vehicle [940.25(1)]
19. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m]
20. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]
21. Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) [940.32(3)]
22. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]
23. Modifying a firearm to make it a machine gun [941.26(2)(b)]
24. First-degree recklessly endangering safety [941.30(1)]
25. Possession of explosives [941.31]
26. Administering a dangerous or stupefying drug with intent to facilitate commission of a crime [941.32]
27. Causing great bodily harm by tampering with household products [941.327(2)(b)3]
28. Burglary [943.10(lm)]
29. Loan sharking [943.28]

Class F Felonies (continued)

30. Unlawful receipt of payments to obtain a loan for another (if the value of the payment exceeds \$2,500) [943.62(4)(c)]
31. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another, causes damage valued at more than \$2,500, or causes an interruption or impairment of governmental operations, public communications, transportation or the supply of gas, water or other public services) [943.70(2)(b) 3g, 3r and 4 & (3)(b) 4]
32. Infecting animals with a contagious disease (intentional introduction) [943.76(2)]
33. Incest [944.06]
34. Pandering (if compensated from the earnings of prostitute) [944.33]
35. Sabotage [946.02]
36. Sedition [946.03]
37. Assault by prisoners [946.43(1m)]
38. Public officer or public employee assisting or permitting escape [946.44(1g)]
39. Bringing a firearm into prison or jail; transferring a firearm to a prisoner [946.44(1m)]
40. Absconding after being adjudicated delinquent for a Class F felony [946.50(5d)]
41. Physical abuse of a child (causing bodily harm by conduct creating a high probability of great bodily harm) [948.02(2)(c)]
42. Failure by a person responsible for the welfare of a child to prevent sexual assault of the child [948.02(3)]
43. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]
44. Causing mental harm to a child; failure by a person responsible for the welfare of a child to prevent mental harm to the child [948.04]
45. Sexual exploitation of a child [948.05]
46. Causing a child under the age of 13 to view or listen to sexual activity [948.055(2)(a)]
47. Child sex offender working with children [948.13(2)]
48. Interference with custody of a child with intent to deprive the custodian of custody rights; concealing a child [948.31(1)(b)&(3)]
49. Manufacture, distribution or delivery of cocaine or cocaine base, more than one gram but less than five grams [961.41(1)(cm)1r.]
50. Manufacture, distribution or delivery of heroin, three grams or less [961.41(1)(d)1.]
51. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1)(e)1.]
52. Manufacture, distribution or delivery of lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1)(f)2.]
53. Manufacture, distribution or delivery of psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1)(g)2.]
54. Manufacture, distribution or delivery of THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but not more than 200 plants containing THC [961.41(1)(h)4.]
55. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1)(hm)1.]
56. Manufacture, distribution or delivery of flunitrazepam three grams or less [961.41(1)(im)1.]
57. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than one gram but not more than five grams [961.41(1m)(cm)1r.]
58. Possession with intent to manufacture, distribute or deliver heroin, three grams or less [961.41(1m)(d)1.]
59. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1m)(e)1.]
60. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1m)(f)2.]
61. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1m)(g)2.]

Class F Felonies (continued)

62. Possession with intent to manufacture, distribute or delivery THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but less than 200 plants containing THC [961.41(1m)(h)4.]
63. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1m)(hm)1.]
64. Possession with intent to manufacture, distribute or deliver flunitrazepam, three grams or less [961.41(1m)(im)1.]
65. Possession of any amount of piperidine [961.41(1n)(c)]
66. Possession or disposal of waste from manufacture of methamphetamine, second or subsequent offense [961.437(4)(b)]
67. Use of a person who is 17 years of age or under for the purpose of the manufacture, distribution or delivery of a controlled substance [961.455(1)]

Class G Felonies

1. Illegal use of food stamps with a value of \$5,000 or more [49.795(8)(c)]
2. Illegal intent to secure public assistance if the value exceeds \$10,000 [49.95(1)(f)]
3. Intentional destruction of a PECFA record [101.143(10)(b)]
4. Death by providing alcoholic beverages to a minor [125.075(2)(b)]
5. Use or manufacturing of counterfeit cigarette stamps [139.44(1)]
6. Tampering with cigarette meter [139.44(1m)]
7. Violation of fireworks manufacturing licensure requirement [167.10(9)(g)]
8. Willful violation of fraudulent and practices statutes under state franchise investment law [553.52(1)]
9. Fraud in connection with the offer or sale of any franchise [553.52(2)]
10. Homicide resulting from negligent control of a vicious animal [940.07]
11. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]
12. Homicide by negligent operation of a vehicle [940.10]
13. Hiding a corpse [940.11(2)]
14. Third-degree sexual assault [940.225(3)]
15. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]
16. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]
17. Felony intimidation of a witness [940.43]
18. Felony intimidation of a victim [940.45]
19. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]
20. Possession of a firearm by certain persons [941.29(2)]
21. Second-degree recklessly endangering safety [941.30(2)]
22. Theft (if the value of the property exceeds \$10,000) [943.20(3)(c)]
23. Theft from the person of another or a corpse [943.20(3)(e)]
24. Receiving stolen property (if the value of the property exceeds \$10,000) [943.34(1)(c)]
25. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$10,000 within a period not exceeding six months) [943.41(8)(c)]
26. Retail theft (if the value of the merchandise exceeds \$10,000) [943.50(4)(c)]
27. Absconding after being adjudicated delinquent for a Class G felony [946.50(5h)]
28. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]
29. Abandonment of a child [948.20]
30. Hazing (if the act results in the death of another) [948.51(3)(c)]
31. Discharging or attempting to discharge a firearm in a school zone [948.605(3)(a)]
32. Receiving stolen property from a child (if the value of the property exceeds \$5,000) [948.62(1)(c)]
33. Manufacture, distribution or delivery of cocaine or cocaine base one gram or less [961.41(1)(cm)1g.]
34. Manufacture, distribution or delivery of lysergic acid diethylamide, one gram or less [961.41(1)(f)1.]

Class G Felonies (continued)

35. Manufacture, distribution or delivery of psilocin or psilocylin, one hundred grams or less [961.41(1)(g)1.]
36. Manufacture, distribution or delivery of THC, more than 1,000 grams but not more than 2,500 grams, or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1)(h)3.]
37. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, one gram or less [961.41(1m)(cm)1g.]
38. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, one gram or less [961.41(1m)(f)1.]
39. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, one hundred grams or less [961.41(1m)(g)1.]
40. Possession with intent to manufacture, distribute or deliver THC, more than 1,000 grams but not more than 2,500 grams or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1m)(h)3.]
41. Drug paraphernalia delivery or possession with intent to deliver, by any person age 17 or older, to any person 17 years or younger for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine [961.575(3)]

Class H Felonies

1. Criminal violations of lobby law statutes [13.69(6m)]
2. Causing death or injury by interfering with all-terrain vehicle route or trail sign standard [23.33(13)(cg)]
3. Intentionally setting fires to land of another or a marsh [26.14(8)]
4. Failure to render aid in a boating accident that involves the death of a person [30.80(2g)(d)]
5. Falsifying boat certificate or title, or altering hull or engine serial numbers [30.80(3m)]
6. Committing a fraudulent act in connection with providing items or services under W-2 [49.141(7)(a)]
7. Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(a)]
8. Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(b)]
9. Improper charging by a provider for W-2 services [49.141(10)(b)]
10. Removal, deposit or concealment of property or aiding in the removal, deposit or concealment of any property with intent to evade or defeat the assessment or collection of any debt under the Aid to Families with Dependent Children and Wisconsin Works programs [49.195(3n)(k)]
11. Committing a fraudulent act in connection with providing items or services under medical assistance [49.49(1)(b)1.]
12. Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(a)]
13. Offering or paying a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(b)]
14. Fraudulent certification of qualified medical assistance facilities [49.49(3)]
15. Improper charging by a provider for medical assistance services [49.49(3m)(b)]
16. Improper charging by a facility for medical assistance services [49.49(4)(b)]
17. Violation of a rule relating to prescription drug assistance for elderly persons [49.688(9)(b)]
18. Illegal use of food stamps with a value over \$100, but is less than \$5,000, second and subsequent offenses [49.795(8)(b)2.]
19. Illegal intent to secure public assistance if the value exceeds \$5,000 but does not exceed \$10,000 [49.95(1)(e)]
20. False statement related to emergency mental health detentions [51.15(12)]
21. False statement related to protective services placements [55.06(11)(am)]
22. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000 [66.1207(1)(c)]
23. False income tax return; fraud [71.83(2)(b)1.]

Class H Felonies (continued)

24. Officer of a corporation; false franchise or income tax return [71.83(2)(b)2.]
25. Fraudulent claim for tax credit [71.83(2)(b)4.]
26. Tampering with road signs if the tampering results in the death of a person [86.192(4)]
27. Use of meat from dead or diseased animals [97.43(4)]
28. Violation of horsemeat labeling requirements [97.45(2)]
29. Knowingly making a false statement in an application for a certificate of title for a mobile home [101.9204(2)]
30. False statement related to aircraft registration [114.20(18)(c)]
31. Injury by providing alcohol beverages to a minor [125.075(2)(a)]
32. Impersonating an agent, inspector or employee of DOR or DOJ in commission of a crime [125.105(2)(b)]
33. Trafficking in counterfeit trademarks and other commercial marks with intent to deceive [132.20(2)]
34. Unlawful contracts or conspiracies in restraint of trade or commerce [133.03(1)]
35. Monopolization of any part of trade or commerce [133.03(2)]
36. Fraudulent issuance or use of warehouse receipts or bills of lading [134.20(1)(intro)]
37. Issuance of warehouse receipts without entering item into register with intent to defraud [134.205(4)]
38. Possessing a schedule I or II controlled substance or ketamine or flunitrazepam not bearing drug tax stamp [139.95(2)]
39. Sale of human organs for transplantation prohibited [146.345(3)]
40. Female genital mutilation [146.35(5)]
41. Filing of false 911 report [146.70(10)(a)]
42. False statement related to a motor vehicle salvage dealer license [218.21(7)]
43. Theft by bank employee or officer [221.0636(2)]
44. Violation of statutes related to the Women, Infant and Children program, second or subsequent violation [253.06(4)(b)]
45. Transportation of hazardous waste to an unlicensed facility or site, and storage, treatment, transportation or disposal of any hazardous waste without a license [291.97(2)(b) (intro)]
46. Failure to comply with sex offender registration requirements (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(a)1.]
47. Failure to comply with sex offender registration requirements, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(6)(a)2.]
48. Criminal violations of restrictions on sex registrants establishing or changing residence (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(ag)1.]
49. Criminal violations of restrictions on sex registrants establishing or changing residence, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(a)(ag)2.]
50. Prohibition on sex offender name changes (excludes certain sex registrants convicted of sexually motivated misdemeanors) [301.47(3)(a)]
51. Unlawful transfer of license plates, insert tag, decal or other evidence of registration or the transfer of counterfeit, forged or fictitious license plates, insert tag, decal or other evidence of registration [341.605(3)]
52. False statement in an application for a vehicle title [342.06(2)]
53. Failing to obtain title for salvage vehicle, with intent to defraud [342.065(4)(b)]
54. Violation of mileage disclosure requirements with intent to defraud [342.155(4)(b)]
55. Transfers of leased vehicles, with intent to defraud [342.156(6)(b)]
56. Alteration of vehicle identification number [342.30(3)(a)]
57. Counterfeiting and unlawful possession of certificate of title [342.32(3)]
58. Fleeing an officer resulting in bodily harm, or damage to property [346.17(3)(b)]
59. Operating a motor vehicle under the influence of an intoxicant or other drug, five or more violations [346.65(2)(e)]
60. Causing death or injury by interfering with snowmobile route or trail sign or standard [350.11(2m)]

Class H Felonies (continued)

61. Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes [450.11(9)(b)]
62. Illegal delivery of poisons [450.14(5)]
63. Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant [450.15(2)]
64. Willful violation of securities law [551.58(1)]
65. Willful violation of corporate take-over laws [552.19(1)]
66. Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities [562.13(4)]
67. Willful violation or failure to comply with statutes or false statements related to employee welfare funds [641.19(4)(a)]
68. Willful and unlawful use of employee welfare funds [641.19(4)(b)]
69. Failure or neglect to respond to a writ of mandamus [783.07]
70. Solicitation to commit a felony (other than a Class A or Class E felony) [939.30(1)]
71. Abortion ("feticide") by a person other than the pregnant woman [940.04(1)]
72. Assisting suicide [940.12]
73. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)&(6)]
74. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195 (4)&(6)]
75. Battery by prisoners [940.20(1)]
76. Battery to law enforcement officers and fire fighters [940.20(2)]
77. Battery to probation and parole agents and aftercare agents [940.20(2m)]
78. Battery to jurors [940.20(3)]
79. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]
80. Battery or threat to witnesses [940.201]
81. Battery or threat to a judge [940.203]
82. Battery or threat to a Department of Revenue employee [940.205]
83. Battery or threat to a Department of Commerce or Department of Workforce Development employee [940.207]
84. Intentional abuse of vulnerable adults under circumstances that cause bodily harm [940.285(2)(b)2]
85. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]
86. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]
87. False imprisonment [940.30]
88. Stalking (if the defendant intentionally gains access to certain records in order to facilitate the violation or if the defendant has a prior stalking or harassment conviction) [940.32(2m)]
89. Unsafe burning of buildings [941.11]
90. Endangering safety by intentionally pointing a firearm at a law enforcement officer, fire fighter, emergency medical technician [941.20(lm)]
91. Disarming a peace officer [941.21]
92. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]
93. Sale or commercial transportation of a tear gas device [941.26(2)(e)]
94. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]
95. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]
96. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]

Class H Felonies (continued)

97. Selling, transporting or possessing a short-barreled shotgun or rifle [941.28]
98. Selling, manufacturing or possessing an electric weapon [941.295]
99. Using or possessing a handgun with armor-piercing bullets during the commission of certain crimes [941.296]
100. Selling, delivering or possessing a firearm silencer [941.298]
101. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised explosive device [941.31(2)]
102. Unlawful delivery or distribution of nitrous oxide [941.315(3)]
103. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]
104. Arson with intent to defraud [943.04]
105. Possession, manufacture or transfer of a fire bomb [943.06]
106. Theft (if the value of the property exceeds \$5,000 but does not exceed \$10,000) [943.20(3)(bm)]
107. Theft (under certain circumstances) [943.20(3)(d)]
108. Unauthorized use of an individual's personal identifying information or documents [943.201(2)]
109. Unauthorized use of an entity's identifying information or documents [943.203(2)]
110. Unlawful transfer of recorded sounds if involving at least 1,000 recordings or if the transferred sounds are replayed by others from the Internet at least 1,000 times during a 180-day period or after the person has been convicted of such unlawful transfer [943.207(3m)(c)]
111. Recording performance without consent of performance owner if involving at least 1,000 sound recordings or 100 audiovisual recordings during a 180-day period or after the person has been convicted of such recording [943.208(2)(c)]
112. Failure to disclose manufacturer of a recording if involving at least 100 recordings during a 180-day period or after the person has been convicted of failure to disclose the manufacturer of a recording [943.209(2)(c)]
113. Taking and driving a motor vehicle without the owner's consent [943.23(2)]
114. Threats to injure or accuse of a crime (extortion) [943.30]
115. Receiving stolen property (if the value exceeds \$5,000 but does not exceed \$10,000) [943.34(1)(bm)]
116. Forgery of certain documents; uttering certain forged documents [943.38(1)&(2)]
117. Fraudulent writings [943.39]
118. Fraudulent destruction of certain writings [943.40]
119. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000 within a period not exceeding six months) [943.41(8)(c)]
120. Retail theft (if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000) [943.50(4)(bm)]
121. Criminal slander of title [943.60]
122. Theft of library material (if the value of the library materials exceeds \$2,500) [943.61(5)(c)]
123. Crime against computers (if the damage is greater than \$2,500 to the computer, computer system computer network, equipment or supplies) [943.70(3)(b)3]
124. Unauthorized release of animals lawfully confined without consent [943.75(2m)]
125. Infecting animals with a contagious disease (threat) [943.76(4)]
126. Obscene material or performance (if the person has two or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material) [944.21(5)(c)&(e)]
127. Soliciting prostitutes [944.32]
128. Keeping a place of prostitution [944.34]
129. Bribery of a participant in a contest [945.08]
130. Bribery of public officers and employees [946.10]
131. Perjury [946.31]
132. False swearing [946.32(1)]
133. Obstructing an officer (by giving or providing information or evidence that results in the conviction of innocent person) [946.41(2m)]
134. Felony escape [946.42(3)]

Class H Felonies (continued)

135. Felony failure to report to jail [946.425(1), (1m)(b)&(1r)(b)]
136. Assisting or permitting escape [946.44(1)]
137. False information regarding kidnapped or missing persons [946.48]
138. Felony bail jumping [946.49(1)(b)]
139. Absconding after being adjudicated delinquent for a Class H felony [946.50(5p)]
140. Bribery of a witness [946.61]
141. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process) [946.68(1r)(b)&(c)]
142. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime [946.70(2)]
143. Tampering with public records [946.72(1)]
144. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution) [946.74(2)]
145. False statements to financial institutions [946.79(2)]
146. Harassment (if defendant has a prior conviction for certain offenses or intentionally gains access to certain records in order to facilitate the violation) [947.013(1v)&(1x)]
147. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]
148. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]
149. Failing to act to prevent bodily harm to a child [948.03(4)(b)]
150. Causing a child between the ages of 13 and 17 to view or listen to sexual activity [948.055(2)(b)]
151. Sexual assault of a student by a school instructional staff person [948.095]
152. Unauthorized placement for adoption [948.24]
153. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony) [948.40(4)(b)]
154. Hazing (if the act results in great bodily harm) [948.51(3)(b)]
155. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age discharges the firearm and the discharge causes death of any person) [948.60(2)(c)]
156. Receiving stolen property from a child (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [948.62(1)(bm)]
157. Instigating fights between animals (second or subsequent violation) [951.18(2)]
158. Harassment of police or fire department animals (causing death to the animal) [951.18(2m)]
159. Manufacture, distribution or delivery of any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II [961.41(1)(b)]
160. Manufacture, distribution or delivery of THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1)(h)2.]
161. Manufacture, distribution or delivery of a substance included in schedule IV, except flunitrazepam [961.41(1)(i)]
162. Possession with intent to manufacture, distribute or deliver any other controlled substance included in schedule I, II or III, or a controlled substance analog of a controlled substance included in schedule I or II [961.41(1m)(b)]
163. Possession with intent to manufacture, distribute or deliver THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1m)(h)2.]
164. Possession with intent to manufacture, distribute or deliver a substance included in schedule IV, except flunitrazepam [961.41(1m)(i)]
165. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, any other counterfeit substance included in schedule I, II, III or IV [961.41(2)(b)]
166. Possession or attempted possession of gamma-hydroxybutyric acid (GHB), gamma-butyrolactone, ketamine or flunitrazepam [961.41(3g)(f)]

Class H Felonies (continued)

167. Acquire or obtain a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge [961.43(2)]
168. Possession or disposal of waste from manufacture of methamphetamine, first offense [961.437(4)(a)]
169. Use of, or possession with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine [961.573(3)]
170. Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack or store methamphetamine or an analog of methamphetamine [961.574(3)]
171. Illegal interception and disclosure of wire, electronic or oral communications [968.31(1)(intro)]
172. Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury [968.43(3)]

Class I Felonies

1. Criminal violations of campaign finance statutes [11.61(1)(a) and (b)]
2. Criminal violations of elections statutes [12.60(1)(a)]
3. Logrolling by members of the Legislature prohibited [13.05]
4. Granting of executive favor by members of the Legislature prohibited [13.06]
5. Political influence violations of conduct standards and ethics codes for state and local public officials [19.58(1)(b)]
6. Possession of fish with a value exceeding \$1,000 in violation of statutes [29.971(1)(c)]
7. Possession of clams with a value exceeding \$1,000 in violation of statutes [29.971(1m)(c)]
8. Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm [30.80(2g)(c)]
9. Improper release of mines and explored mine land information by employees of the Geological and Natural History Survey or Department of Revenue [36.25(6)(d)]
10. Employment discrimination against an individual to a levy associated with aids to families with dependent children or Wisconsin Works programs. [49.195(3n)(r)]
11. Illegal use of food stamps with a value over \$100, but is less than \$5,000, first offense [49.795(8)(a)2.]
12. Illegal intent to secure public assistance if the value exceeds \$2,000 but does not exceed \$5,000 [49.95(1)(d)]
13. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000 [66.1207(1)(b)]
14. Fraudulent or destroyed vital statistical record [69.24(1)(intro)]
15. Tampering with records of the Board of Review with intent to injure or defraud [70.47(18)(a)]
16. Income tax evasion [71.83(2)(b)3.]
17. Intentional violation of prize notification laws [100.171(7)(b)]
18. Violation of commission merchant duties and responsibilities [100.26(2)]
19. Illegal handling and storage of anhydrous ammonia [101.10(4)(b)]
20. Intent to evade collection of uninsured employer levies under the worker's compensation law [102.835(11)]
21. Violation of an order to cease operation because of a lack of worker's compensation insurance [102.85(3)]
22. Evading collection of unemployment compensation levies under employment compensation law [108.225(11)]
23. Receiving money or other considerations for providing false proof of age [125.085(3)(a)2.]
24. Unauthorized use of armed persons to protect persons or property or to suppress strikes [134.58]
25. Unlawful possession of cigarettes if the number exceeds 36,000 [139.44(8)(c)]
26. Knowing and willful failure to report release of a hazardous substance, first offense [166.20(11)(b)1.]
27. Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses [166.20(11)(b)2.]

Class I Felonies (continued)

28. Filing of a false document with DFI, business corporation [180.0129(2)]
29. Filing of a false document with DFI, nonstock corporations [181.0129(2)]
30. Filing of a false document with DFI, cooperatives [185.825]
31. Illegal disclosure of information by employees of the Office of Credit Unions [186.235(7)(c)]
32. Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation [201.09(2)]
33. Illegal disclosure of information by employees of the Division of Savings and Loans [215.02(6)(b)]
34. Giving or accepting money for loans, savings and loans [215.21(21)]
35. Illegal disclosure of information by employees of the Division of Banking [220.06(2)]
36. Illegal commission to bank office and employees [221.0637(2)]
37. Violation of statutes related to the Women, Infant and Children Program, first violation [253.06(4)(b)]
38. Intentional violations of air pollution statutes and rules, second and subsequent convictions [285.87(2)(b)]
39. Second or subsequent violation of hazardous waste handling reporting requirements [291.97(2)(c)1.]
40. False statement to DNR related to used oil facilities, second or subsequent violations [299.53(4)(c)2.]
41. Illegal delivery of articles to inmates by prison or jail employees [302.095(2)]
42. Fleeing an officer [346.17(3)(a)]
43. Negligent use of a vehicle causing great bodily harm [346.65(5)]
44. Violation of Dental Examining Board statutes, second or subsequent offenses [447.09]
45. Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud [562.13(3)]
46. Forged or altered lottery ticket [565.50(2)]
47. Intentional violation of any insurance statute or rule [601.64(4)]
48. Intentional violation of an injunction ordering a respondent to strictly comply with a judgment or order related to a physical placement [767.242(8)]
49. Solicitation to commit a Class I felony [939.30(2)]
50. Violation of conditions of lifetime supervision (if the violation also constitutes a felony) [939.615(7)(b)2]
51. Abortion by a pregnant woman [940.04(4)]
52. Abortion (various prohibitions) [940.15]
53. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)]
54. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)]
55. Battery by a person subject to certain injunctions [940.20(1m)]
56. Battery to public officers [940.20(4)]
57. Battery to a technical college district or school district officer or employee [940.20(5)]
58. Battery to a public transit vehicle operator or passenger [940.20(6)]
59. Injury by negligent handling of a dangerous weapon, explosives or fire [940.24]
60. Abuse of vulnerable adults (reckless or negligent maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]
61. Intentional abuse of vulnerable adults under circumstances that are likely to cause bodily harm [940.285(2)(b)2]
62. Abuse of residents of penal facilities [940.29]
63. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]
64. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]
65. Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) [940.32(2)&(2e)]
66. Interfering with fire fighters or a fire alarm system [941.12(1)]

Class I Felonies (continued)

67. Placing foreign objects in edibles [941.325]
68. Tampering with household products [941.327(2)(b)1]
69. False information concerning an act that constitutes tampering with household products [941.327(3)]
70. Obstructing emergency or medical personnel with reasonable grounds to believe that the interference may endanger another's safety [941.37]
71. Throwing or discharging bodily fluids at public safety workers [941.375(2)]
72. Soliciting a child to participate in criminal gang activity [941.38(2)]
73. Unlawful visual representations of nudity [942.09]
74. Damage to certain property [943.01(2)]
75. Criminal damage to plant research and development [943.01(2d)]
76. Criminal damage to certain coin-operated or card-operated machines with intent to commit theft [943.01(2g)]
77. Damage or threat to damage property of a witness [943.011(2)]
78. Criminal damage to or graffiti on religious and other property [943.012]
79. Criminal damage to property of a judge [943.013(2)]
80. Criminal damage to property of a Department of Revenue employee [943.015]
81. Graffiti to certain property [943.017(2)]
82. Graffiti to property of a witness [943.017(2m)(b)]
83. Arson of property other than a building [943.03]
84. Possession of burglarious tools [943.12]
85. Theft (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [943.20(3)(bf)]
86. Theft of trade secrets [943.205]
87. Unauthorized transfer of recorded sounds if fewer than 1,000 records during a 180-day period and the value exceeds \$2,500 [943.207(3m)(b)]
88. Recording performance without consent of performance owner if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value exceeds \$2,500 [943.208(2)(b)]
89. Failure to disclose manufacturer of recording if fewer than 100 recordings during a 180-day period and the value exceeds \$2,500 [943.209(2)(b)]
90. Fraud on a hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$2,500) [943.21(3)(b)]
91. Operating a vehicle without owner's consent [943.23(3)]
92. Removing a major part of a vehicle without owner's consent [943.23(5)]
93. Issuing worthless checks for more than \$2,500 [943.24(2)]
94. Transfer of encumbered property [943.25]
95. Removing or damaging encumbered real property (if the security is impaired by more than \$1,000) [943.26(2)]
96. Possession of records of certain usurious loans [943.27]
97. Threats to communicate derogatory information [943.31]
98. Receiving stolen property (if the value exceeds \$2,500 but does not exceed \$5,000) [943.34(1)(bf)]
99. Fraudulent insurance or employee benefit claim (if the value of the claim or benefit exceeds \$2,500) [943.395(2)(b)]
100. Certain financial transaction card crimes [943.41(8)(b)]
101. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500 but does not exceed \$5,000 within a period not exceeding six months) [943.41(8)(c)]
102. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.45(3)(d)]
103. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.455(4)(d)]
104. Theft of cable television service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.46(4)(d)]

Class I Felonies (continued)

105. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.47(3)(d)]
106. Use of recording device in a movie theatre without written consent (second or subsequent offense) [943.49(2)(b)2]
107. Retail theft (if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000) [943.50(4)(bf)]
108. Computer crime (if the offense is committed to defraud or to obtain property) [943.70(2)(b)2 &(3)(b)2]
109. Unauthorized release of animals (third or subsequent violation) [943.75]
110. Bigamy [944.05]
111. Adultery [944.16]
112. Commercial gambling except if violation involves five or less video gambling machines in a tavern [945.03(1m)]
113. Dealing in gambling devices, except if the violation involves a video gambling machine [945.05(1)]
114. Permitting seditious assembly [946.03(2)]
115. Special privileges from public utilities [946.11]
116. Misconduct in public office [946.12]
117. Private interest in public contracts [946.13]
118. Purchasing claims at less than full value [946.14]
119. Public construction contracts at less than full rate [946.15(1)&(3)]
120. Failure to comply with an officer's attempt to take person into custody [946.415]
121. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]
122. Harboring or aiding felons [946.47]
123. Bail jumping by a witness [946.49(2)]
124. Absconding after being adjudicated delinquent for a Class I felony [946.50(5t)]
125. Destruction of documents subject to subpoena [946.60]
126. Communicating with jurors [946.64]
127. Obstructing justice [946.65]
128. Simulating legal process [946.68(1r)(a)]
129. Falsely assuming to act as a public officer or employee [946.69]
130. Premature disclosure of search warrant [946.76]
131. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) [947.013(1t)]
132. Bomb scares [947.015]
133. Threats to release chemical, biological, or radioactive substances [947.017(2)]
134. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]
135. Exposing a child to harmful material [948.11(2)(a)]
136. Exposing a child to harmful narratives or descriptions [948.11(2)(am)]
137. Possession of child pornography [948.12]
138. Failure to support (for 120 or more consecutive days) [948.22(2)]
139. Concealing death of child [948.23]
140. Interference with custody of a child [948.31(2)]
141. Giving a dangerous weapon to a person under 18 years of age [948.60(2)(b)]
142. Possession of a gun in a gun free school zone [948.605(2)]
143. Possession of a dangerous weapon on school premises (second or subsequent conviction) [948.61(2)(b)]
144. Receiving stolen property from a child (if the value exceeds \$500 but is less than \$2,500) [948.62(1)(b)]
145. Mistreating an animal (if the mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured) [951.18(1)]
146. Instigating fights between animals (first offense) [951.18(2)]
147. Harassment of a police or fire department animal and causing injury to the animal [951.18(2m)]

Class I Felonies (continued)

148. Manufacture, distribution or delivery of THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1)(h)1.]
149. Manufacture, distribution or delivery of a substance included in schedule V [961.41(1)(j)]
150. Possession with intent to manufacture, distribute or deliver THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1m)(h)1.]
151. Possession with intent to manufacture, distribute or deliver a substance included in schedule V [961.41(1m)(j)]
152. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule V [961.41(2)(d)]
153. Possession of a narcotic included in schedule I or II [961.41(3g)(am)]
154. Possession or attempted possession of cocaine or cocaine base, second or subsequent offense [961.41(3g)(c)]
155. Possession or attempted possession of lysergic acid diethylaminde, phencyclidine, amphetamine, methcathinone, psilocin or psilocylin, second or subsequent offense [961.41(3g)(d)]
156. Possession or attempted possession of methamphetamine or a controlled substance analog of methamphetamine [961.41(3g)(g)]
157. Possession or attempted possession of THC, second or subsequent offense [961.41(3g)(e)]
158. Distribution or delivery of imitation controlled substance [961.41(4)(am)3.]
159. Keeping of a drug house [961.42(2)]
160. False statement to qualify for assignment of a Public Defender [977.06(2)(b)]

Unclassified Felonies

1. Intentional disclosure of confidential mental health records for pecuniary gain [51.30(10)(bm)]
2. Intentional disclosure of confidential health care records for pecuniary gain, on or after May 6, 2000 [146.84(2)(c)]
3. Intentional disclosure of confidential blood test results for pecuniary gain, on or after May 6, 2000 [252.15(9)]

APPENDIX IV

**Offenses Included Under "Three Strikes" Law, "Two Strikes" Law,
Parole Eligibility and Mandatory Release**

OFFENSE	"Three Strikes" 939.62(2m)(b)1	"Two Strikes" 939.62(2m)(b)2	Parole Eligibility 973.0135	Mandatory Release 302.11(1g)
First-degree intentional homicide	x		x	
First-degree reckless homicide	x		x	x
Felony murder (20 yrs in addition)	x		x	x
Second-degree intentional homicide	x		x	x
Homicide by intoxicated use of a vehicle	x		x	x
Partial birth abortion	x		x	
Great bodily harm with intent to cause great bodily harm (Battery-Aggravated)	x		x	x
Battery to an unborn child causing great bodily harm to an unborn child with intent to cause great bodily harm	x		x	x
Mayhem	x		x	x
First-degree sexual assault	x		x	x
Second-degree sexual assault	x		x	x
Hostage taking	x		x	
Hostage taking with hostages released without bodily harm	x		x	x
Kidnapping (except not subject to mandatory release if a Class A felony)	x	x	x	x
Product tampering with intent to kill, injure or endanger safety or health, or injure or damage business which results in death	x		x	
Arson of building	x		x	x
Damage of property by explosives	x		x	x
Armed burglary	x		x	x
Carjacking	x		x	x
Carjacking with great bodily harm	x		x	x
Carjacking with death	x		x	
Armed robbery	x		x	x
Assaults by prisoners	x		x	x
First-degree sexual assault of a child (under 13 yrs. old)	x	x	x	x
Second-degree sexual assault of a child (13-16 years old)	x	x	x	x
Failure to act to prevent sexual assault of a child		x		
Engaging in repeated sexual assault of the same child	x	x	x	x

OFFENSE	"Three Strikes" 939.62(2m)(b)1	"Two Strikes" 939.62(2m)(b)2	Parole Eligibility 973.0135	Mandatory Release 302.11(1g)
Bodily harm to a child • Great bodily harm • Bodily harm by conduct with high probability of great bodily harm	x x		x x	x x
Sexual exploitation of a child	x	x	x	x
Causing a child to view or listen to sexual activity		x		
Incest with a child	x	x	x	x
Child enticement	x	x	x	x
Using a computer to facilitate a child sex crime	x		x	
Soliciting a child for prostitution	x	x	x	x
Sexual assault of a student by a school instructional staff person		x		
Abduction of another's child by force	x	x	x	x
Abduction of another's child without force		x		
Solicitation of a child to commit a Class A felony	x		x	x
Solicitation of a child to commit a Class B felony	x		x	x
Use of a child to commit a Class A felony	x		x	x
Solicitation, conspiracy or attempt to commit Class A felony	x		x	x
Manufacturing or delivery of a controlled substance that is a Class A, B, or C felony or, if the felony was committed before February 1, 2003, that is or was punishable by a maximum prison term of 30 or more years	x		x	x
Possession with intent to manufacture or deliver a controlled substance that is a Class A, B, or C felony or, if the felony was committed before February 1, 2003, that is or was punishable by a maximum prison term of 30 or more years	x		x	x
Conspiracy to manufacture or deliver, or conspiracy to possess with intent to manufacture or deliver a controlled substance that is a Class A, B, or C felony or, if the felony was committed before February 1, 2003, that is or was punishable by a maximum prison term of 30 or more years	x		x	x
Crime under federal law or the law of another state that is substantially similar	x	x	x	
Prior Wisconsin law that is comparable to current law	x	x	x	