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LRB-5120/1 MJW:emw

## 2023 ASSEMBLY BILL 727

December 6, 2023 - Introduced by Representatives Riemer, Sinicki, C. Anderson, Bare, Conley, Considine, Emerson, Jacobson, Joers, Moore Omokunde, Ohnstad, Ratcliff, Shelton, Stubbs, Palmeri, Haywood and Neubauer, cosponsored by Senators Hesselbein, L. Johnson, Carpenter and Spreitzer. Referred to Committee on Criminal Justice and Public Safety.

- 1 AN ACT to amend 973.017 (2) (b); and to create 973.017 (8m) of the statutes;
- 2 **relating to:** considering post-traumatic stress disorder as a mitigating factor
- 3 in sentencing certain criminal offenders.

## Analysis by the Legislative Reference Bureau

Under current law, when a court makes a sentencing decision concerning a person convicted of a criminal offense, the court must consider the protection of the public, the gravity of the offense, the rehabilitative needs of the defendant, and any applicable mitigating factors or aggravating factors to the crime. This bill creates a new mitigating factor. Under this bill, when a court makes a sentencing decision concerning a person who is a military veteran and has been diagnosed as suffering from post-traumatic stress disorder resulting from the person's military service, the court may consider that diagnosis as a mitigating factor.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

**Section 1.** 973.017 (2) (b) of the statutes is amended to read:

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|                                                                                    | 973.017 | <b>(2)</b> | (b)   | Any    | applicable     | mitigating     | factors    | and | any | applicable |
|------------------------------------------------------------------------------------|---------|------------|-------|--------|----------------|----------------|------------|-----|-----|------------|
| aggravating factors, including the mitigating and aggravating factors specified in |         |            |       |        |                |                |            |     |     |            |
| subs. (3) to (8) (8m).                                                             |         |            |       |        |                |                |            |     |     |            |
|                                                                                    | SECTION | 2. 9       | 973.0 | 17 (8m | n) of the stat | cutes is creat | ted to rea | ad: |     |            |

973.017 (8m) MITIGATING FACTORS; OFFENSES COMMITTED BY A VETERAN. (a) In this subsection, "veteran" means a person who served in the U.S. armed forces or in

forces incorporated as part of the U.S. armed forces.

(b) When making a sentencing decision concerning a person who is a veteran, the court may consider as a mitigating factor that the person has been diagnosed as suffering from post-traumatic stress disorder resulting from his or her military service.

## SECTION 3. Initial applicability.

(1) This act first applies to offenses committed on the effective date of this subsection.

15 (END)