



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 1

TO: MEMBERS OF THE SPECIAL COMMITTEE ON CRIMINAL JUSTICE FUNDING AND STRATEGIES

FROM: Anne Sappenfield, Senior Staff Attorney, and Katie Bender-Olson, Staff Attorney

RE: Joint Review Committee on Criminal Penalties

DATE: September 20, 2010

This Memo describes the current law relating to the Joint Review Committee on Criminal Penalties. The Joint Review Committee on Criminal Penalties was created in 2001 Wisconsin Act 109 to review legislation relating to crimes. Act 109 also created Wisconsin's current sentencing structure, which is commonly referred to as "truth in sentencing."

A copy of the statute establishing the committee is enclosed.

Membership

The membership of the Joint Review Committee on Criminal Penalties consists of one Senator and one Representative from each party, the Attorney General or his or her designee, the Secretary of Corrections or his or her designee, the State Public Defender or his or her designee, two reserve judges appointed by the Supreme Court, a public member with law enforcement experience appointed by the Governor, and an elected county official appointed by the Governor. [s. 13.525 (1), Stats.] The Senator and Representative from the majority party serve as co-chairs for the committee. [s. 13.525 (2), Stats.]

Review of and Reports on Legislation

The Joint Review Committee on Criminal Penalties prepares a report on bills that create a new crime or revise the penalty for an existing crime. However, the committee only generates such a report if a report is requested. Also, current law does not require reports for amendments that create or revise a criminal penalty. A report may be requested by one of three people. The chairperson of a legislative standing committee to which a crime-related bill is referred may request a report. If the bill is introduced in the Assembly but is not referred to a standing committee, the Speaker of the Assembly

may request a report. Finally, if the bill is introduced in the Senate but is not referred to a standing committee, the presiding officer of the Senate may request a report. [s. 13.525 (5) (a), Stats.]

After a report is requested, the Joint Review Committee on Criminal Penalties may hold hearings to gather information. [s. 13.525 (6), Stats.] The committee then prepares a report addressing four specific items:

- Costs likely to be incurred or saved by state and local government agencies, the courts, the public defender, and district attorneys if the bill is enacted.
- Consistency of the proposed criminal penalties with existing penalties.
- Whether language must be added or changed to conform the proposed penalties to penalties in existing criminal statutes.
- Whether acts prohibited under the bill are prohibited under existing criminal statutes.

[s. 13.525 (5) (b), Stats.]

After completing its work, the Joint Review Committee issues a report and the report is attached to the bill as an appendix. [s. 13.525 (5) (c), Stats.]

After a report is requested, the standing committee to which a bill was referred may not recommend passage of the bill until the Joint Review Committee submits its report, or until 30 days have passed, whichever is earlier. Similarly, the Senate or Assembly may not pass the bill until the Joint Review Committee submits its report, or until 30 days have passed. [s. 13.525 (5) (d), Stats.]

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Enclosure