



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1918/1  
CMH:ahe

## 2017 ASSEMBLY BILL 91

February 24, 2017 - Introduced by Representatives SANFELIPPO, KLEEFISCH, JAGLER, HORLACHER, R. BROOKS, DUCHOW, TUSLER, KNODL, EDMING, OTT, KREMER, TITTL, SKOWRONSKI, SPIROS, KRUG, FIELDS and E. BROOKS, cosponsored by Senators VUKMIR, WANGGAARD, DARLING, KAPENGA, FEYEN and L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 **AN ACT** *to create* 971.368 of the statutes; **relating to:** undesignated felonies.

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***Analysis by the Legislative Reference Bureau***

Under this bill, if a person is convicted of a Class I felony, the court may refrain from designating the crime as a misdemeanor or a felony and sentence the person or place the person on probation. When the person completes the sentence or probation period, the court may then designate the crime as a Class A misdemeanor or a Class I felony. In order to do this, the court must determine all of the following: the felony was not a violent crime and did not involve a weapon, the person had not previously been convicted of a felony, the public will not be harmed by the disposition, and the felony sentence would be unduly harsh given the nature of the crime and the character of the person.

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

2 **SECTION 1.** 971.368 of the statutes is created to read:

3 **971.368 Undesignated felony.** If a defendant is convicted of a Class I felony,  
4 and the court determines that the felony was not a violent crime and did not involve  
5 a weapon; the defendant has not been previously convicted of a felony before the  
6 current conviction and has not been convicted of a crime designated under this

**ASSEMBLY BILL 91****SECTION 1**

1 section as a Class A misdemeanor; the best interests of the community will be served  
2 and the public will not be harmed by the disposition; and the sentence for a felony  
3 would be unduly harsh given the nature and the circumstances of the crime and the  
4 history and character of the defendant, the court may refrain from designating the  
5 crime as a misdemeanor or felony. The court shall impose a sentence or place the  
6 defendant on probation. When the defendant completes the sentence or period of  
7 probation, the court may order the crime designated as a Class I felony or a Class A  
8 misdemeanor. Until the court designates the crime, the defendant shall be treated  
9 as if the conviction were for a felony.

10 **SECTION 2. Initial applicability.**

11 (1) This act first applies to a conviction that occurs on the effective date of this  
12 subsection.

13 (END)