

State of Wisconsin



2011 Senate Bill 350

Date of enactment: April 9, 2012
Date of publication*: April 23, 2012

2011 WISCONSIN ACT 277

AN ACT *to renumber and amend* 939.621; and *to create* 939.621 (1) of the statutes; **relating to:** increased penalty for repeated domestic abuse offenses and providing a penalty.

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

SECTION 1. 939.621 of the statutes is renumbered 939.621 (2) and amended to read:

939.621 (2) If a person commits an act of domestic abuse, as defined in s. 968.075 (1) (a) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than 2 years if the ~~crime is committed during the 72 hours immediately following an arrest for a domestic abuse incident, as set forth in s. 968.075 (5). The 72-hour period applies whether or not there has been a waiver by the victim under s. 968.075 (5) (e)~~ person is a domestic abuse repeater. The victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the prior arrest or conviction. The penalty increase under this section changes the status of a misdemeanor to a felony.

SECTION 2. 939.621 (1) of the statutes is created to read:

939.621 (1) In this section, “domestic abuse repeater” means either of the following:

(a) A person who commits, during the 72 hours immediately following an arrest for a domestic abuse

incident as set forth in s. 968.075 (5), an act of domestic abuse, as defined in s. 968.075 (1) (a) that constitutes the commission of a crime. For the purpose of the definition under this paragraph, the 72-hour period applies whether or not there has been a waiver by the victim under s. 968.075 (5) (c).

(b) A person who was convicted, on 2 separate occasions, of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge under s. 973.055 (1) or waived a domestic abuse surcharge pursuant to s. 973.055 (4), during the 10-year period immediately prior to the commission of the crime for which the person presently is being sentenced, if the convictions remain of record and unreversed. For the purpose of the definition under this paragraph, it is immaterial that sentence was stayed, withheld or suspended, or that the person was pardoned, unless such pardon was granted on the ground of innocence. In computing the preceding 10-year period, time that the person spent in actual confinement serving a criminal sentence shall be excluded.

SECTION 3. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].