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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2649/1 PJH:kjf:rs

## **2015 SENATE BILL 414**

December 3, 2015 – Introduced by Senators WIRCH and LASSA, cosponsored by Representatives HESSELBEIN, THIESFELDT, GOYKE, MILROY, SUBECK, OHNSTAD, WACHS, SINICKI, JOHNSON, POPE, BERCEAU and SPREITZER. Referred to Committee on Judiciary and Public Safety.

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

1 AN ACT to amend 973.017 (2) (b); and to create 973.017 (8m) of the statutes;

relating to: considering post-traumatic stress disorder as a mitigating factor

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. Under current law, an offense may be aggravated by the circumstances under which the offense took place, such as delivery of a controlled substance to a prisoner or on a public transit vehicle, by the nature of the victim, such as when an elderly person is victimized, or by the nature of the offender, such as when a person who is responsible for a child's welfare commits an offense against the child.

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 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:

2015 – 2016 Legislature

## **SENATE BILL 414**

1	<b>SECTION 1.</b> 973.017 (2) (b) of the statutes is amended to read:
2	973.017 (2) (b) Any applicable mitigating factors and any applicable
3	aggravating factors, including the aggravating and mitigating factors specified in
4	subs. (3) to <del>(8)</del> <u>(8m)</u> .
5	SECTION 2. 973.017 (8m) of the statutes is created to read:
6	973.017 (8m) Mitigating factors; offenses committed by a veteran. (a) In
7	this subsection, "veteran" means a person who served in the U.S. armed forces or in
8	forces incorporated as part of the U.S. armed forces.
9	(b) When making a sentencing decision concerning a person who is a veteran,
10	the court may consider as a mitigating factor that the person has been diagnosed as
11	suffering from post-traumatic stress disorder resulting from his or her military
12	service.
13	SECTION 3. Initial applicability.
14	(1) This act first applies to offenses committed on the effective date of this
15	subsection.
16	(END)

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