

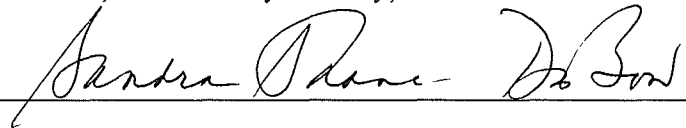
CR93-41

STATE OF WISCONSIN)
)SS
Sentencing Commission)

I, Sandra Shane-DuBow, executive director of the sentencing commission and custodian of the official records, certify that the annexed rules, relating to definitions and objectives, were duly approved and adopted by this commission on January 8, 1993.

I further certify that this copy has been compared by me with the original on file in this commission and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand as the Executive Director of the sentencing commission at 2 East Mifflin Street in the city of Madison, this 1st day of July, 1993.



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9-1-93

ORDER of the Sentencing Commission

The sentencing commission proposes an order to renumber and amend SC 1.02, relating to definitions; and to amend SC 1.01(2) relating to the objectives of the rules.

ANALYSIS PREPARED BY THE SENTENCING COMMISSION

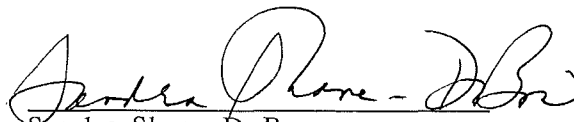
Statutory Authority: ss. 973.01(1)(b) and 227.11(2)(a), Stats.

Statutes Interpreted: ss. 973.011(2) and 973.032, Stats.

The sentencing commission is proposing to amend rules on the use of the sentencing guidelines. By proposing these amendments the commission intends to provide sentencing standards that allow for presumptive intensive sanctions and probation dispositions created in ss. 973.011(2) and 973.032(2) Stats.

This rule shall take effect on the first day of the month commencing after the date of publication.

Dated: July 1, 1993


Sandra Shane-DuBow
Executive Director
Wisconsin Sentencing Commission

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SENTENCING COMMISSION

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SC1

SECTION 1. SC 1.01(2) (intro.) is amended to read:
SC 1.01(2) (intro.) The goal of the commission is to articulate clear sentencing standards in order to enhance the exercise of judgment and decision making in criminal cases. Final discretion remains with the sentencing judge. It is the intent of the commission that these standards be useful, but not controlling, to the prosecution, defense, probation and parole, and other personnel in criminal cases. ~~By-law, the sentencing guidelines may not affect appeal practices.~~ Sentencing guidelines which recommend intensive sanctions or probation, in offense types for which intensive sanctions is a disposition option, shall be presumptive recommendations. The guidelines developed by the commission take into account the following objectives which are deemed to be appropriate considerations at sentencing:

SECTION 2. SC 1.02(4) to (7) are renumbered 1.02(5), (6), (8), (9) and SC 1.02(6), as renumbered, is amended to read:

SC 1.02(6) "Offender severity" (B scale) means a measurement of the seriousness of the offense relating to weapon use, victim harm, offense class, concealing ~~identity~~ identity, read-in charges, and value and type of contraband or drugs.

SECTION 3. SC 1.02(4) and (7) are created to read:

SC 1.02(4) "Intensive sanctions" has the meaning given it in s. 301.048 Stats.

(7) "Presumptive recommendation" means the guideline recommendation is presumed to be appropriate unless persuasive reasons exist to the contrary.

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative register as provided in s. 227.22(2) (intro.), Stats.

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