

## Chapter SC 1

## AUTHORITY AND OBJECTIVES OF RULES; DEFINITIONS

## SC 1.01 Authority and objectives of rules SC 1.02 Definitions

**SC 1.01 Authority and objectives of rules.** (1) These rules of the sentencing commission are promulgated under the authority of ss. 973.01 (1) (b), 973.011 (1) (2) (3), and 277.11, Stats., and shall apply to all actions and proceedings of the commission.

(2) 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. 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:

(a) Sentencing shall be based primarily upon the severity of the offense and the extent of the offender's prior record.

(b) Sentence length should increase in direct proportion to offense severity and the extent of the offender's prior record.

(c) A sentence of probation or another type of nonincarcerative sentence shall be the preferred sentence unless persuasive reasons including the severity of the offense and the protection of the public exist to the contrary.

(d) Similarly situated offenders should receive similar sentences and dissimilarly situated offenders should receive different sentences.

(e) Sentencing shall be neutral with respect to the race, gender, social or economic status, religious beliefs or national origin of the offender.

(f) Sentencing shall take into account the offender's potential for rehabilitation, individual circumstances, and needs.

(g) Guideline sentences and the appropriate rationale for sentencing outside the guidelines shall be developed by the commission.

(h) Sentences may depart from the guidelines due to mitigating or aggravating circumstances.

(i) Sentencing guidelines shall be revised periodically, primarily reflecting recent sentencing practices in this state to the extent sufficient data is available.

(j) The impact of the crime on the victim shall be considered in sentencing.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86; am. (2) (intro.), Register, August, 1993, No. 452, eff. 9-1-93; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, August, 1993, No. 452.

**SC 1.02 Definitions.** The following are definitions for terms used in chs. SC 1, 2, 3, 4, 5, and 6.

- (1) "Commission" means the sentencing commission.
- (2) "Guideline sentence" means probation or the sentence in range of months as indicated by locating the intersection of the offender's criminal history score and his or her offense severity score on the appropriate matrix.
- (3) "Guideline system" means the entire system developed to guide sentencing decision making, including the scoring of offenders' criminal history and offense severity, the notation of aggravating and mitigating circumstances, and the completion and submission of the guideline form.
- (4) "Intensive sanctions" has the meaning given it in s. 301.048, Stats.
- (5) "Offender criminal history" (A scale) means a measurement of the offender's prior criminal record and status relating to incarceration, probation, parole or pretrial release.
- (6) "Offender severity" (B scale) means a measurement of the seriousness of the offense relating to weapon use, victim harm, offense class, concealing identity, read-in charges, and value and type of contraband or drugs.
- (7) "Presumptive recommendation" means the guideline recommendation is presumed to be appropriate unless persuasive reasons exist to the contrary.
- (8) "Sentencing guidelines form" means the form used to record the scored evaluation of the offender and the sentence actually imposed.
- (9) "Sentencing guidelines matrix" means a standardized guide for use in sentence decision making in general jurisdiction courts that involves specific evaluation of the offender's prior record and the severity of the offense.

**History:** Cr. Register, December, 1985, No. 360, eff. 1-1-86; renum. (4) to (7) to be (5), (6), (8) and (9) and am. (6), cr. (4) and (7), Register, August, 1993, No. 452, eff. 9-1-93.