



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 221**

April 30, 1998 - Offered by Senator MOORE.

1 **AN ACT** *to renumber* 940.01 (1), 940.06, 940.08, 940.10, 940.23 (1), 940.23 (2) and
2 940.24; *to amend* 302.11 (1g) (a) 2., 343.31 (3) (c), 343.31 (3) (f), 346.65 (6) (a)
3 1., 346.65 (6) (a) 2., 346.65 (6) (d), 939.22 (21) (d), 939.24 (1), 939.25 (1), 939.32
4 (1) (intro.), 939.62 (2m) (a) 2., 940.01 (1) (title), 940.05 (2), 940.09 (1b), 940.09
5 (1d), 940.09 (1m), 940.09 (2), 940.25 (1b), 940.25 (1d), 940.25 (1m), 940.25 (2),
6 941.38 (1) (b) 4., 969.035 (1), 969.08 (10) (b), 973.0135 (1) (b) 2. and 980.01 (6)
7 (b); and *to create* 939.75, 940.01 (1) (b), 940.02 (1m), 940.05 (2g), 940.05 (2h),
8 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), 940.09 (1g) (c) and (d), 940.10 (2),
9 940.195, 940.23 (1) (b), 940.23 (2) (b), 940.24 (2) and 940.25 (1) (c) to (e) of the
10 statutes; **relating to:** causing harm or death to a viable fetus and providing
11 penalties.

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

1 **SECTION 1.** 302.11 (1g) (a) 2. of the statutes is amended to read:

2 302.11 **(1g)** (a) 2. Any felony under s. 940.02, 940.03, 940.05, 940.09 (1), 940.19
3 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b), 943.02,
4 943.10 (2), 943.23 (1g) or (1m), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03
5 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

6 **SECTION 2.** 343.31 (3) (c) of the statutes is amended to read:

7 343.31 **(3)** (c) Any person convicted under s. 940.09 of causing the death of
8 another or of a viable fetus by the operation or handling of a motor vehicle shall have
9 his or her operating privilege revoked for 5 years. If there was a minor passenger
10 under 16 years of age or a viable fetus, as defined in s. 939.75 (1) (b), in the motor
11 vehicle at the time of the violation that gave rise to the conviction under s. 940.09,
12 the revocation period is 10 years.

13 **SECTION 3.** 343.31 (3) (f) of the statutes is amended to read:

14 343.31 **(3)** (f) Any person convicted under s. 940.25 shall have his or her
15 operating privilege revoked for 2 years. If there was a minor passenger under 16
16 years of age or a viable fetus, as defined in s. 939.75 (1) (b), in the motor vehicle at
17 the time of the violation that gave rise to the conviction under s. 940.25, the
18 revocation period is 4 years.

19 **SECTION 4.** 346.65 (6) (a) 1. of the statutes is amended to read:

20 346.65 **(6)** (a) 1. Except as provided in this paragraph, the court may order a
21 law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered
22 seized, shall order a law enforcement officer to equip the motor vehicle with an
23 ignition interlock device or immobilize any motor vehicle owned by the person whose
24 operating privilege is revoked under s. 343.305 (10) or who committed a violation of
25 s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) ~~or~~, (b), (c) or (d) or 940.25 (1) (a)

1 ~~or~~, (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305
2 (10) or who is convicted of the violation has 2 prior suspensions, revocations or
3 convictions within a 10-year period that would be counted under s. 343.307 (1). The
4 court shall not order a motor vehicle equipped with an ignition interlock device or
5 immobilized if that would result in undue hardship or extreme inconvenience or
6 would endanger the health and safety of a person.

7 **SECTION 5.** 346.65 (6) (a) 2. of the statutes is amended to read:

8 346.65 **(6)** (a) 2. The court shall order a law enforcement officer to seize a motor
9 vehicle owned by a person whose operating privilege is revoked under s. 343.305 (10)
10 or who commits a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a)
11 ~~or~~, (b), (c) or (d) or 940.25 (1) (a) ~~or~~, (b), (c) or (d) if the person whose operating privilege
12 is revoked under s. 343.305 (10) or who is convicted of the violation has 3 or more prior
13 suspensions, revocations or convictions within a 10-year period that would be
14 counted under s. 343.307 (1).

15 **SECTION 6.** 346.65 (6) (d) of the statutes is amended to read:

16 346.65 **(6)** (d) At the hearing set under par. (c), the state has the burden of
17 proving to a reasonable certainty by the greater weight of the credible evidence that
18 the motor vehicle is a motor vehicle owned by a person who committed a violation of
19 s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) ~~or~~, (b), (c) or (d) or 940.25 (1) (a)
20 ~~or~~, (b), (c) or (d) and, if the seizure is under par. (a) 1., that the person had 2 prior
21 convictions, suspensions or revocations within a 10-year period as counted under s.
22 343.307 (1) or, if the seizure is under par. (a) 2., 3 or more prior convictions,
23 suspensions or revocations within a 10-year period as counted under s. 343.307 (1).
24 If the owner of the motor vehicle proves by a preponderance of the evidence that he
25 or she was not convicted of a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09

1 (1) (a) ~~or~~, (b), (c) or (d) or 940.25 (1) (a) ~~or~~, (b), (c) or (d), or, if the seizure is under par.
2 (a) 1., that he or she did not have 2 prior convictions, suspensions or revocations
3 within a 10-year period as counted under s. 343.307 (1) or, if the seizure is under par.
4 (a) 2., 3 or more prior convictions, suspensions or revocations within a 10-year period
5 as counted under s. 343.307 (1), the motor vehicle shall be returned to the owner upon
6 the payment of storage costs.

7 **SECTION 7.** 939.22 (21) (d) of the statutes is amended to read:

8 939.22 (21) (d) Battery, substantial battery or aggravated battery, as
9 prohibited in s. 940.19 or 940.195.

10 **SECTION 8.** 939.24 (1) of the statutes is amended to read:

11 939.24 (1) In this section, “criminal recklessness” means that the actor creates
12 an unreasonable and substantial risk of death or great bodily harm to another
13 human being and the actor is aware of that risk, except that for purposes of ss. 940.02
14 (1m), 940.06 (2) and 940.23 (1) (b) and (2) (b), “criminal recklessness” means that the
15 actor creates an unreasonable and substantial risk of death or great bodily harm to
16 a viable fetus and the actor is aware of that risk.

17 **SECTION 9.** 939.25 (1) of the statutes is amended to read:

18 939.25 (1) In this section, “criminal negligence” means ordinary negligence to
19 a high degree, consisting of conduct ~~which~~ that the actor should realize creates a
20 substantial and unreasonable risk of death or great bodily harm to another, except
21 that for purposes of ss. 940.08 (2), 940.10 (2) and 940.24 (2), “criminal negligence”
22 means ordinary negligence to a high degree, consisting of conduct that the actor
23 should realize creates a substantial and unreasonable risk of death or great bodily
24 harm to a viable fetus.

25 **SECTION 10.** 939.32 (1) (intro.) of the statutes is amended to read:

1 939.32 (1) (intro.) Whoever attempts to commit a felony or a battery as defined
2 by crime specified in s. 940.19 or theft as defined by s. 940.195 or 943.20 may be fined
3 or imprisoned or both not to exceed one-half the maximum penalty for the completed
4 crime; except:

5 **SECTION 11.** 939.62 (2m) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
6 (Assembly Bill 220), is amended to read:

7 939.62 (2m) (a) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
8 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
9 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 946.43,
10 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30
11 (2), 948.35 (1) (b) or (c) or 948.36.

12 **SECTION 12.** 939.75 of the statutes is created to read:

13 **939.75 Death or harm to a viable fetus. (1)** In this section and ss. 939.24
14 (1), 939.25 (1), 940.01 (1) (b), 940.02 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2),
15 940.09 (1) (c) to (e), (1b) and (1g) (c) and (d), 940.10 (2), 940.195, 940.23 (1) (b) and
16 (2) (b), 940.24 (2) and 940.25 (1) (c) to (e) and (1b):

17 (a) "Viability" has the meaning given in s. 940.15 (1).

18 (b) "Viable fetus" means any individual of the human species from viability
19 until birth.

20 (2) (a) In this subsection, "induced abortion" means the use of any instrument,
21 medicine, drug or other substance or device in a medical procedure with the intent
22 to terminate the pregnancy of a woman and with an intent other than to increase the
23 probability of a live birth, to preserve the life or health of the infant after live birth
24 or to remove a dead fetus.

1 (b) Sections 940.01 (1) (b), 940.02 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08
2 (2), 940.09 (1) (c) to (e) and (1g) (c) and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2)
3 (b), 940.24 (2) and 940.25 (1) (c) to (e) do not apply to any of the following:

4 1. An act committed during an induced abortion. This subdivision does not
5 limit the applicability of ss. 940.04, 940.13 and 940.15 to an induced abortion.

6 2. An act that is committed in accordance with the usual and customary
7 standards of medical practice during diagnostic testing or therapeutic treatment
8 performed by, or under the supervision of, a physician licensed under ch. 448.

9 2h. An act by any health care provider, as defined in s. 155.01 (7), that is in
10 accordance with a pregnant woman's power of attorney for health care instrument
11 under ch. 155 or in accordance with a decision of a health care agent who is acting
12 under a pregnant woman's power of attorney for health care instrument under ch.
13 155.

14 3. An act by a woman who is pregnant with a viable fetus that results in the
15 death of or great bodily harm, substantial bodily harm or bodily harm to that viable
16 fetus.

17 4. The prescription, dispensation or administration by any person lawfully
18 authorized to do so and the use by a woman of any medicine, drug or device that is
19 used as a method of birth control or is intended to prevent pregnancy.

20 **(3)** When the existence of an exception under sub. (2) has been placed in issue
21 by the trial evidence, the state must prove beyond a reasonable doubt that the facts
22 constituting the exception do not exist in order to sustain a finding of guilt under s.
23 940.01 (1) (b), 940.02 (1m), 940.05 (2g), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e) or
24 (1g) (c) or (d), 940.10 (2), 940.195, 940.23 (1) (b) or (2) (b), 940.24 (2) or 940.25 (1) (c)
25 to (e).

1 **SECTION 13.** 940.01 (1) (title) of the statutes is amended to read:

2 940.01 (1) (title) ~~OFFENSE~~ OFFENSES.

3 **SECTION 14.** 940.01 (1) of the statutes is renumbered 940.01 (1) (a).

4 **SECTION 15.** 940.01 (1) (b) of the statutes is created to read:

5 940.01 (1) (b) Except as provided in sub. (2), whoever causes the death of a
6 viable fetus with intent to kill that viable fetus or with intent to kill the woman who
7 the actor knows or should know is pregnant with that viable fetus is guilty of a Class
8 A felony.

9 **SECTION 16.** 940.02 (1m) of the statutes is created to read:

10 940.02 (1m) Whoever recklessly causes the death of a viable fetus under
11 circumstances that show utter disregard for the life of that viable fetus or for the life
12 of the woman who the actor knows or should know is pregnant with that viable fetus
13 is guilty of a Class B felony.

14 **SECTION 17.** 940.05 (2) of the statutes is amended to read:

15 940.05 (2) In prosecutions under ~~this section~~ sub. (1), it is sufficient to allege
16 and prove that the defendant caused the death of another human being with intent
17 to kill that person or another.

18 **SECTION 18.** 940.05 (2g) of the statutes is created to read:

19 940.05 (2g) Whoever causes the death of a viable fetus with intent to kill that
20 viable fetus or with intent to kill the woman who the actor knows or should know is
21 pregnant with that viable fetus is guilty of a Class B felony if:

22 (a) In prosecutions under s. 940.01, the state fails to prove beyond a reasonable
23 doubt that the mitigating circumstances specified in s. 940.01 (2) did not exist as
24 required by s. 940.01 (3); or

1 (b) The state concedes that it is unable to prove beyond a reasonable doubt that
2 the mitigating circumstances specified in s. 940.01 (2) did not exist. By charging
3 under this section, the state so concedes.

4 **SECTION 19.** 940.05 (2h) of the statutes is created to read:

5 940.05 (2h) In prosecutions under sub. (2g), it is sufficient to allege and prove
6 that the defendant caused the death of a viable fetus with intent to kill that viable
7 fetus or with intent to kill the woman who the actor knows or should know is
8 pregnant with that viable fetus.

9 **SECTION 20.** 940.06 of the statutes is renumbered 940.06 (1).

10 **SECTION 21.** 940.06 (2) of the statutes is created to read:

11 940.06 (2) Whoever recklessly causes the death of a viable fetus is guilty of a
12 Class C felony.

13 **SECTION 22.** 940.08 of the statutes is renumbered 940.08 (1).

14 **SECTION 23.** 940.08 (2) of the statutes is created to read:

15 940.08 (2) Whoever causes the death of a viable fetus by the negligent operation
16 or handling of a dangerous weapon, explosives or fire is guilty of a Class D felony.

17 **SECTION 24.** 940.09 (1) (c) to (e) of the statutes are created to read:

18 940.09 (1) (c) Causes the death of a viable fetus by the operation or handling
19 of a vehicle while under the influence of an intoxicant.

20 (d) Causes the death of a viable fetus by the operation or handling of a vehicle
21 while the person has a prohibited alcohol concentration, as defined in s. 340.01
22 (46m).

23 (e) Causes the death of a viable fetus by the operation of a commercial motor
24 vehicle while the person has an alcohol concentration of 0.04 or more but less than
25 0.1.

1 **SECTION 25.** 940.09 (1b) of the statutes is amended to read:

2 940.09 **(1b)** If there was a minor passenger under 16 years of age or a viable
3 fetus in the motor vehicle at the time of the violation that gave rise to the conviction
4 under sub. (1), any applicable maximum fine or imprisonment specified for the
5 conviction is doubled.

6 **SECTION 26.** 940.09 (1d) of the statutes is amended to read:

7 940.09 **(1d)** If the person who committed an offense under sub. (1) (a) ~~or~~, (b),
8 (c) or (d) has 2 or more prior convictions, suspensions or revocations in a 10-year
9 period, as counted under s. 343.307 (1), the procedure under s. 346.65 (6) may be
10 followed regarding the immobilization or seizure and forfeiture of a motor vehicle
11 owned by the person who committed the offense or the equipping of a motor vehicle
12 owned by the person with an ignition interlock device.

13 **SECTION 27.** 940.09 (1g) (c) and (d) of the statutes are created to read:

14 940.09 **(1g)** (c) Causes the death of a viable fetus by the operation or handling
15 of a firearm or airgun while under the influence of an intoxicant.

16 (d) Causes the death of a viable fetus by the operation or handling of a firearm
17 or airgun while the person has an alcohol concentration of 0.1 or more.

18 **SECTION 28.** 940.09 (1m) of the statutes is amended to read:

19 940.09 **(1m)** A person may be charged with and a prosecutor may proceed upon
20 an information based upon a violation of sub. (1) (a) or (b) or both ~~or of~~, sub. (1) (a)
21 or (bm) or both ~~or of~~, sub. (1) (c) or (d) or both, sub. (1) (c) or (e) or both, sub. (1g) (a)
22 or (b) or both or sub. (1g) (c) or (d) or both for acts arising out of the same incident or
23 occurrence. If the person is charged with violating both sub. (1) (a) and (b) ~~or~~, both
24 sub. (1) (a) and (bm) ~~or~~, both sub. (1) (c) and (d), both sub. (1) (c) and (e), both sub. (1g)
25 (a) and (b) or both sub. (1g) (c) and (d) in the information, the crimes shall be joined

1 under s. 971.12. If the person is found guilty of both sub. (1) (a) and (b) ~~or of~~, both
2 sub. (1) (a) and (bm) ~~or of~~, both sub. (1) (c) and (d), both sub. (1) (c) and (e), both sub.
3 (1g) (a) and (b) or both sub. (1g) (c) and (d) for acts arising out of the same incident
4 or occurrence, there shall be a single conviction for purposes of sentencing and for
5 purposes of counting convictions under s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6)
6 (a) 2. and 3., under s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1)
7 (a), (b) ~~and~~, (bm), (c), (d) and (e), and sub. (1g) (a) ~~and~~, (b), (c) and (d), each require
8 proof of a fact for conviction which the other does not require.

9 **SECTION 29.** 940.09 (2) of the statutes is amended to read:

10 940.09 (2) The defendant has a defense if he or she proves by a preponderance
11 of the evidence that the death would have occurred even if he or she had been
12 exercising due care and he or she had not been under the influence of an intoxicant
13 or did not have an alcohol concentration described under sub. (1) (b) ~~or~~, (bm), (d) or
14 (e) or (1g) (b) or (d).

15 **SECTION 30.** 940.10 of the statutes is renumbered 940.10 (1).

16 **SECTION 31.** 940.10 (2) of the statutes is created to read:

17 940.10 (2) Whoever causes the death of a viable fetus by the negligent operation
18 or handling of a vehicle is guilty of a Class E felony.

19 **SECTION 32.** 940.195 of the statutes is created to read:

20 **940.195 Battery to a viable fetus; substantial battery to a viable fetus;**
21 **aggravated battery to a viable fetus. (1)** Whoever causes bodily harm to a viable
22 fetus by an act done with intent to cause bodily harm to that viable fetus or to the
23 woman who the actor knows or should know is pregnant with that viable fetus is
24 guilty of a Class A misdemeanor.

1 **(2)** Whoever causes substantial bodily harm to a viable fetus by an act done
2 with intent to cause bodily harm to that viable fetus or to the woman who the actor
3 knows or should know is pregnant with that viable fetus is guilty of a Class E felony.

4 **(3)** Whoever causes substantial bodily harm to a viable fetus by an act done
5 with intent to cause substantial bodily harm to that viable fetus or to the woman who
6 the actor knows or should know is pregnant with that viable fetus is guilty of a Class
7 D felony.

8 **(4)** Whoever causes great bodily harm to a viable fetus by an act done with
9 intent to cause bodily harm to that viable fetus or to the woman who the actor knows
10 or should know is pregnant with that viable fetus is guilty of a Class D felony.

11 **(5)** Whoever causes great bodily harm to a viable fetus by an act done with
12 intent to cause either substantial bodily harm or great bodily harm to that viable
13 fetus or to the woman who the actor knows or should know is pregnant with that
14 viable fetus is guilty of a Class C felony.

15 **(6)** Whoever intentionally causes bodily harm to a viable fetus by conduct that
16 creates a substantial risk of great bodily harm to that viable fetus is guilty of a Class
17 D felony.

18 **SECTION 33.** 940.23 (1) of the statutes is renumbered 940.23 (1) (a).

19 **SECTION 34.** 940.23 (1) (b) of the statutes is created to read:

20 **940.23 (1) (b)** Whoever recklessly causes great bodily harm to a viable fetus
21 under circumstances that show utter disregard for the life of that viable fetus or the
22 woman who the actor knows or should know is pregnant with that viable fetus is
23 guilty of a Class C felony.

24 **SECTION 35.** 940.23 (2) of the statutes is renumbered 940.23 (2) (a).

25 **SECTION 36.** 940.23 (2) (b) of the statutes is created to read:

1 940.23 (2) (b) Whoever recklessly causes great bodily harm to a viable fetus is
2 guilty of a Class D felony.

3 **SECTION 37.** 940.24 of the statutes is renumbered 940.24 (1).

4 **SECTION 38.** 940.24 (2) of the statutes is created to read:

5 940.24 (2) Whoever causes bodily harm to a viable fetus by the negligent
6 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
7 E felony.

8 **SECTION 39.** 940.25 (1) (c) to (e) of the statutes are created to read:

9 940.25 (1) (c) Causes great bodily harm to a viable fetus by the operation of a
10 vehicle while under the influence of an intoxicant.

11 (d) Causes great bodily harm to a viable fetus by the operation of a vehicle while
12 the person has a prohibited alcohol concentration, as defined in s. 340.01 (46m).

13 (e) Causes great bodily harm to a viable fetus by the operation of a commercial
14 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
15 than 0.1.

16 **SECTION 40.** 940.25 (1b) of the statutes is amended to read:

17 940.25 (1b) If there was a minor passenger under 16 years of age or a viable
18 fetus in the motor vehicle at the time of the violation that gave rise to the conviction
19 under sub. (1), any applicable maximum fine or imprisonment specified for the
20 conviction is doubled.

21 **SECTION 41.** 940.25 (1d) of the statutes is amended to read:

22 940.25 (1d) If the person who committed the offense under sub. (1) (a) ~~or~~, (b),
23 (c) or (d) has 2 or more prior convictions, suspensions or revocations in a 10-year
24 period, as counted under s. 343.307 (1), the procedure under s. 346.65 (6) may be
25 followed regarding the immobilization or seizure and forfeiture of a motor vehicle

1 owned by the person who committed the offense or the equipping of a motor vehicle
2 owned by the person with an ignition interlock device.

3 **SECTION 42.** 940.25 (1m) of the statutes is amended to read:

4 940.25 **(1m)** A person may be charged with and a prosecutor may proceed upon
5 an information based upon a violation of sub. (1) (a) or (b) or both ~~or of~~, sub. (1) (a)
6 or (bm) or both, sub. (1) (c) or (d) or both or sub. (1) (c) or (e) or both for acts arising
7 out of the same incident or occurrence. If the person is charged with violating both
8 sub. (1) (a) and (b) ~~or~~, both sub. (1) (a) and (bm), both sub. (1) (c) and (d) or both sub.
9 (1) (c) and (e) in the information, the crimes shall be joined under s. 971.12. If the
10 person is found guilty of both sub. (1) (a) and (b) ~~or of~~, both sub. (1) (a) and (bm), both
11 sub. (1) (c) and (d) or both sub. (1) (c) and (e) for acts arising out of the same incident
12 or occurrence, there shall be a single conviction for purposes of sentencing and for
13 purposes of counting convictions under s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6)
14 (a) 2. or 3., under ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2. and 3.
15 Subsection (1) (a), (b) ~~and~~, (bm), (c), (d) and (e) each require proof of a fact for
16 conviction which the other does not require.

17 **SECTION 43.** 940.25 (2) of the statutes is amended to read:

18 940.25 **(2)** The defendant has a defense if he or she proves by a preponderance
19 of the evidence that the great bodily harm would have occurred even if he or she had
20 been exercising due care and he or she had not been under the influence of an
21 intoxicant or did not have an alcohol concentration described under sub. (1) ~~(b)~~, or
22 (bm), (d) or (e).

23 **SECTION 44.** 941.38 (1) (b) 4. of the statutes is amended to read:

24 941.38 **(1)** (b) 4. Battery, substantial battery or aggravated battery, as
25 prohibited in s. 940.19 or 940.195.

1 **SECTION 45.** 969.035 (1) of the statutes is amended to read:

2 969.035 (1) In this section, “violent crime” means any crime specified in s.
3 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 (5), 940.195
4 (5), 940.21, 940.225 (1), 940.23, 941.327, 948.02 (1) or (2), 948.025 or 948.03.

5 **SECTION 46.** 969.08 (10) (b) of the statutes, as affected by 1997 Wisconsin Acts
6 143 and (Assembly Bill 93), is amended to read:

7 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
8 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
9 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
10 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
11 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
12 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
13 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

14 **SECTION 47.** 973.0135 (1) (b) 2. of the statutes, as affected by 1997 Wisconsin
15 Act (Assembly Bill 220), is amended to read:

16 973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
17 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
18 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 946.43,
19 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30
20 (2), 948.35 (1) (b) or (c) or 948.36.

21 **SECTION 48.** 980.01 (6) (b) of the statutes is amended to read:

22 980.01 (6) (b) Any crime specified in s. 940.01, 940.02, 940.05, 940.06, 940.19
23 (4) or (5), 940.195 (4) or (5), 940.30, 940.305, 940.31 or 943.10 that is determined, in
24 a proceeding under s. 980.05 (3) (b), to have been sexually motivated.

25 **SECTION 49. Initial applicability.**

