



2007 ASSEMBLY BILL 397

June 14, 2007 - Introduced by Representatives KRUSICK, PETROWSKI, A. OTT, BERCEAU, VAN ROY, STRACHOTA and HINES, cosponsored by Senators OLSEN, PLALE, A. LASEE, HARSDORF, KEDZIE and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 946.47 (1) and 946.47 (2); *to amend* 946.47
2 (title); and *to create* 946.47 (1m) (intro.), 946.47 (2m) and 946.47 (2r) of the
3 statutes; **relating to:** aiding a felon and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from harboring or aiding a felon with intent to prevent the felon's apprehension. Current law also prohibits a person from destroying, altering, hiding, or disguising physical evidence or placing false evidence with intent to prevent the apprehension, prosecution, or conviction of a felon. A person who violates these prohibitions may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision) or both. Alternatively, as with nearly all other crimes, the court may place the person on probation in lieu of requiring the person to serve time in prison or jail. These prohibitions, however, do not apply to the felon or to his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters.

This bill requires that a person convicted of violating one of these prohibitions be sentenced to a term of imprisonment and be assessed a fine. Under the bill, the court may not place the person on probation. The bill also increases the maximum term of imprisonment for violating these prohibitions if the felon being assisted has committed: 1) a Class A, B, C, or D felony; 2) an unclassified felony that is punishable by a sentence of life imprisonment; or 3) an offense in another state that is punishable by imprisonment there for one year or more and that would, if committed in

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Wisconsin, be a Class A, B, C, or D felony or be punishable by a sentence of life imprisonment. Under the bill, the maximum term of imprisonment in such a case is ten years and the maximum fine is \$25,000.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

1 **SECTION 1.** 946.47 (title) of the statutes is amended to read:

2 **946.47** (title) ~~Harboring or aiding~~ Aiding felons.

3 **SECTION 2.** 946.47 (1) of the statutes is renumbered 946.47 (1m) (a) and
4 amended to read:

5 946.47 **(1m)** (a) ~~Whoever does either~~ “Aid a felon” means any of the following
6 is guilty of a Class I felony:

7 1. With intent to prevent the apprehension of a felon, ~~harbors~~ harbor, or ~~aids~~
8 aid him or her; ~~or~~.

9 2. With intent to prevent the apprehension, prosecution, or conviction of a felon,
10 ~~destroys, alters, hides~~ destroy, alter, hide, or ~~disguises~~ disguise physical evidence, or
11 ~~places~~ place false evidence.

12 **SECTION 3.** 946.47 (1m) (intro.) of the statutes is created to read:

13 946.47 **(1m)** (intro.) In this section:

14 **SECTION 4.** 946.47 (2) of the statutes is renumbered 946.47 (1m) (b), and 946.47
15 (1m) (b) (intro.), as renumbered, is amended to read:

16 946.47 **(1m)** (b) (intro.) ~~As used in this section~~ “felon” “Felon” means either of
17 the following:

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1 **SECTION 5.** 946.47 (2m) of the statutes is created to read:

2 946.47 **(2m)** Whoever aids a felon is guilty of the following:

3 (a) A Class G felony, if the offense committed by the felon being aided is, or if
4 committed in this state would be, a Class A, B, C, or D felony or an unclassified felony
5 that is punishable by a sentence of life imprisonment.

6 (b) A Class I felony, if the offense committed by the felon being aided is, or if
7 committed in this state would be, a Class E, F, G, H, or I felony or an unclassified
8 felony that is not punishable by a sentence of life imprisonment.

9 **SECTION 6.** 946.47 (2r) of the statutes is created to read:

10 946.47 **(2r)** Notwithstanding s. 939.50 (3) (h) and (i), a court sentencing a
11 person convicted under sub. (2m) shall impose both a fine and a term of
12 imprisonment. The court may not place the person on probation.

13

(END)