

State of Misconsin 1995 - 1996 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 1995 ASSEMBLY BILL 1040

March 25, 1996 – Offered by COMMITTEE ON AGING AND LONG-TERM CARE.

1	$\operatorname{An}\operatorname{ACT}$ to create 939.647 of the statutes; $\operatorname{An}\operatorname{ACT}$ to create 939.647 of the
2	statutes; relating to: committing certain violent crimes against an elder
3	person and providing a penalty.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
4	<b>SECTION 1.</b> 939.647 of the statutes is created to read:
5	939.647 Increased penalty; violent felony committed against elder
6	person. (1) In this section:
7	(a) "Elder person" means any individual who is 62 years of age or older.
8	(b) "Violent felony" means any felony under s. 940.19 (2), (3), (4), (5) or (6),
9	940.225 (1), (2) or (3), 940.23 or 943.32.
10	(2) If a person commits a violent felony in the victim's residence and the victim
11	of the violent felony is an elder person, the maximum period of imprisonment is
12	increased by 5 years.
13	(3) Subsection (2) applies even if the person mistakenly believed that the victim
14	had not attained the age of 62 years.

(4) This section provides for the enhancement of the penalties applicable for
the underlying crime. The court shall direct that the trier of fact find a special verdict
as to all of the issues specified in sub. (2).

4

## **SECTION 2.** Initial applicability.

- 5 (1) This act first applies to acts occurring on the effective date of this subsection.
- 6

## (END)