



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 111**

March 14, 2000 – Offered by COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS.

1 **AN ACT** *to create* 939.627 of the statutes; **relating to:** committing theft against
2 certain persons and providing a penalty.

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

3 **SECTION 1.** 939.627 of the statutes is created to read:

4 **939.627 Increased penalty; crimes committed by caretaker of**
5 **vulnerable person. (1)** In this section:

6 (a) “Caretaker” means a guardian, custodian, trustee, agent, attorney-in-fact
7 or other person, whether or not appointed by a court, who is responsible for the care,
8 custody or control of a vulnerable person or the estate of a vulnerable person, or any
9 other person who stands in a position of trust with a vulnerable person. “Caretaker”
10 includes a person acting under a power of attorney, durable or otherwise.

11 (b) “Vulnerable person” means any of the following:

1. A vulnerable adult, as defined in s. 940.285 (1) (e).

2. A patient or resident of a facility or program specified in s. 940.295 (2).

(2) (a) If a person is convicted of committing or attempting to commit a violation of s. 943.20 or of committing a violation of s. 943.201 and all of the following apply, the penalties are increased as provided in par. (b):

1. The person who commits or attempts to commit the violation is a caretaker.

2. The victim of the violation or attempted violation is a vulnerable person for whom the convicted person is a caretaker.

3. The value of the property that is involved in the violation exceeds \$2,500.

(am) If a person is convicted of committing or attempting to commit a violation of s. 943.38, 943.39 or 943.40 and all of the following apply, the penalties are increased as provided in par. (b):

1. The person who commits or attempts to commit the violation is a caretaker.

2. The victim of the violation or attempted violation is a vulnerable person for whom the convicted person is a caretaker.

(b) If par. (a) or (am) applies, the maximum period of imprisonment may be increased by 5 years and the maximum fine may be increased by \$5,000.

(3) 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) (a) or (am), whichever is applicable.

(END)