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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2005 Senate Bill 248**

**Senate  
Amendments 1 and 2**

*Memo published:* October 3, 2005

*Contact:* Ronald Sklansky, Senior Staff Attorney (266-1946)

*Current law* provides that whoever harbors or aids a felon is guilty of a Class I felony. A Class I felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, with a maximum term of confinement of one year and six months. However, the harboring or aiding provision does not apply to specified family members. [See ss. 939.50 (3) (i), 946.47, and 973.01 (2) (b) 9., Stats.]

*Senate Bill 248* provides the following:

1. A person who aids a felon committing a Class A, B, C, or D felony is himself or herself guilty of a Class H felony. A person aiding a felon who commits a Class E, F, G, H, or I felony is himself or herself guilty of a Class I felony. [A Class H felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, with a maximum term of confinement of three years.]
2. The prohibition against aiding a felon is applied to all family members.
3. A court sentencing a person convicted of aiding a felon must impose both a fine and a term of imprisonment with no possibility of probation.

*Senate Amendment 1* removes the provision that a person convicted of aiding a felon must receive a mandatory fine and term of imprisonment.

*Senate Amendment 2* retains, with one exception, the provision that the prohibition against aiding a felony does not apply to specified members of a felon's family. The exception provides that the prohibition against aiding a felon will apply to a felon's spouse, parent, grandparent, child, grandchild, brother, or sister when the offense committed by the felon is a Class A felony.

**Legislative History**

On September 22, 2005, the Senate Committee on Judiciary, Corrections and Privacy introduced and adopted both Senate Amendments 1 and 2 on a vote of Ayes, 5; Noes, 0. On the same date, the committee recommended the bill for passage, as amended, on a vote of Ayes, 3; Noes, 2.

RS:jal