



WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2011 Assembly Bill 118

Assembly Amendment 1

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Current Law

Current law criminalizes the harboring or aiding of felons and makes a violation of the harboring or aiding felons statute, s. 946.47, Stats., a Class I felony. However, current law also contains an exception for the felon and certain family members of the felon. A felon's spouse, parent, grandparent, child, grandchild, or sibling cannot be charged with harboring or aiding a felon.

Assembly Bill 118

2011 Assembly Bill 118 makes changes to the penalties that apply to harboring or aiding a felon. The bill increases the penalties for harboring or aiding a felon who committed a more serious class of felony. Under the bill, a person who harbors or aids a felon who committed a Class A, B, C, or D felony, or an unclassified felony punishable by life imprisonment, is guilty of a Class G felony. A person who harbors or aids a felon who committed any other type of felony is guilty of a Class I felony.

The bill also makes changes to the exceptions that apply to harboring or aiding a felon. The bill eliminates the exception to prosecution for a family member who destroys, alters, hides, or disguises physical evidence or plants false evidence.

Further, the bill creates a new exception for certain victims of domestic violence. The bill provides that the crime of harboring or aiding a felon does not apply to a victim if the felon was charged with an act of domestic abuse against the victim and the victim will be called to testify, or is likely to be called to testify, against the felon in any criminal action or proceeding.

Assembly Amendment 1

Assembly Amendment 1 eliminates all exceptions to prosecution for harboring or aiding a felon. The amendment repeals the family member exception contained in current law and removes the domestic violence victim exception contained in Assembly Bill 118.

Legislative History

Assembly Amendment 1 was offered by Representative Krusick on February 7, 2012. The Assembly Committee on Criminal Justice and Corrections recommended adoption of the amendment on February 9, 2012, on a vote of Ayes, 5; Noes, 2. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 1.

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