



1995 ASSEMBLY BILL 1040

March 18, 1996 - Introduced by Representatives SERATTI, SILBAUGH, MUSSER, KREIBICH, OTT, GUNDERSON, LORGE, CULLEN, WIRCH, TURNER, WASSERMAN, GRONEMUS, HASENOHRL and OLSEN, cosponsored by Senators DRZEWIECKI, BRESKE and DARLING. Referred to Committee on Aging and Long-Term Care.

1 **AN ACT to create** 939.647 of the statutes; **relating to:** committing certain violent
2 crimes against an elder person and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides a number of penalty enhancement provisions to allow for increased penalties whenever crimes are committed under specified circumstances. This bill provides for an increased penalty for committing a violent felony against an elder person (an individual who is 60 years of age or older). Under the bill, the maximum period of imprisonment for a violent felony committed against an elder person is increased by 3 years, except that if the violent felony is committed against an elder person in the elder person's residence, the maximum period of imprisonment is increased by 5 years. Under the bill, "violent felony" includes 2nd degree intentional homicide, reckless homicide, felony murder, homicide or injury by intoxicated use of a vehicle, felony battery, mayhem, sexual assault, reckless injury, abuse of vulnerable adults, abuse and neglect of patients and residents of certain facilities, kidnapping and robbery.

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

3 **SECTION 1.** 939.647 of the statutes is created to read:
4 **939.647 Increased penalty; violent felony committed against elder**
5 **person. (1)** In this section:
6 (a) "Elder person" means any individual who is 60 years of age or older.

SECTION 1

1 (b) "Violent felony" means any felony under s. 940.02, 940.03, 940.05, 940.06,
2 940.09 (1) or (1g), 940.19 (2), (3), (4), (5) or (6), 940.20, 940.203, 940.205, 940.207,
3 940.21, 940.225 (1), (2) or (3), 940.23, 940.25 (1), 940.285 (2), 940.29, 940.295 (3),
4 940.30, 940.305 (2), 940.31 (1) or (2) (b), 941.32, 941.327 (2) (b) 1., 2. or 3., 943.32 or
5 946.43.

6 (2) (a) Except as provided in par. (b), if a person commits a violent felony and
7 the victim of the violent felony is an elder person, the maximum period of
8 imprisonment is increased by 3 years.

9 (b) If a person commits a violent felony in the victim's residence and the victim
10 of the violent felony is an elder person, the maximum period of imprisonment is
11 increased by 5 years.

12 (3) Subsection (2) applies even if the person mistakenly believed that the victim
13 had not attained the age of 60 years.

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

17 **SECTION 2. Initial applicability.**

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

19 (END)