



2001 ASSEMBLY BILL 613

November 6, 2001 - Introduced by Representatives KESTELL, GRONEMUS, J. FITZGERALD, SUDER, SCHOOFF, LIPPERT, MUSSER, OWENS, STEINBRINK, OTT, HAHN, JESKEWITZ, NASS, OLSEN, LEIBHAM, URBAN, LADWIG, FREESE, TURNER, AINSWORTH, PETTIS, WARD, PETROWSKI, SYKORA, VRAKAS, LOEFFELHOLZ, ALBERS and STONE, cosponsored by Senators ZIEN, HUELSMAN, KANAVAS, SCHULTZ, HARSDFORF, ROESSLER and BAUMGART. Referred to Committee on Criminal Justice.

- 1 **AN ACT** *to amend* 946.82 (4) of the statutes; **relating to:** expanding definition
2 of racketeering activity to include certain violations of prohibition against
3 unauthorized release of animals, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law classifies the commission, attempt, or conspiracy to commit a variety of offenses punishable by confinement in prison (felonies) as "racketeering activity." Homicide, certain forms of battery, theft, burglary, and robbery are some of the felony offenses classified as racketeering activity. A "pattern of racketeering activity" is defined as engaging in at least three incidents of racketeering activity that have the same or similar intent, results, accomplices, victims, or methods of commission, or that are otherwise interrelated, over a seven-year period. Current law prohibits a person from acquiring rights to any real property, acquiring rights in the establishment or operation of any enterprise, or participating in an enterprise through a pattern of racketeering activity. A person who engages in a pattern of racketeering activity in violation of these prohibitions is guilty of a Class C felony, punishable by a term of confinement in prison followed by a term of extended supervision that together may not exceed 15 years, a fine not to exceed the greater of \$10,000 or twice the amount of pecuniary gain or loss resulting from the pattern of racketeering activity, or both imprisonment and a fine. The maximum penalty is greater if a person engages in a "continuing criminal enterprise," which is defined as engaging in a prohibited pattern of racketeering activity in concert with five or more other persons, if the offender obtains from the activity gross income or resources in excess of \$25,000.

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This bill adds the Class C felony prohibition against unauthorized release of animals to the group of felonies that are classified as racketeering activity. The Class C felony unauthorized release of animals prohibits a person from intentionally releasing an animal that is lawfully confined for scientific, farming, restocking, research, or commercial purposes, without the consent of the owner of the animal.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 946.82 (4) of the statutes, as affected by 1200 Wisconsin Act 16, is
2 amended to read:

3 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
4 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
6 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
8 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
9 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
10 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and
11 (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
12 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
13 (c), 943.60, 943.70, 943.75 (2m), 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33
14 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
15 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
16 947.015, 948.05, 948.08, 948.12, and 948.30.

17 **SECTION 2. Initial applicability.**

