

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 37**

September 14, 1999 – Offered by Representative GOETSCH.

1 **AN ACT** *to renumber and amend* 939.626; and *to create* 939.626 of the statutes;
2 **relating to:** burglary and providing a penalty.

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

3 **SECTION 1.** 939.626 of the statutes is created to read:

4 **939.626 Increased penalty; burglary of an occupied dwelling.** If a
5 person is convicted of violating s. 943.10, the maximum term of imprisonment for the
6 crime may be increased by not more than 5 years if all of the following apply:

7 **(1)** The burglarized enclosure is a dwelling.

8 **(2)** Another person was lawfully present in the dwelling at the time of the
9 violation.

10 **SECTION 2.** 939.626 of the statutes, as created by 1999 Wisconsin Act (this
11 act), is renumbered 973.017 (4m), and 973.017 (4m) (title), (intro.) and (a), as
12 renumbered, are amended to read:

1 973.017 **(4m)** (title) ~~INCREASED PENALTY~~ AGGRAVATING FACTORS; BURGLARY OF AN
2 OCCUPIED DWELLING. (intro.) If When making a sentencing decision concerning a
3 person is convicted of violating s. 943.10, the maximum term of imprisonment for the
4 crime may be increased by not more than 5 years if all of the following apply court
5 shall consider as an aggravating factor the fact that the violation was committed
6 under all of the following circumstances:

7 (a) The burglarized enclosure is was a dwelling.

8 **SECTION 3. Nonstatutory provisions.**

9 (1) RECONCILIATION PROVISION. The renumbering and amendment of section
10 939.626 of the statutes, as created by this act, and SECTION 4 (1), (2) and (3) of this
11 act are void unless 1999 Assembly Bill 465 is enacted into law before July 1, 2000,
12 and unless 1999 Assembly Bill 465 creates section 973.017 of the statutes in exactly
13 the same form as it appears in section 757 of 1999 Assembly Bill 465.

14 **SECTION 4. Effective dates.** This act takes effect on the day after publication,
15 except as follows:

16 (1) If 1999 Assembly Bill 465 has been enacted on or before the day after
17 publication of this act and the day after publication of this act is on or before
18 December 31, 1999, the renumbering and amendment of section 939.626 of the
19 statutes, as created by this act, takes effect on December 31, 1999.

20 (2) If 1999 Assembly Bill 465 has been enacted on or before the day after
21 publication of this act and the day after publication of this act is after December 31,
22 1999, the renumbering and amendment of section 939.626 of the statutes, as created
23 by this act, takes effect on the day after publication of this act.

24 (3) If 1999 Assembly Bill 465 is enacted after the day after publication of this
25 act but before July 1, 2000, the renumbering and amendment of section 939.626 of

1 the statutes, as created by this act, takes effect on December 31, 1999, or on the date
2 that the creation of section 973.017 of the statutes by 1999 Assembly Bill 465 takes
3 effect, whichever is later.

4 (END)