## SENATE SUBSTITUTE AMENDMENT 1, TO 1999 ASSEMBLY BILL 111

March 14, 2000 - Offered by Committee on Judiciary and Consumer Affairs.

1 AN ACT *to create* 939.627 of the statutes; **relating to:** committing theft against certain persons and providing a penalty.

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

**Section 1.** 939.627 of the statutes is created to read:

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- 939.627 Increased penalty; crimes committed by caretaker of vulnerable person. (1) In this section:
  - (a) "Caretaker" means a guardian, custodian, trustee, agent, attorney—in—fact or other person, whether or not appointed by a court, who is responsible for the care, custody or control of a vulnerable person or the estate of a vulnerable person, or any other person who stands in a position of trust with a vulnerable person. "Caretaker" includes a person acting under a power of attorney, durable or otherwise.
  - (b) "Vulnerable person" means any of the following:

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1	1. A vulnerable adult, as defined in s. 940.285 (1) (e).
2	2. A patient or resident of a facility or program specified in s. 940.295 (2).
3	(2) (a) If a person is convicted of committing or attempting to commit a violation
4	of s. 943.20 or of committing a violation of s. 943.201 and all of the following apply
5	the penalties are increased as provided in par. (b):
6	1. The person who commits or attempts to commit the violation is a caretaker
7	2. The victim of the violation or attempted violation is a vulnerable person for
8	whom the convicted person is a caretaker.
9	3. The value of the property that is involved in the violation exceeds \$2,500.
10	(am) If a person is convicted of committing or attempting to commit a violation
11	of s. 943.38, 943.39 or 943.40 and all of the following apply, the penalties are
12	increased as provided in par. (b):
13	1. The person who commits or attempts to commit the violation is a caretaker
14	2. The victim of the violation or attempted violation is a vulnerable person for
15	whom the convicted person is a caretaker.
16	(b) If par. (a) or (am) applies, the maximum period of imprisonment may be
17	increased by 5 years and the maximum fine may be increased by \$5,000.
18	(3) This section provides for the enhancement of the penalties applicable for
19	the underlying crime. The court shall direct that the trier of fact find a special verdic

as to all of the issues specified in sub. (2) (a) or (am), whichever is applicable.

(END)