

STATE OF WISCONSIN  
CRIMINAL PENALTIES STUDY COMMITTEE  
CODE RECLASSIFICATION SUBCOMMITTEE

***MEMORANDUM***

DATE: MAY 28 1999

TO: CRIMINAL PENALTIES STUDY COMMITTEE

RE: **SUBCOMMITTEE MATERIALS FOR JUNE 4, 1999 MEETING  
OF THE WHOLE COMMITTEE**

Dear Colleagues,

In preparation for the June 4, 1999 meeting of the whole committee, I am circulating in advance several documents on behalf of the Code Reclassification Subcommittee. Included are the following:

- Master list of Criminal Code felonies converted into the A-I classification system (draft dated May 28, 1999)
- A flow chart depicting the way homicides and other serious injury felonies cascade through the A-I system (draft dated May 28, 1999)
- A flow chart depicting the way various injury offenses cascade through the A-I system (document dated May 28, 1999 and approved by the subcommittee)
- A prototype sentencing statute depicting how various penalty enhancers might be converted to aggravating factors to be considered at sentencing
- Subcommittee recommendations re: criminal fines and placing caps on the maximum amount of Extended Supervision time that may be imposed at sentencing

Please review these materials in advance of the June 4 meeting if you have the chance. As I indicated earlier, if you have any concerns about their contents or the way in which the crimes have been classified, please contact me so that I may share your

views with the subcommittee. This method has worked well so far and has provided several non-subcommittee committee members with an opportunity for input into the ongoing work of the subcommittee. For this input the subcommittee is grateful.

Thank you very much.

Yours very truly,

Thomas J. Hammer  
Chair, Code Reclassification  
Subcommittee

STATE OF WISCONSIN  
CRIMINAL PENALTIES STUDY COMMITTEE  
CODE RECLASSIFICATION SUBCOMMITTEE

**CLASSIFICATION OF FELONIES IN A NEW A-I SYSTEM  
USING CURRENT MANDATORY RELEASE DATES  
AS THE “CONVERTER”**

**METHODOLOGY**

Crimes are initially placed in the new A-I classification system by determining the mandatory release (M.R.) date under current law when the court imposes the maximum sentence. As a general rule M.R. is fixed by statute at two-thirds of the sentence actually imposed. For the offender who receives the maximum sentence, M.R. is two-thirds of that maximum. Service of the sentence to M.R. reflects the longest the defendant can be held in prison before being mandatorily paroled. That parole is subject to revocation and the defendant may be returned to prison if conditions of parole are violated.

The Felony Classification Subcommittee concluded that the maximum sentence of incarceration for each crime in the new truth in sentencing system ought roughly parallel the maximum the person could serve in prison under the current indeterminate sentencing model before reaching M.R. To allow for the worst case scenario of a prisoner who under current law is held to M.R., the subcommittee applied the M.R. converter to the maximum **possible** sentence under current law before classifying each crime in the new A-I classification system.

**Example:** Under current law the offense of burglary is classified as a Class C felony for which the maximum **possible** sentence of incarceration is 10 years. If the judge sentences the defendant to the **full** 10-year term and he or she is held in custody until M.R., release to parole will occur after 6 2/3rds years. Using 6 2/3rds as the “M.R. converter,” the closest felony class in the new A-I system is Class **F**, for which the maximum period of incarceration is 7.5 years. Thus, as an initial matter, burglary would be categorized in Class F and the defendant sentenced to the maximum could actually serve slightly more time in prison than a burglar sentenced to the maximum under current law who serves to M.R. Following release **from** the institution, the defendant will be subject to community supervision (“Extended Supervision”) for up to 5 years for this Class F offense.

**Class Adjustments.** After application of the M.R. converter to initially place a crime in one of the new A-I classes, the subcommittee then considered whether an adjustment up or down was necessary so that crimes of similar -severity are classified together. On the charts that follow, the color green signifies upward class adjustments and the color red signifies downward adjustments. Entries in black reflect the natural placement of crimes after applying the **M.R.** converter. Blue entries are new crimes recommended for adoption by the legislature.

COLOR CODES

ENTRIES IN GREEN REFLECT UPWARD CLASS ADJUSTMENT AFTER APPLICATION OF M.R. CONVERTER.

ENTRIES IN BLUE REFLECT NEW CRIMES RECOMMENDED FOR ENACTMENT BY THE LEGISLATURE OR EXISTING CRIMES FOR WHICH SIGNIFICANT AMENDMENTS ARE PROPOSED.

ENTRIES IN RED REFLECT DOWNWARD CLASS ADJUSTMENT AFTER APPLICATION OF MR. CONVERTER

ENTRIES IN BLACK REFLECT THE NATURAL PLACEMENT OF CRIMES IN A-I SYSTEM AFTER APPLICATION OF THE M.R. CONVERTER.

CLASS A FELONIES (LIFE)

1<sup>st</sup> Degree Intentional Homicide  
Partial-Birth Abortion  
Absconding after being adjudicated delinquent for a Class A felony'  
Treason

940.01(1)(a) & (b) ✓  
940.16(2) ✓  
946.50(1) ✓  
946.01(1) ✓

<sup>1</sup>This crime appears in each of the felony classes. The subcommittee is still reviewing the need for this offense (which exists under present law) and whether the penalties assigned thereto appropriately address the problem of the juvenile who has been adjudicated delinquent but then absconds before his/her dispositional hearing.

**CLASS B (40 MAX PRISON: 20 E.S.)**

Absconding <b>after</b> being adjudicated delinquent for a Class B felony	946.50(2) ✓
Conspiracy to commit a crime for which the penalty is life imprisonment (from C)	939.3 1 ✓ <i>currently B</i>
Attempt to commit a crime for which the penalty is life imprisonment ( <del>from C</del> )	939.32(1)(a) ✓ " "
1 <sup>st</sup> Degree Reckless Homicide (from C) <sup>2</sup> <i>pending</i>	940.02(1) and (1m) " "
1 <sup>st</sup> Degree Sexual Assault ( <del>from C</del> )	940.225(1) ✓ " "
1 <sup>st</sup> Deg. Sex Assault of a Child (from C) <sup>3</sup>	948.02(1) ✓ " "
Repeated Sexual Assault of Same Child ( <del>from C</del> ) <sup>4</sup>	948.025 ✓ " "
Kidnapping (Aggravated) ( <del>from A</del> )	940.3 1(2)(a) ✓
Hostage Taking (Aggravated) ( <del>from A</del> )	940.305(1) ✓

**CLASS C (25 MAX PRISON; 15 E.S.)**

1 <sup>st</sup> Deg. Reckless Homicide ("Len Bias" Law)	940.02(2) ✓
2 <sup>nd</sup> Deg. Intentional Homicide	940.05(1) & (2g) ✓
Mayhem	940.21 ✓
Abuse of Vulnerable Adult (intentional or reckless maltreatment resulting in death)	940.285(2)(b)1g ✓
Abuse & Neglect of Patients & Residents (intentional or reckless abuse or neglect resulting in death of "vulnerable" person)	940.295(3)(b)1g ✓
Hostage Taking (Unaggravated)	940.305(2) ✓
Kidnapping (Unaggravated)	940.3 1(1) & (2)(b) ✓
Arson of buildings	943.02 ✓
Carjacking	943.23(1g) and (1m) ✓
Armed Robbery	943.32(2)A---

*pending*

<sup>2</sup> This chart reflects the classification of ~~1<sup>st</sup> Degree Reckless Homicide~~ at the Class B level and 2<sup>nd</sup> Degree Intentional Homicide (which is ~~1<sup>st</sup> Degree Intentional Homicide mitigated by~~ imperfect-self-defense, heat of passion, etc.) at the Class C level. They ~~would both be Class C felonies~~ if the M.R. converter is applied. The subcommittee has under active debate whether they ~~should continue~~ to be classified in the same class or whether 1<sup>st</sup> Degree Reckless Homicide ~~should be~~ in a higher class.

<sup>3</sup> Query: What about 5-year enhancer if defendant is a person responsible for the welfare of the child?

Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a B felony under the new law and 40 years' exposure is sufficient to deal with circumstances where the aggravator is present

<sup>4</sup> This crime should be a Class B felony only if the proof demonstrates that the repeated assaults all constituted violations of the First Degree Sexual Assault of a Child statute.

*948.025(2m)*

Query: What about 5-year enhancer if defendant is a person responsible for the welfare of the child?

Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a B felony under the new law and 40 years' exposure is sufficient to deal with circumstances where the aggravator is present.

**CLASS C (25 MAX PRISON: 15 E.S.) (continued)**

Absconding after being adjudicated delinquent for a Class C felony	946.50(3) ✓
Repeated Sexual Assault of Same Child <sup>5</sup> ✓	948.025 ✓
Abduction of Another's Child by Force or Threat of Force	948.30(2) ✓
2 <sup>nd</sup> Degree Sexual Assault (from D)	940.225(2) ✓
2 <sup>nd</sup> Deg. Sex Assault of Child (from D) <sup>6</sup> ✓	948.02(2) ✓
Incest (from D)	948.06 ✓
Tampering with Household Products (causing -- death) (from A)	941.327(2)(b)4 ✓
Homicide by Intoxicated Use of Vehicle (Repeater with 1 or more Prior OWI-type convictions) - NEW CRIME <sup>7</sup>	940.09 ←

**CLASS D (15 MAX PRISON: 10 E.S.)**

Absconding after being adjudicated delinquent for a Class D felony	946.50(4)
Continuing Criminal Enterprise	946.85(1) ✓
Child Enticement	948.07 ✓
Soliciting a Child for Prostitution	948.08 ✓
2 <sup>nd</sup> Degree Reckless Homicide (from F)	940.06 ✓
Homicide by Intoxicated Use of Firearm (from H)	940.09(1g) <i>already a "D"</i>
1 <sup>st</sup> Degree Reckless Injury (from F)	940.23(1)(a) & (b) ✓
Child Neglect Resulting in Death (from F)	948.21(1) ✓

<sup>5</sup> This crime should be a Class C felony if the evidence shows three or more violations of the Sexual Assault of a Child statute committed against the same victim within a specified period of time but fails to demonstrate that at least three of the repeated assaults are constituted violations of the First Degree Sexual Assault of a Child statute.

<sup>6</sup> Query: What about 5-year enhancer if defendant is a person responsible for the welfare of the child?  
 Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a B felony under the new law and 40 years' exposure is sufficient to deal with circumstances where the aggravator is present.

<sup>16</sup> Query: What about 5-year enhancer if defendant is a person responsible for the welfare of the child?  
 Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a C felony under the new law and 25 years' exposure is sufficient to deal with circumstances where the aggravator is present.

<sup>7</sup> Query: What about penalty doubler if there is a minor passenger in vehicle?  
 Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a C felony under the new law and 25 years' exposure is sufficient to deal with circumstances where the aggravator is present.

**CLASS D (15 MAX PRISON; 10 E.S.) (continued)**

Homicide by Intoxicated Use of Vehicle (No Prior OWI-Type Record) (from <del>C.R.</del> )	940.09(1) ✓
Abuse of Vulnerable Adult (negligent maltreatment resulting in death)	940.285(2)(b)1g ✓
Abuse & Neglect of Patients & Residents (negligent abuse or neglect resulting in death of "vulnerable" person)	940.295(3)(b)1g <sup>10</sup> ✓

NB: "negligent"

**CLASS E (PO MAX PRISON; 5 E.S.)**

Absconding after being adjudicated delinquent for a Class E felony	946.50(5) ✓
Abortion	940.04(2) <sup>11</sup> ✓
Abuse & Neglect of Patients & Residents (intentional, reckless or negligent abuse or neglect causing great bodily harm to a vulnerable person) (from F)	940.295(3)(b)1m ✓
Robbery (Unarmed) (from F)	943.32(1) ✓
Fleeing: Causing Death (H)	Traffic Code
Contributing to Death: Obstructing Emergency or Rescue Personnel (from F)	941.37(4) ✓
Engaging in Racketeering Activity (from F)	946.84(1) ✓
Physical Abuse of a Child (intentionally causing great bodily harm) (from F)	948.03(2)(a) ✓
Abduction of Another's Child (from F)	948.30(1) ✓
Aggravated Burglary (from C)	943.10(2) ✓
Aggravated Battery	NEW <sup>12</sup> ←
Aggravated Battery to Unborn Child	NEW <sup>13</sup> ←

Query: What about penalty doubler if there is a minor passenger in vehicle?

Subcommittee Response: This enhancer should be removed from this statute and converted to a statutory sentencing aggravator. The underlying offense is classified as a D felony under the new law and 15 years' exposure is sufficient to deal with circumstances where the aggravator is present.

<sup>9</sup> This crime is listed as "new" because it breaks out negligent maltreatment resulting in death and classifies it at a lower level than intentional or reckless maltreatment resulting in death.

<sup>10</sup> This crime is listed as "new" because it breaks out negligent abuse or neglect resulting in death and classifies it at a lower level than intentional or reckless abuse or neglect resulting in death.

<sup>11</sup> Sec. 940.04(2) is part of the pre-Roe v. Wade statute. The form of the crimes codified in sec. 940.04 date back to the 1956 revision of the Criminal Code. When the legislature instituted a classification system for Criminal Code felonies and misdemeanors in 1977, it did not classify the crimes in sec. 940.04. 1997 Wisconsin Act 283 charges the Criminal Penalties Study Committee with classifying all felonies: Thus these crimes are now recommended for classification. However, the subcommittee recommends that the legislature independently study whether sec. 940.04 should be repealed given the fact that post-Roe v. Wade abortion statutes now exist at secs. 940.13 and 940.15.

<sup>12</sup> The proposed version of Aggravated Battery is similar to that codified in 940.19(5). The proposed statute would read as follows: "Whoever causes great bodily harm to another by an act done with intent to cause great bodily harm to that person or another is guilty of a Class E felony."

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**CLASS F (7.5 MAX PRISON: 5 E.S.)**

Solicitation: Crime for which Penalty is Life Imprisonment	939.30(2) ✓
Mutilating a Corpse	940.1 1(1) ✓
Endangering Safety: Discharge Firearm from Vehicle	941.20(3)(a) ✓
Sexual Exploitation by Therapist	940.22(2) ✓
Abuse of Vulnerable Adults (intentional, reckless or negligent maltreatment causing great bodily harm)	940.285(2)(b)1m ✓
Abuse & Neglect of Patients & Residents (intentional abuse or neglect causing great bodily harm)	940.295(3)(b)1r ✓
Modifying Firearm to Make It a Machine Gun	941.26(1m) & (2)(b) ✓
Possession of Explosives	941.3 1(1) ✓
Administering Dangerous/Stupefying Drug to Facilitate Crime	941.32 ✓
Tampering with Household Products (causing great bodily harm)	941.327(2)(b)3 ✓
Burglary (Unaggravated)	943.10(1) ✓
Loan Sharking	943.28 ✓
Unlawful Receipt of Payments to Obtain Loan for Another (<\$2500)	943.62(4)(c) ✓
Computer Crimes (risk of death or great bodily harm to another)	943.70(2)(b)4 ✓
Pandering (if compensated from earnings of prostitute)	944.33(2) ✓
Sabotage	946.02(1) ✓
Sedition	946.03(1) ✓
Assaults by Prisoners	946.43 ✓
Public Officer or Employee Assisting or Permitting Escape	946.44(1g) ✓
Bringing Firearm into Prison or Jail; Transferring Firearm to Prisoner	946.44(1m) ✓
Failure to Prevent Sexual Assault of a Child	948.02(3) ✓
Physical Abuse of a Child (intentionally causing bodily by conduct which creates high probability of great bodily harm)	948.03(2)(c) ✓
Failure to Prevent Great Bodily Harm to a Child	948.03(4)(a) ✓
Causing Mental Harm to a Child	948.04 ✓
Sexual Exploitation of a Child	948.05(1), (1m) & (2) <sup>14</sup> ✓
Causing a Child under 13 to View or Listen to Sexual Activity	948.055(2)(a) ✓
Child Sex Offender Working with-children	948.13(2) ✓

<sup>13</sup> The proposed version of Aggravated Battery to Unborn Child is similar to that codified in 940.195(2). The proposed statute would read as follows: "Whoever causes great bodily harm to an unborn child by an act done with intent to cause great bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another is guilty of a Class E felony."

<sup>14</sup> The classification of the crimes codified in sec. 948.05 includes amendments to that statute enacted in 1999 Wisconsin Act 3.



**CLASS F (7.5 MAX PRISON: 5 E.S.) (continued)**

Interference with Custody of Child with Intent to Deprive Custody Rights; Concealing Child	948.31(1)(b) & (3) ✓
2 <sup>nd</sup> Degree Reckless Injury (from H)	940.23(2)(a) & (b) ✓
Injury by Intoxicated Use of Vehicle (from H) <sup>15</sup>	940.25 ✓
1 <sup>st</sup> Deg. Reck. Endang. Safety (from H)	941.30(1) ✓
Fleeing causing GBH (from I)	Traffic Code ✓
Absconding after being adjudicated delinquent for a Class F felony	NEW ✓

**CLASS G (5 MAX PRISON; 5 E.S.)**

Homicide:Neg. Use of Weapon (from H)	940.08(1) & (2) ✓
Homicide:Neg. Use of Vehicle (from I)	940.10(1j) & (2) ✓
Hiding a Corpse (from H)	940.11(2) ✓
3 <sup>rd</sup> Degree Sexual Assault (from H)	940.225(3) ✓
Abuse of Vulnerable Adult (intentional maltreatment under circumstances likely to cause great bodily harm) (from H)	940.285(2)(b)1r ✓
Abuse & Neglect of Patients & Residents (intentional abuse under circumstances that are likely to cause great bodily harm) (from H)	940.295(3)(b)1r ✓
Stalking (aggravated) <sup>16</sup> (from H)	940.32(2m) & (3m) ✓
Felony Intimidation of a Witness (from H)	940.43 ✓
Felony Intimidation of a Victim (from H)	940.45 ✓
Possession of Firearm by Felon (from I)	941.29 i) & (2m) ✓
2 <sup>nd</sup> Deg. Reck. Endang. Safety (from I)	941.30(2) ✓
Endangering Safety: Firing into Vehicle or Bldg. (from I)	941.20(2) ✓
Theft from Person (from H) <sup>17</sup>	943.20(3)(d)2 ✓ ←
Physical Abuse of Child (recklessly causing great bodily harm) (from H)	948.03(3)(a) ✓
<del>Child abandonment (from H)</del>	<del>948.20 ✓</del>
<del>Discharge of Firearm in a School Zone (from A misd.)</del>	<del>948.605(3)(a) ? Now a D felony</del>
Homicide: Neg. Control of Vicious Animal (from F)	940.07 ✓

*needs renumbering  
etc.*

<sup>15</sup> Query: What about penalty doubler if there is a minor passenger in vehicle?

Subcommittee Response: This enhancer **should be removed from** this statute and converted to a statutory sentencing **aggravator**. The underlying **offense** is classified as a F **felony** under the new **law** and 7.5 years' **exposure** is sufficient to deal with **circumstances** where the **aggravator** is present:

<sup>16</sup> The crime of stalking is aggravated if the defendant **intentionally** gains access to certain-records in order to/facilitate the violation or if defendant has a prior **stalking or harassment** conviction.

<sup>17</sup> Extracted from Wis. Stat. sec. 943.20(3)(d) but **remove value** requirement.

**CLASS G (5 MAX PRISON; 5 E.S.) (continued)**

Theft (> \$10,000)	NEW <sup>18</sup> ✓
Receiving Stolen Property (> \$10,000)	NEW <sup>19</sup> ✓
Fraudulent Use of Financial Transaction Card (> \$10,000)	NEW <sup>20</sup> ✓
Retail Theft (> \$10,000)	NEW <sup>21</sup> ✓
Receiving Stolen Property from a Child (> \$5000)	NEW <sup>22</sup> ✓
Hazing Resulting in Death	NEW <sup>23</sup> ✓
Absconding after being adjudicated delinquent for a Class G felony	NEW ✓

**CLASS H (3 MAX PRISON: 3 E.S.)**

Solicitation to Commit a Felony (other than A or I)	939.30(1) ✓
Abortion	940.0(1) <sup>24</sup> ✓
Assisting Suicide	940.12 ✓
Battery (causing great bodily harm by an act done with intent to cause bodily harm)	940.19(4) ✓

<sup>18</sup> The ordinary crime of Theft (sec. 943.20) is ~~classified in Felony Classes G, H and I and in Misdemeanor Class A~~ according to the value of the ~~property stolen~~. The crimes are designated as “new” in the sense that the values used to differentiate the ~~penalties are different than those~~ used in present law.

<sup>19</sup> The crime of Receiving Stolen Property (sec. 943.34) is classified in Felony Classes G, H and I and in Misdemeanor Class A according to the value of the property involved. The crimes are designated as “new” in the sense that the values used to differentiate the ~~penalties are different than those~~ used in present law.

<sup>20</sup> The crime of Fraudulent Use of a Financial Transaction Card (penalty sec. 943.41(8)(c)) is classified in Felony Classes G, H and I and in Misdemeanor-Class A according to the value of the money, goods, services or property illegally obtained. The crimes are designated as “new” in the sense that the values used to differentiate the ~~penalties are different than those used~~ in present law.

<sup>21</sup> The crime of Retail Theft (sec. 943.50) is classified in Felony Classes G, H and I and in Misdemeanor Class A according to the value of the ~~property involved~~. The crimes are designated as “new” in the sense that the values used to differentiate the ~~penalties are different than~~ those used in present law.

<sup>22</sup> The crime of Receiving Stolen Property from a Child (sec. 948.62) is classified in Felony Classes G, H and I and in Misdemeanor Class A according to the value of the property involved. The crimes are designated as “new” in the sense that the values used to differentiate the ~~penalties are different than those~~ used in present law. The value cutoffs are lower than those used in the Receiving Stolen-Property statute (sec. 943.34) and other companion statutes like theft and retail theft to take into account the fact that the stolen property is received from a child

The subcommittee recommends retaining the \$500 value codified in sec. 948.62(2)(a). It constitutes part of the prima facie proof that the property received from a child was stolen and that the person receiving the property knew it was stolen.

<sup>23</sup> The subcommittee recommends classifying hazing resulting in death at the G felony level, thus providing for a greater penalty when death results and a lesser penalty (H felony) when great bodily harm results. See Wis. Stat. sec. 948.51(3)(b).

<sup>24</sup> Sec. 940.04(1) is part of the pre-Roe v. Wade statute. The form of the crimes codified in sec. 940.04 date back to the 1956 revision of the Criminal Code. When the legislature instituted a classification system for Criminal Code felonies and misdemeanors in 1977, it did not classify the crimes in sec. 940.04. 1997 Wisconsin Act 283 charges the Criminal Penalties Study Committee with classifying all felonies. Thus these crimes are now recommended for classification. However, the subcommittee recommends that the legislature independently study whether sec. 940.04 should be repealed given the fact that post-Roe v. Wade abortion statutes now exist at secs. 940.13 and 940.15.

**CLASS H (3 MAX PRISON: 3 E.S.) (continued)**

Battery (intentionally causing bodily harm to another by conduct that creates substantial risk of great bodily harm)	940.19(6) ✓	<i>com.Senior/ (4)</i>
Battery to Unborn Child (causing great bodily harm by an done with intent to cause bodily harm)	940.195(4) ✓	
Battery by Prisoners	940.20(1) ✓	
Battery to Law Enforcement Officers & Firefighters	940.20(2) ✓	
Battery to Probation and Parole Agents and Aftercare Agents	940.20(2m)(b) ✓	
Battery to Jurors	940.20(3) ✓	
Battery or Threat to Witnesses	940.201 ✓	
Battery to Emergency Department Workers, EMT's, etc.	940.20(7)(b) ✓	
Battery or Threat to Judge	940.203(2) ✓	
Battery or Threat to Dep't of Revenue Employee	940.205(2) ✓	
Battery or Threat to Dep't of Commerce & Workforce Dev.	940.207(2) ✓	
Unsafe Burning of Buildings	941.11 ✓	
Using Tear Gas Device: Bodily Harm to Peace Officer	94 1:26(2)(f) ✓	
Using Pepper Spray Device: <b>Bodily Harm to Peace Officer</b>	94 1.26(4)(d) ✓	
Tampering with Household Products (if act creates a high probability of great bodily harm to another)	941.327(2)(b)2 ✓	
Arson with Intent to Defraud	943.04 ✓	
Theft (agg. circumstances <sup>25</sup> )	943.20(3)(d) ✓	
Vehicle Theft ('take & drive')	943.23(2) ✓	
Threats to Injure or Accuse of a Crime	943.30 ✓	
Fraudulent Writings	943.39 ✓	
Fraudulent Destruction of Certain Writings	943.40 ✓	
Criminal Slander of Title	943.60(1) ✓	
Crime against Computers <sup>26</sup> (amend amt to > 5000)	943.70(2)(b)3 or (3)(b)3 ✓	
Obscenity (if 2 or more prior obscenity violations or if crime involves wholesale transfer or distribution of obscene material)	944.21(5)(c) & (e) ✓	
Soliciting Prostitutes	944.32 ✓	
Keeping Place of Prostitution	944.34 ✓	
Bribery of Participant in a Contest	945.08(1) ✓	
Bribery of Public Officers and Employees	946.10 ✓	
Perjury	946.3 1 ✓	
False Swearing	946.32(1) ✓	
Felony Escape	946.32(3) ✓	

<sup>25</sup> See Wis. Stat. sec. 943.20(3)(d) but remove **value** requirement.

<sup>26</sup> This felony is committed if the damage is greater than \$2500 or if it causes an **interruption or impairment** of governmental operations or **public** communication, of transportation or of a supply of water, gas or other public service. The subcommittee recommends elevating the damage cutoff referred to in the preceding sentence to \$5000 in order to maintain consistency with other Class H felonies having a value level.

CLASS H (3 MAX PRISON: 3 E.S.) (continued1

Obstructing Officer (by providing information or or evidence that results in conviction of innocent person)	946.41(2m) ✓
Felony Failure to Report to Jail	946.425(1), (1m)(b) & (1r)(b) ✓
Assisting or Permitting Escape	946.44(1) ✓
False Information re: Kidnapped or Missing Persons	946.48(1) ✓
Bail Jumping	946.49(1)(b) ✓
Bribery of a Witness	946.61(1) ✓
Simulating Legal Process (if the act is meant to induce payment of claim or simulates criminal process)	946.68(1r)(b) & (c) ✓
Impersonating a Peace Officer (with intent to commit a Crime or aid & abet commission of a crime)	946.70(2) ✓
Tampering with Public Records	946.72(1) ✓
Aiding Escape from Mental Institution (with intent to commit crime against sexual morality with or upon the inmate of the institution)	946.74(2) ✓
Harassment (if defendant has prior conviction or intentionally gains access to certain. records in order to facilitate the violation)	947.013(1v) & (1x) ✓
Physical Abuse of a Child (intentionally causing bodily harm)	948.03(2)(b) ✓
Physical Abuse of a Child (recklessly causing bodily harm by conduct creating a high probability of great bodily harm)	948.03(3)(c) ✓
Failing to Act to Prevent Bodily Harm to a Child	94.8-03(4)(b) ✓
Causing Child between 13 and 17 to View or Listen to Sexual Activity	948.055(2)(b) ✓
Sexual Assault of Student by a. School Instructional Staff Person.	948.095(2) ✓
<u>Abandonment of a Child</u>	948.20 ✓
<u>Unauthorized Placement for Adoption</u>	948.24(1) ✓
Contributing to Delinquency of a Child (if child's act which is encouraged or contributed to is a violation of criminal law punishable as a felony)	948.40(4)(b) ✓
Selling or Giving Dangerous Weapon to Person under 18 (if the person under 18 discharges the firearm and the discharge causes-the-death of any person)	948.60(2)(c) ✓
<u>Discharging or Attempting to Discharge a Firearm in a School Zone.</u>	948.605(3)(a) ✓
Instigating Fights between Animals (2 <sup>nd</sup> or subsequent violation)	951.18(2) ✓
Harassment of Police or Fire Department Animals (causing death to the animal)	951.18(2)(m) ✓

*also in g.*

**CLASS H (3 MAX PRISON: 3 E.S.) (continued1**

Abuse of Vulnerable Adult (intentional maltreatment causing bodily harm) (from I)	940.285(2)(b)2 ✓
Abuse & Neglect of Patients & Residents (intentional abuse or neglect causing bodily harm) (from I)	940.295(3)(b)2 ✓
Abuse & Neglect of Patients & Residents (reckless or negligent abuse or neglect causing great bodily harm) (from I)	940.295(3)(b)3 ✓
False Imprisonment (from I)	940.30 ✓
Stalking (if victim suffers bodily harm or defendant has prior conviction against same victim)	940.32(3) ✓
Disarming a Peace Officer	941.21 ✓
Selling, Possessing, Using or Transporting Machine Gun (from I)	941.26(2)(a) ✓
Sale or Commercial Transportation of Tear Gas Device (from I)	941.26(2)(e) ✓
Using or Threatening to Use a Tear Gas or Pepper Spray Device during Commission of a Crime to Cause Bodily Harm or Bodily Discomfort to Another (from I)	941.26(2)(g) & (4)(e) ✓
Selling, Transporting or Possessing a Short-Barreled Shotgun or Rifle (from I)	941.28(3) ✓
Selling, Manufacturing or Possessing an Electric Weapon (from I)	941.295(1) ✓
Using or Possessing a Handgun with Armor Piercing Bullets during Commission of Certain Crimes (from I)	941.296(2) ✓
Selling, Delivering or Possessing a Firearm Silencer (from I)	941.298(2) ✓
Making, Transferring, Possessing or Using an Improvised Explosive Device or Possessing Materials or Components with Intent to Assemble an Improvised Explosive Device (from I)	941.31(2)(b) ✓
Possession, Manufacture or Transfer of a Fire Bomb (from I)	943.06(2) ✓
Hazing Resulting in Great Bodily Harm (from I) <sup>27</sup>	94851(3)(b) ←
Fleeing causing Bodily Harm (from I)	Traffic Code ✓
Forgery and Forgery-Uttering (from F)	943.38(1) & (2) ✓
Theft of Library Material (> \$2500) (from F)	943.61(5)(c) ✓
Theft (> \$5000 but < \$10,000)	NEW <sup>28</sup>
Receiving Stolen Property (> \$5000 but < \$10,000)	NEW <sup>29</sup>

<sup>27</sup> If death results from the hazing, the subcommittee has recommended that the crime be classified as a G felony.

<sup>28</sup> See footnote to crime of Theft (943.20) in Class G list

<sup>29</sup> See footnote to crime of Receiving Stolen Property 1743.34) in Class G list.

**CLASS H (3 MAX PRISON: 3 E.S.) (continued)**

Fraudulent Use of Financial Transaction Card (> \$5000 but < \$10,000)	NEW <sup>30</sup>
Retail <b>Theft</b> (> \$5000 but < \$10,000)	NEW <sup>31</sup>
Receiving Stolen Property from a Child (> \$2000 but < \$5000)	NEW <sup>32</sup>
Absconding after being adjudicated delinquent for a Class G felony	NEW

**CLASS I (18 mo. MAX PRISON; 2 yrs. E.S.)**

Abortion	940.04(4) <sup>33</sup> ✓
Abortion (various provisions)	940.15(2),(5) & (6) <sup>34</sup> ✓
Battery (causing substantial bodily harm. by <b>an act</b> done with intent to cause bodily harm)	940.19(2) ✓
Battery to Unborn Child (causing substantial bodily harm by an act done with intent to cause bodily harm)	940.195(2) ✓
Injury by Negligent Handling of <b>Dangerous</b> Weapon, Explosives or Fire	940.24 ✓
Abuse of Vulnerable Adult (reckless or negligent maltreatment under circumstances likely to cause great bodily harm)	940.285(2)(b)3 ✓
Abuse of Residents of Penal Facilities	940.29 ✓
Interfering with Fire Fighting	941.12(1) ✓
Placing Foreign Objects in Edibles	941.325 ✓
Tampering with Household Products	941.327(2)(b)1 ✓
False Information Concerning Act that Constitutes Tampering with Household Products	941.327(3) ✓
Obstructing Emergency or Medical Personnel with Reasonable Grounds to <b>Believe the</b> Interference May Endanger Another's Safety	941.37(3) ✓
Soliciting a Child to Participate in Criminal Gang Activity	941.38(2) ✓
Criminal Damage to or Graffiti on Religious and Other Property	943.012 ✓
Arson of Property other <b>than Building</b>	943.03 ✓

<sup>30</sup> See footnote to crime of Fraudulent Use of Financial Transaction-Card (943.41) in Class G list.

<sup>31</sup> See footnote to crime of Retail Theft(943.50) in Class G list.

<sup>32</sup> See footnote to crime of Receiving **Stolen Property from a Child** (948.62) in Class G list.

<sup>33</sup> Sec. 940.04(4) is part of the pre-Roe v. Wade statute. The **form of the** crimes codified in sec. 940.04 date back to the 1956 revision of the Criminal Code. When the legislature **instituted** a classification system for Criminal Code felonies and misdemeanors **in 1977**, it **did not classify** the crimes in sec. 940.04. 1997 Wisconsin Act 283 charges the **Criminal Penalties Study Committee** with classifying all felonies. **Thus** these crimes are now recommended for-classification. However, **the** subcommittee recommends that the legislature independently study **whether sec. 940.04 should be repealed given the fact that post-Roe v. Wade abortion statutes** now exist at secs. 940:13 and 940:15.

<sup>34</sup> Sec. 940.15 is the post-Roe v. **Wade abortion** statute;

CLASS I (18 mo. MAX PRISON; 2 yrs. E.S.)

Possession of Burglariou. Tools	943.12 ✓
<b>Theft</b> of Trade Secrets	943.205(3) ✓
Vehicle <b>Theft</b> ("drive or operate")	943.23(3) ✓
Removing Major Part of a Vehicle without Consent	943.23(5) ✓
Transfer of Encumbered Property	943.25(1) and (2) ✓
Possession of Records of Usurious Loans	943.27 ✓
Threats to Communicate Derogatory Information	943.31 ✓
Certain Financial Transaction Card Crimes	943.41(8)(b) and (c) ✓
Theft of Library <b>Material</b> (> \$1000 but < \$2500)	943.61(5)(f) ✓ (b)
Unlawful Receipt of Payments to Obtain Loan for Another (if value of payment exceeds \$500 but does exceed \$2500)	943.62(4)(b) ✓
Computer Crime (committed to. defraud or obtain property)	943.70(2)(b)2 and (3)(b)2 ✓
Unauthorized Release of Animals (3 <sup>rd</sup> or subsequent violation)	943.75(2) ✓
Bigamy	944.05(1) ✓
Adultery	944.16 ✓
Unlawful Visual Representations of Nudity	944.205(2) ✓
Commercial Gambling	945.03 ✓
Dealing in Gambling Devices	945.05(1) ✓
Permitting Seditious Assembly	946.03(2) ✓
Flag Desecration	946.05(1) ✓
Special Privileges from Public Utilities	946.11(1) ✓
Misconduct in Public Office	946.12 ✓
Private Interest in Public Contracts	946.13(1) ✓
Purchasing Claims at Less <b>than Full</b> Value	946.14 ✓
Public Construction Contracts at Less than Full Value	946.15(1) & (3) ✓
Failure to Comply with Officer's Attempt to Take Person	946.415(2) ✓
Harboring or Aiding Felons	946.47(1) ✓
Bail Jumping by a Witness	946.49(2) ✓
Destruction of Documents Subject to Subpoena	946.60(1) & (2) ✓
Communicating with Jurors	946.64 ✓
Obstructing Justice	946.65(1) ✓
Simulating Legal Process	946.68(1r)(a) ✓
Falsely Assuming to Act as a Public Officer or Employee	946.69(2) ✓
Premature Disclosure of <b>Search Warrant</b> .	946.76 ✓
Harassment (if person has prior conviction for harassing same victim within last 7 years)	947.013(1t) ✓
Bomb Scares	947.015 ✓
Physical Abuse of a Child (recklessly causing bodily harm)	948.03(3)(b) ✓
Exposing a Child to Harmful Material	948.11(2)(a) & (am) ✓
Possession of Child Pornography	948.12 ✓

**CLASS I(18 mo. MAX PRISON; 2 yrs. E.S.)**

Failure to Support (for 120 or more consecutive days)	948.22(2) ✓
Concealing Death of Child	948.23 ✓
Interference with Custody of a Child	948.31(2) ✓
Giving Dangerous Weapon to Person under 18 Years	948.60(2)(b) ✓
Possession of a Dangerous Weapon on School Premises (2 <sup>nd</sup> and subsequent convictions)	948.61(2)(b) ✓
Mistreating an Animal (if mistreatment results in mutilation disfigurement or death of animal or if the animal is police or fire department animal and the animal is injured)	951.18(1) ✓
Exposing a Domestic Animal to Poisonous or Controlled Substances (if animal is a police or fire department animal and the animal. is injured)	951.18(1) ✓
Instigating Fights Between Animals (1 <sup>st</sup> offense)	951.18(2) ✓
Harassment of Police or Fire Department Animal and Causing Injury to the Animal	951.18(2) ✓
<b>Criminal Damage to Property (Aggravated) (from H)</b> <del>(Raise damage amount in (2)(d) from \$1000 to \$2000)</del>	943.01(2) ✓
Damage or Threat to Property of Witness (from H)	943.011 ✓
Criminal Damage; Threat; Property of Judge (from H)	943.013 ✓
Criminal Damage; Threat: Property of Dep't of Revenue Employee (from H)	943.015 ✓
Graffiti to Certain Property (from H) <del>(Raise damage amount in (2)(d) from \$1000 to \$2000)</del>	943.017(2) ✓
Graffiti to Property of Witness (from H)	943.017(2m) ✓
Theft of Telecommunications Service <sup>35</sup> (from H)	943.45(3)(d) ✓
Theft of Cellular Telephone Service <sup>36</sup> (from H)	943.455(4)(d) ✓
Theft of Cable Television Service <sup>37</sup> (from H)	943.46(4)(d) ✓
Theft of Satellite Cable Programming <sup>38</sup> (from H)	943.47(3)(d) ✓
<del>Fleeing; Endangering (from H)</del>	<del>Traffic Code</del>
Stalking (from A misdemeanor)	940.32(2) ✓
Criminal Damage to Railroads (including shooting a firearm at a train) (from A misdemeanor)	943.07(1)& (2) ✓
Possession of Firearm in School Zone (from A misd.)	948.605(2)(a) ✓

<sup>35</sup> This offense involves theft of telecommunications service for direct or indirect commercial advantage or private financial gain as a 2<sup>nd</sup> or subsequent offense.

<sup>36</sup> This offense involves theft of cellular telephone service for direct or indirect commercial advantage or private financial gain as a 2<sup>nd</sup> or subsequent offense.

<sup>37</sup> This offense involves theft of cable television service for direct or indirect commercial advantage or private financial gain as a 2<sup>nd</sup> or subsequent offense.

<sup>38</sup> This offense involves theft of satellite cable programming for direct or indirect commercial advantage or private financial gain as a 2<sup>nd</sup> or subsequent offense.



**CLASS I (18 mo. MAX PRISON: 2 yrs. E.S.)**

*ie, w/ aggregate info. 3.*

Abuse of Vulnerable Adult (intentional maltreatment under circumstances likely to cause bodily harm)	940.285(2)(b) <sup>39</sup>
Abuse & Neglect of Patients & Residents (intentional abuse or neglect under circumstances likely to cause bodily harm)	940.295(3)(b) <sup>40</sup>
Abuse & Neglect of Patients & Residents (reckless or negligent abuse or neglect under circumstances likely to cause great bodily harm)	940.295(3)(b) <sup>41</sup>
Theft (> \$2000 but < \$5000)	NEW <sup>42</sup>
Receiving Stolen Property (> \$2000 but < \$5000)	NEW <sup>43</sup>
Fraudulent Use of Financial Transaction Card (> \$2000 but < \$5000)	NEW <sup>44</sup>
Retail Theft (> \$2000 but < \$5000)	NEW <sup>45</sup>
Receiving Stolen Property from a Child (> \$500 but < \$2000)	NEW <sup>46</sup>
Fraud on Hotel or Restaurant Keeper or Taxicab Operator (if value of service > \$2000)	NEW <sup>47</sup>
Issuing Worthless Checks (> \$2000)	NEW <sup>48</sup>
Removing or Damaging Encumbered Real Property (if security is impaired by > \$2000)	NEW <sup>49</sup>
Fraudulent Insurance or Employee Benefit Claim (>\$2000)	NEW <sup>50</sup>
Absconding after being adjudicated delinquent for a Class I felony	NEW
Solicitation to Commit a Class I Felony	939.30(2)(amendment) ✓

<sup>39</sup> This offense is "new" in the sense that it breaks out intentional maltreatment under circumstances likely to cause bodily harm and classifies it lower than the same conduct that actually causes bodily harm.

<sup>40</sup> This offense is "new" in the sense that it breaks out intentional abuse or neglect under circumstances likely to cause bodily harm and classifies it lower than the same conduct that actually causes bodily harm.

@ This offense is "new" in the sense that it breaks out reckless or negligent abuse or neglect under circumstances likely to cause great bodily harm and classifies it lower than the same conduct that actually causes great bodily harm.

<sup>42</sup> See footnote to crime of Theft (943.20) in Class G list.

<sup>43</sup> See footnote to crime of Receiving Stolen Property (943.34) in Class-G list.

<sup>44</sup> See footnote to crime of Fraudulent Use of Financial Transaction Card (943.41) in Class G list.

<sup>45</sup> See footnote to crime of Retail Theft (943.50) in Class G list

<sup>46</sup> See footnote to crime of Receiving Stolen Property from a Child (948.62) in Class G list.

<sup>47</sup> The crime of Fraud on Hotel or Restaurant Keeper or Taxicab Operator (943.2 1) is listed as "new" because the fraud level has been raised from \$1000 to \$2000 in order for the crime to be classified as a felony. This is consistent with other "value" changes that are recommended.

<sup>48</sup> The crime of Issue of Worthless Check (943.24) is listed as "new" because the value level has been raised from \$1000 to \$2000 in order for the crime to be classified as a felony. This is consistent with other "value" changes that are recommended.

<sup>49</sup> The crime of Removing or Damaging Encumbered Real Property (943.26) is listed as "new" because the value of the security impaired has been raised from \$1000 to \$2000. This is consistent with other "value" changes that are recommended.

<sup>50</sup> The crime of Fraudulent Insurance or Employee Benefit Claim (943.395) is listed as "new" because the fraud level has been raised from \$1000 to \$2000. This is consistent with other "value" changes that are recommended.

**CLASS A MISDEMEANOR (9 MOS. MAX JAIL)**

**EXCEPT AS NOTED BELOW, ALL OFFENSES CURRENTLY CLASSIFIED AS CLASS A MISDEMEANORS REMAIN IN THAT CLASSIFICATION.**

Theft of Telecommunications Service (from I felony)	943.45(3)(c)	✓
Theft of Cellular Telephone Service (from I felony)	943.455(4)(c)	✓
Theft of Cable Television Service (from I felony)	943.46(4)(c)	✓
Theft of Satellite Cable Programming (from I felony)	943.47(3)(c)	✓
Carrying Firearm in Public Building (from B misdemeanor)	941.235(1)	✓
Theft (< \$2000)	NEW <sup>51</sup>	}
Receiving Stolen Property (< \$2000)	NEW <sup>52</sup>	
Fraudulent Use of Financial Transaction Card (< \$2000)	NEW <sup>53</sup>	
Retail Theft (< \$2000)	NEW <sup>54</sup>	
Receiving Stolen Property from a Child (< \$500)	NEW <sup>55</sup>	
Fraud on Hotel or Restaurant Keeper or Taxicab Operator (< \$2000)	NEW <sup>56</sup>	
Issuing Worthless Checks (< \$2000)	NEW <sup>57</sup>	
Removing or Damaging Encumbered Real Property (if security is impaired by < \$2000)	NEW <sup>58</sup>	
Fraudulent Insurance or Employee Benefit Claim (< \$2000)	NEW <sup>59</sup>	
Demolition of Historic Building without Authorization	NEW <sup>60</sup>	

<sup>51</sup> See footnote to crime of Theft (943.20) in the Class G list.

<sup>52</sup> See footnote to crime of Receiving Stolen Property (943.34) in the Class G list.

<sup>53</sup> See footnote to crime of Fraudulent Use of Financial Transaction Card (943.41) in the Class G list.

<sup>54</sup> See footnote to crime of Retail Theft (943.50) in Class G list;

<sup>55</sup> See footnote to crime of Receiving Stolen Property from a CwCt(948.62) in the Class G list.

<sup>56</sup> See footnote to crime of Fraud on Hotel or Restaurant Keeper or Taxicab Operator (943.21) in the Class I list.

<sup>57</sup> See footnote to crime of Issue of Worthless Cltecks(943.24) in the Class I list.

<sup>58</sup> See footnote to crime of Removing or Damaging Encumbered Real Property (943.26) in the-Class I list.

<sup>59</sup> See footnote to crime of Fraudulent Insurance or Employee Benefit Claim in the Class I list.

<sup>60</sup> This crime is presently codified at sec. 943.014 but is not classified. Its penalty is currently -imprisonment for not more than 9 months. T h e - c o m m i t t e e - ~ classifying this offense as a Class A misdemeanor.

## NEW STATUTES/REPEALS/AMENDMENTS

1. New: OWI Homicide Repeater
2. New: Lesser Included Misdemeanor for Fleeing
3. Repeal: 941.29 Repeater<sup>61</sup>
4. Add Carjacking (943.23(1r)) to Felony Murder Statute<sup>62</sup>  
K/Repeal Use of a Child to Commit Class A Felony (948.36)<sup>63</sup>
6. Repeal Solicitation of a Child to Commit a Class A Felony (948.35(1)(b)).<sup>64</sup>
7. Amend Felony Murder statute (940.03) to provide that the maximum penalty for the underlying offense may be increased by not more than 15 years. Under present law the increase is 20 years, but applying the MR converter (2/3 of maximum imprisonment under present law), which has been used to convert all felonies to the new A-I classification system, this number (20) should be reduced to 15.
8. Repeal Solicitation of a Child to Commit a Class B Felony (948.35(1)(c)).<sup>65</sup>
9. Several existing statutes are reported as "new" because the values which distinguish grades of offense have been adjusted. See, e.g., theft, retail theft, receiving stolen property, fraudulent use of a financial transaction card, receiving stolen property from a child, issuance of worthless check, fraud on hotel or restaurant or taxicab operator, removing or damaging encumbered real property, fraudulent insurance or employee benefit claims, etc.
10. Several changes are recommended for the Battery (940.19) and Battery to Unborn Child (940.195) statutes. A special document entitled "Proposed Revision of Battery Statutes" ~~should be consulted.~~
11. Repeal Criminal Damage to Certain Coin-Operated or Card-Operated Machines with Intent to Commit Theft (943.01(2g)). The harm addressed by this statute is adequately addressed by several other crimes, including Damage to Property (943.01), Attempted Theft (943.20 and 939.32), and Entry Into Locked Coin Box (943.125).

<sup>61</sup> Possession of Firearm by Felon (sec. 941.29) has been reclassified to a 5-year felony from its present status as a 2-year offense. The severity of the offense and the potential for violence posed by those who are prohibited from possessing firearms prompted this reclassification. The new 5-year exposure is sufficient to deal even with repeat offenders who, under the present law, face 5-years' imprisonment.

<sup>62</sup> Armed carjacking resulting in death is currently classified as a class A felony. The subcommittee recommends treating this offense like armed robbery and including it within the catalogue of offenses that receive felony murder treatment under sec. 940.03.

<sup>63</sup> In essence this statute adds 5 years to a life term if a person who has attained the age of 17 years advises, hires, counsels, procures, etc. a person 17 years of age or younger to commit a Class A felony and the latter is actually committed by the child. In the view of the subcommittee sec. 939.05(2)(c) makes the adult in these circumstances a party to the Class A felony and he or she would thus face life imprisonment. This is sufficient exposure and the 5-year enhancer is unnecessary.

<sup>64</sup> In the view of the subcommittee the penalties under the general solicitation statute (939.30) are sufficient to address the dangers of inchoate solicitation. Whether the actor solicited a child to commit an offense is an aggravating circumstance to be considered by the court at sentencing.

<sup>65</sup> In the view of the subcommittee the penalties under the general solicitation statute (939.30) are sufficient to address the dangers of inchoate solicitation. Whether the actor solicited a child to commit an offense is an aggravating circumstance to be considered by the court at sentencing.

- ✓ 12. **Rename** Fornication statute (944.15) to “Public Fornication” to more accurately describe the offense codified therein
- ✓ 13. Repeal mandatory consecutive sentencing provision of the Gun-free School Zone statute (sec. 948.605(4)).<sup>66</sup>

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✓<sup>66</sup> The Gun-free School Zone statute provides that, if a term of imprisonment is imposed for a violation of sec. 948.605, the court shall impose the sentence consecutive to any other sentence. The committee recommends repeal of this mandatory provision. Imposing a sentence of incarceration for a violation of this statute is discretionary with the judge; no jail term is mandated. Further, the committee believes the court should have the same discretion to impose a concurrent or consecutive sentence for a violation of this law that it has for virtually every other violation of the criminal law; including many more serious crimes.

STATE OF WISCONSIN  
CRIMINAL PENALTIES STUDY COMMITTEE  
CODE RECLASSIFICATION SUBCOMMITTEE

***FINES AND EXTENDED SUPERVISION CAPS***

At its meeting on May 27, 1999 the Code Reclassification Subcommittee approved the following recommendations regarding fines and extended supervision caps.

**Fines.** When the Wisconsin legislature classified Criminal Code felonies and misdemeanors in 1977, it provided for \$10,000 maximum fines for felonies in Class C, D and E and for misdemeanors in Class A. No fines were established for felonies in Class A and B. When the new BC felony class was added years later, the same maximum fine was made applicable to it as well. The \$10,000 maximum has never been adjusted.

The subcommittee recommends that maximum fines in the A-I classification system be established in the following amounts:

Class A felony	No provision for a fine
Class B felony	No provision for a fine
Class C felony	\$50,000 maximum fine
Class D felony	\$50,000 maximum fine
Class E felony	\$50,000 maximum fine
Class F felony	\$25,000 maximum fine
Class G felony	\$25,000 maximum fine
Class H felony	\$10,000 maximum fine
Class I felony	\$10,000 maximum fine
Class A misdemeanor	\$10,000 maximum fine

The subcommittee acknowledges that fines play no role in the disposition of many criminal cases. However, it believes that the schedule depicted above should be implemented for several reasons. First, it acknowledges the differing severity of the crimes in the various felony categories. Second, it reflects the changing value of money over time. Finally, it addresses concerns that a \$10,000 fine for certain more serious crimes is simply not enough for certain offenders, for example, corporations convicted of reckless or negligent homicide (of which there have been several).

Certain felonies codified outside the Criminal Code have much higher fines than those in the proposed schedule. Many controlled substance offenses fall into this category. The subcommittee acknowledges that when those crimes are classified in the A-I system, specific provisions will need to be enacted if maintaining those higher fines is deemed to be appropriate.

**Extended Supervision.** The subcommittee recommends that statutory caps be placed on the maximum amount of Extended Supervision time the judge may impose at sentencing as follows:

Class A felony	No provision for bifurcated sentence
Class B felony	20 years
Class C felony	15 years
Class D felony	10 years
Class E felony	5 years
Class F felony	5 years
Class G felony	5 years
Class H felony	3 years
Class I felony	2 years

In the view of the subcommittee, this schedule allows for sufficient extended supervision time given the nature of the crimes proposed for inclusion in each of the felony classes and the public safety/offender rehabilitation goals that underlie the notion of supervision upon release from prison.

**Query:** Given Wisconsin's habitual criminality statute and various penalty enhancers, it is possible for the court to sentence a convicted misdemeanor to prison for a term of years. 1997 Act 283 makes no provision for ES. for these offenders. Should the committee recommend such a provision?

Thomas J. Hammer  
Chair, Code Reclassification  
Subcommittee

# DEPICTION OF MISCELLANEOUS INJURY OFFENSES IN THEA-I SYSTEM S-28-99 DRAFT

AVA = ABUSE OF VULNERABLE ADULTS (940.285)  
 APF = ABUSE OF RESIDENTS OF PENAL FACILITIES (940.29)  
 APR = ABUSE AND NEGLECT OF PATIENTS AND RESIDENTS (940.295)  
 THP = TAMPERING WITH HOUSEHOLD PRODUCTS (941.327)  
 PAC = PHYSICAL ABUSE OF A CHILD (948.03)  
 MHC = CAUSING MENTAL HARM TO A CHILD (948.04)  
 CN = NEGLECTING A CHILD (948.21)

APPROVED BY  
SUBCOMMITTEE

MENS REA ("MR"): I = Intentionally R = Recklessly N = Negligently

HARMS ("H") GBH = Great Bodily Harm BH = Bodily Harm  
 LGBH = Likely to Cause GBH LBH = Likely to Cause BH  
 HPGBH = High Probability of Great Bodily Harm SBH = Substantial Bodily Harm

A	B	C	D	E	F	G	H	I
		AVA MR: I R H: Death <i>(1g-)</i>	AVA MR: N H: Death <i>(1g-)</i>		AVA MR: I R N H: GBH <i>(1me)</i>	AVA MR: I H: LGBH <i>(1r-)</i>	AVA MR: I H: BH <sup>2</sup> <i>(2-)</i>	AVA MR: I H: LBH <i>(2-)</i>
								AVA MR: R N H: LGBH <i>(3-)</i>
								APF
		APR MR: I R H: Death <sup>3</sup> <i>(1g-)</i>	APR MR: N H: Death <sup>4</sup> <i>(1g-)</i>	APR MR: I R N H: GBH <sup>5</sup> <i>(1m-)</i>	APR MR: I H: GBH <sup>6</sup> <i>(1r-)</i>	APR MR: I H: LGBH <i>(1r-)</i>	APR MR: I H: BH <sup>7</sup> <i>(2-)</i>	APR MR: I H: LBH <i>(2-)</i>
							APR MR: R N H: GBH <sup>8</sup> <i>(3-)</i>	APR MR: R N H: LGBH <i>(3-)</i>
		THP H: Death			THP H: GBH		THP HPGBH	THP General

<sup>1</sup> See also Wis. Stat sec. 948.03(4) re: ~~Failing to Act~~ to Prevent Bodily Harm.

<sup>2</sup> This proposal calls for classifying what is currently sec. 940.285(2)(b)2 as an H felony when bodily-harm is actually caused and as an I felony when there is only a likelihood of bodily harm. Under present law these two offenses are both classified as an E felony.

<sup>3</sup> Victim must be a "vulnerable person."

<sup>4</sup> Victim must be a "vulnerable person."

<sup>5</sup> Victim must be a "vulnerable person." This is the justification for classifying this offense at the E level.

<sup>6</sup> This proposal calls for classifying what is currently sec. 940.295(3)(b)1r as a F felony when great bodily harm is actually caused and as an I felony when there is only a likelihood of great bodily harm. Under present law these two offenses are both classified as a D felony.

This proposal calls for classifying what is currently sec. 940.295(3)(b)2 as an H felony when bodily harm is actually caused and as an I felony when there is only a likelihood of bodily harm. Under present-law these two offenses are both classified as an E felony.

<sup>8</sup> This proposal-calls for classifying what is currently sec. 940.295(3)(b)3 as an H felony when great bodily harm is actually caused and as an I felony when there is only a likelihood of great-bodily harm. Under present law these two offenses are both classified as an E felony

A	B	C	D	E	I?	G	H	I
				PAC MR: I H: GBH			PAC MR: I H: BH	PAC MR: R H: BH
					PAC MR: I <sup>9</sup> H: BH <sup>10</sup>	PAC MR: R <sup>11</sup> H: GBH		
							PAC MR: R H: BH <sup>12</sup>	
					M H C			
			CN H: Death					
				Agg. Battery <sup>13</sup> MR: I: GBH H: GBH			Int. Battery <sup>14</sup> MR: I: BH H: GBH	Int. Battery <sup>15</sup> MR: I: BH H: SBH

↓  
940.19  
(5) (as  
amended?)

940.19(4) ↓  
940.19 (2)

<sup>9</sup> The intent here must be to cause **bodily** harm.

<sup>10</sup> The conduct here must be such as to create a high probability-of greatbodily harm.

<sup>11</sup> The recklessness element of this offense involves creating a-situationof unreasonable risk of harm to and demonstrates a conscious disregard **for the safety** of the child It is less serious than the ordinary definition of recklessness found in sec. 939.24 which involves consciously creatmgan unreasonable and substantial risk of death or great bodily harm to another Thus the offense to-which this footnote is attached is graded less seriously than 2<sup>nd</sup> degree reckless **injury** (940.23(2)).

<sup>12</sup> The conduct here must be such as to create a high probability of great bodily harm.

<sup>13</sup> See Hammer Battery Draft 05/11/99.

<sup>14</sup> See Hammer Battery Draft 05/11/99.

<sup>15</sup> See Hammer Battery Draft 05/11/99.



## ***DEPICTION OF HOMICIDES 5/28/99 DRAFT AND SERIOUS INJURY FELONIES***

GBH = GREAT BODILY HARM

LGBH = LIKELIHOOD OF GREAT BODILY HARM

A	B	C	D	E	F	G
1 <sup>st</sup> Degree Intentional Homicide						
Partial-Birth Abortion	1 <sup>st</sup> Degree Reckless Homicide	Len Bias Homicide (Drugs)				
	Attempted 1 <sup>st</sup> Deg. Int. Homicide	2 <sup>nd</sup> Degree Intentional Homicide				
			2 <sup>nd</sup> Degree Reckless Homicide			
		Int/Reck Abuse of Vul. Adult: Death	1 <sup>st</sup> Degree Reckless Injury			
		Int/Reck Abuse of Patients/Res: Death	Neg. Abuse of Vul. Adult: Death		2 <sup>nd</sup> Degree Reckless Injury	
			Neg. Abuse of Patients/Res: Death		1 <sup>st</sup> Degree Reck. Endan. Safety	
		Tamper w/ Household Prod: Death	Child Neglect: Death		Abuse of Vul. Adult: GBH	2 <sup>nd</sup> Degree Reck. Endan. Safety
	1 <sup>st</sup> Degree Sexual Assault	OWI Homicide Repeater <sup>1</sup>		Abuse of Patients/Res: GBH <sup>2</sup>	Abuse of Patients/Res: GBH	Int. Abuse of Vul. Adult: LGBH
	1 <sup>st</sup> Degree Sex Assault of a Child	Mayhem	OWI Homicide <sup>3</sup>		Tamper w/ Household Prod: GBH	Int. Abuse of Patients/Res: LGBH
		2 <sup>nd</sup> Degree Sexual Assault	Homicide: Intox. Use Of Firearm	Aggravated Battery (int. cause GBH)		Hazing: Death
		2 <sup>nd</sup> Degree Sex Assault of a Child		Child Abuse (int. causing GBH)		Homicide: Neg use of weapon
				Fleeing: Death	Injury by OWI	Homicide: Neg. Use of Vehicle
			3 <sup>rd</sup> Degree Sex Assault	obstruct Rescue Pers: Death	Fleeing: Causing GBH	Homicide: Neg. Control of Animal

<sup>1</sup> OWI Repeater = 1 or more prior alcohol-related driving convictions.

<sup>2</sup> Victim must be a "vulnerable adult."

<sup>3</sup> OWI Homicide with no prior alcohol-related driving convictions.

## **DEPICTION OF HOMICIDES AND SERIOUS INJURY FELONIES**

### **CHARACTERISTICS OF EACH FELONY CLASS**

<b>CLASS</b>	<b>CRIME</b>	<b>RESULT</b>	<b>MENS REA</b>
A	1 <sup>ST</sup> Degree Int. Homicide	Death	Intent
A	Partial-Birth Abortion	Death	Intent
B	1 <sup>st</sup> Degree Reckless Homicide	Death	Agg. Recklessness
C	2 <sup>nd</sup> Degree Int. Homicide	Death	Mitigated Intent
C	OWI Homicide – Repeater	Death	Akin to Reckless <sup>4</sup>
D	Child Neglect: Death	Death	Intent: Contr. To Neglect of Child Strict Liab: Death
D	2 <sup>nd</sup> Degree Reckless Homicide	Death	Recklessness
D	OWI Homicide	Death	Akin to Reckless <sup>5</sup>
D	1 <sup>st</sup> Degree Reckless Injury	Great Bodily Harm	Agg. Recklessness <sup>6</sup>
E	Aggravated Battery	Great Bodily Harm	Intent
F	2 <sup>nd</sup> Degree Reckless Injury	Great Bodily Harm	Recklessness
F	Injury by OWI	Great Bodily Harm	Akin to Reckless <sup>7</sup>
F	1 <sup>st</sup> Degree Reck. Endan. Safety	Endanger Safety	Agg. Recklessness
G	2 <sup>nd</sup> Degree Reck. Endan. Safety	Endanger Safety	Recklessness
G	Homicide: Neg. Use of Weapon	Death	Crim. Negligence
G	Homicide: Neg. Use of Veh.	Death	Crim. Negligence
G	Homicide: Negligent Control of Vicious Animal	Death	Intent: Animal at Large Strict Liab: Death

<sup>4</sup> OWI Homicide - Repeater is **graded at the C level** because defendant has prior **alcohol-related** driving conviction.

<sup>5</sup> Though the OWI homicide **statute contains no mens rea, the committee concluded that driving a vehicle** while under the influence of intoxicants represents the rough equivalent of the conscious risk taking associated with the crime of reckless homicide.

<sup>6</sup> Aggravated recklessness involves taking a conscious risk of **causing death or great bodily harm**. 1<sup>st</sup> degree reckless injury is **graded** higher than aggravated battery which involves the same harm but involves a mental purpose to cause great bodily harm - not death.

<sup>7</sup> Though the OWI injury statute contains **no mens rea, the committee concluded that driving a vehicle** while under the influence of intoxicants represents the rough equivalent of the conscious risk taking associated with the crime of **2<sup>nd</sup> degree reckless injury**.

# Theft Etc. - chart

Cite	<u>Now</u>		<u>CPSC</u>	
	<u>Value</u>	<u>Class</u>	<u>Value</u>	<u>Class</u>
943.20 (3)				
(a)	$\leq \$1,000$	A misd.	$\leq \$2,000$	A. misd.
(b)	$\$1,000 < X \leq \$2,500$	E felony	$\$2K < X \leq \$5,000$	I
			$\$5K < X \leq \$10,000$	H
(c)	$\geq \$2,500$	C felony	$\geq \$10,000$	G
(d)	$\geq \$2,500 +$ spec. cites	D felony	irrelevant	G or H

↓ theft from person  
 ↓ all others

✓ Check X-refs of states w/ changed dollar amounts

Section #. 346.74 (5) of the statutes is amended to read:

346.74 (5) Any person violating any provision of s. 346.67 (1):

(a) Shall be fined not less than \$300 nor more than \$1,000 or imprisoned not more than 6 months or both if the accident did not involve death or injury to a person.

(b) Shall be fined not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than one year or both if the accident involved injury to a person but the person did not suffer great bodily harm.

**NOTE: Par. (b) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:**

(b) Shall be fined not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than 2 years or both if the accident involved injury to a person but the person did not suffer great bodily harm.

(c) May be fined not more than \$10,000 or imprisoned not more than 2 years or both if the accident involved injury to a person and the person suffered great bodily harm.

**NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:**

(c) May be fined not more than \$10,000 or imprisoned not more than 3 years or both if the accident involved injury to a person and the person suffered great bodily harm.

(d) May be fined not more than \$10,000 or imprisoned not more than 5 years or both if the accident involved death to a person.

**NOTE: Par. (d) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:**

(d) May be fined not more than \$10,000 or imprisoned not more than 7 years and 6 months or both if the accident involved death to a person.

*RP* (e) Is guilty of a felony if the accident involved death or injury to a person.

**History:** 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997 a. 258, 283.

## Olsen, Jefren

---

**From:** Brennan, Mike  
**Sent:** Tuesday, July 06, 1999 1:43 PM  
**To:** Olsen, Jefren  
**cc:** 'tom hammer'  
**Subject:** RE: Battery statute revisions

Jefren --

The proposed battery revisions ran into trouble in subcommittee. ignore that for now, and Tom and I will clarify it later.

Thanks --

Mike

Mike Brennan  
Staff Counsel  
Criminal Penalties Study Committee  
819 North 6th Street  
Room 834  
Milwaukee, WI 53203  
(W)(414) 227-5102  
(F)(414) 227-5104  
mike.brennan@doa.state.wi.us

-----Original Message-----

**From:** Olsen, Jefren  
**Sent:** Tuesday, July 06, 1999 1:42 PM  
**To:** Brennan, Mike  
**Subject:** Battery statute revisions

Mike,

The 5/28/99 draft of the code reclassification subcommittee refers to a document titled "Proposed Revision of Battery Statutes". Could you or Tom Hammer send me a copy of that document? Alternatively, if the subcommittee has not yet adopted the revisions in the document or the document is otherwise not yet in final form, just let me know. In that case I'll go ahead and incorporate the changes specified in the 5/28/99 draft and we can work the remaining battery revisions into a later draft.

Thanks for your time and help, as always.

Jefren

Attorney Jefren E. Olsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Tel: (608) 266-8906  
Fax: (608) 264-8522  
Email: jefren.olsen@legis.state.wi.us

## Olsen, Jefren

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**From:** Brennan, Mike  
**Sent:** Wednesday, June 30, 1999 8:38 AM  
**To:** Olsen, Jefren  
**cc:** 'tom hammer'  
**Subject:** RE: Code reclassification subcommittee draft

Jefren --

- 1) Yes;
- 2) Each of the 484 felonies in the statutes, **those** inside and outside the criminal code, will be classified with a letter code, Class A through Class I. That letter code will correspond to a maximum sentence, which will include a maximum initial imprisonment component and a maximum ES component.

Mike

Mike Brennan  
Staff Counsel  
Criminal Penalties Study Committee  
819 North 6th Street  
Room 834  
Milwaukee, WI 53203  
(W)(414) 227-5102  
(F)(414) 227-5104  
mike.brennan@doa.state.wi.us

-----Original Message-----

**From:** Olsen, Jefren  
**Sent:** Tuesday, June 29, 1999 10:37 PM  
**To:** Brennan, Mike  
**Subject:** Code reclassification subcommittee draft

Mike,

As time permits, I've been working on the code reclassification subcommittee draft over the last few days. I am using the subcommittee's **5/28/99** draft as drafting instructions. That draft includes treatment of "fleeing" in the traffic code. I assume that the "fleeing" crimes are those in s. 346.74 (5), which prescribes penalties for violation of s. 346.67 (1). Is that correct?

Also, is the subcommittee contemplating that every felony in the statutes will get a letter classification, or will letter classifications still be limited to crimes in the criminal code? If the latter, the draft I am preparing won't be able to amend the "fleeing" crimes to refer to their appropriate classification but will instead have to spell out the amounts of the fine and imprisonment (as the statutes do under current law). Also, to pick up the maximum ES for crimes outside the criminal code, the draft will either have to include the maximum ES in each penalty provision that is outside the code or amend s. 973.01 (2) to specify the maximum ES for offenses outside the criminal code.

Thanks for your help.  
--Jefren

Attorney Jefren E. Olsen  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Tel: (608) 266-8906  
Fax: (608) 264-8522  
Email: jefren.olsen@legis.state.wi.us

Add to draft (Working copy (A))

→ ✓ Fine & ES case changes

✓ RP; 948.02 (3m) [x-refs]

✓ RP; 948.025 (2m) [x-refs]

✓ RP; 940.09 (1b) [x-refs]

✓ " 940.25 (1b) [x-refs]

✓ " 943.01 (2g) [x-refs]

✓ " 948.605 (4) [x-refs]

✓ " 943.23 (1r) [x-refs]

✓ Classify fleeing crimes

✓ x-ref all felony cut-off changes!

✓ Check for double hits

✓ x-refs on 948.025 (1) changes?

✓ Sec. aff.

✓ Felonies reduced to misd.: search "felony + [x-ref.]

✓ Check for stats referring to a stat as a misd. or felony, if you change crime to felony or misd.

Sections Affected Post-Drafting-Check For CPSC

Friday, July 9, 1999 10:28 am

Current Wisconsin Statutes updated through 1999 Act 4

SECTION (Sub)(Par)	TREATMENT	AFFECTED BY
<del>49.95(1)</del> 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
@46.74(5)(b) 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
&.74(5)(c) 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
46.74(5)(d) 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
<del>39.50(3)(bc)</del> 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
<del>39.50(3)(c)</del> 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
<del>39.50(3)(d)</del> 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
&39.50(3)(e) 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
<del>46.85(1)</del> 1997	am. effec. 12-31-1999 . . . . WisAct 283 of	
<del>48.05(1)(c)</del>	am.rn. 948.05 (lm)	Act 0003
<del>48.05(lm)</del>	am.rn.fr. 948.05 (1) (c)	Act 0003
<del>48.05(2)</del>	am.	Act 0003
<del>51.18(1)</del> 1997	am. effec. 12-1-1999 .... WisAct 192 of	



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

0590(P4)  
CPSC draft  
JEO&MGD:.....

Working Copy  
A

1           **SECTION 1. 115.31 (2g)** of the statutes is amended to read:

2           **115.31 (2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall  
3           revoke a license granted by the state superintendent, without a hearing, if the  
4           licensee is convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss.  
5           940.08 and 940.205, for a violation that occurs on or after September 12, 1991.

History: 1991 a. 42 ss. 1 to 3, 4r; 1993 a. 16.98; 1995 a. 27 s. 9145 (1); 1995 a. 77; 1997 a. 27,237.

6           **SECTION 2. 118.19 (4) (a)** of the statutes is amended to read:

7           **118.19 (4) (a)** Notwithstanding subch. II of ch. 111, the state superintendent  
8           may not grant a license to any person who has been convicted of any Class A, B, C  
9           or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent  
10          crime in another state or country, for a violation that occurs on or after September  
11          12, 1991, for 6 years following the date of the conviction, and may grant the license  
12          only if the person establishes by clear and convincing evidence that he or she is  
13          entitled to the license.

History: 1971 c. 154; 1975 c. 39, 95; 1979 c. 346; 1981 c. 314 s. 146; 1985 a. 29,207; 1989 a. 31; 1991 a. 42, 108, 164,315; 1993 a. 16, 334, 339, 454, 491; 1995 a. 27 ss. 3951m, 9145 (1); 1995 a. 299; 1997 a. 27.113.191.237.

14          **SECTION 3. 346.74 (5) (b)** of the statutes, as affected by 1997 Wisconsin Act 283,  
15          is amended to read:

16          **346.74 (5) (b)** Shall be fined not less than \$300 nor more than \$5,000 or  
17          imprisoned not less than 10 days nor more than ~~2~~ 6 years or both if the accident  
18          involved injury to a person but the person did not suffer great bodily harm.

\*\*\*\*NOTE: Crimes outside the criminal code must either be classified, or 973.01 must be amendment to make it clear what the maximum ES period is !!!!!!!!!!!!!!! Or max. ES term must be written into this penalty provision.....

NOTE: NOTE: Par. (b) is amended **eff.** U-31-99 by 1997 **Wis.** Act 283 to read:NOTE:

History: 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997 a. 258,283.

19          **SECTION 4. 346.74 (5) (b)** of the statutes, as affected by 1997 Wisconsin Act 283,  
20          is amended to read:

1           346.74 (5) (b) Shall be fined not less than \$300 nor more than \$5,000 or  
2           imprisoned not less than 10 days nor more than 2 years or both if the accident  
3           involved injury to a person but the person did not suffer great bodily harm.

\*\*\*NOTE: I think that this should be a Class I felony but I'm not sure.

NOTE: NOTE: Par. (b) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

History: 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997a.258,283.

4           **SECTION 5.** 346.74 (5) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
5           is amended to read:

6           346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than  
7           ~~3~~ 12 years and 6 months or both if the accident involved injury to a person and the  
8           person suffered great bodily harm.

NOTE: NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

History: 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997 a. 258,283.

9           **SECTION 6.** 346.74 (5) (d) of the statutes, as affected by 1999 Wisconsin Act 1997  
10          Wisconsin Act 283, is amended to read:

11          346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than  
12          ~~7~~ 15 years and 6 months or both if the accident involved death to a person.

NOTE: NOTE: Par. (d) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

History: 1971 c. 278; 1973 c. 218; 1981 c. 20, 70; 1997 a. 258,283.

13          **SECTION 7.** 938.355 (4) (b) of the statutes is amended to read:

14          938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile  
15          has been adjudicated delinquent is subject to par. (a), except that the judge may make  
16          an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th  
17          birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)  
18          apply for 5 years, if the juvenile is adjudicated delinquent for committing an act that  
19          would be punishable as a Class B felony if committed by an adult, or until the  
20          juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for

1 committing an act that would be punishable as a Class A felony if committed by an  
2 adult.

History: 1995 a. 77.352; 1997 a. 27, 35, 205, 237.239, 252; s. 13.93 (2) (c).

3 **SECTION 8.** 939.30 (1) of the statutes is amended to read:

4 939.30 (1) Except as provided in sub. (2) and ss. 948.35 and 961.455, whoever,  
5 with intent that a felony be committed, advises another to commit that crime under  
6 circumstances that indicate unequivocally that he or she has the intent is guilty of  
7 a Class ~~D~~ H felony.

History: 1977 c. 173; 1989 a. 121; 1991 a. 153; 1995 a. 448.

8 **SECTION 9.** 939.30 (2) of the statutes is amended to read:

9 939.30 (2) For a solicitation to commit a crime for which the penalty is life  
10 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit  
11 a Class E felony, the actor is guilty of a Class E felony.

History: 1977 c. 173; 1989 a. 121; 1991 a. 153; 1995 a. 448.

12 **SECTION 10.** 939.30 (2) of the statutes is amended to read:

13 939.30 (2) For a solicitation to commit a crime for which the penalty is life  
14 imprisonment, the actor is guilty of a Class C felony. For a solicitation to commit a  
15 Class E I felony, the actor is guilty of a Class ~~E~~ I felony.

History: 1977 c. 173; 1989 a. 121; 1991 a. 153; 1995 a. 448.

16 **SECTION 11 .** 939.50 (1) (bc) of the statutes is repealed.

17 **SECTION 12.** 939.50 (1) (f) of the statutes is created to read:

18 939.50 (1) (f) Class F felony.

19 **SECTION 13.** 939.50 (1) (g) of the statutes is created to read:

20 939.50 (1) (g) Class G felony.

21 **SECTION 14.** 939.50 (1) (h) of the statutes is created to read:

22 939.50 (1) (h) Class H felony.

23 **SECTION 15.** 939.50 (1) (i) of the statutes is created to read:

1 939.50 ( 1 ) (i) Class I felony.

2 SECTION 16. 939.50 (2) of the statutes is amended to read:

3 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~or~~, E, F, G, H or I felony when it  
4 is so specified in chs. 939 to 951.

History: 1977 c. 173; 1981 c. 280; 1987 a. 332 s. 64; 1993 a. 194; 1995 a. 69; 1997 a 283.

5 SECTION 17. 939.50 (3) (bc) of the statutes is repealed.

6 SECTION 18. 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
7 is amended to read:

8 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ <sup>\$50,000</sup> or imprisonment  
9 not to exceed ~~15~~ 40 years, or both.

NOTE: NOTE: Par. (c) is amended eff. U-31-99 by 1997 Wii. Act 283 to read:NOTE:

History: 1977 c. 173; 1981 c. 280; 1987 a. 332 s. 64; 1993 a. 194; 1995 a. 69; 1997 a 283.

10 SECTION 19. 939.50 (3) (d) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ or imprisonment  
13 not to exceed ~~10~~ 25 years, or both.

NOTE: NOTE: Par. (d) is amended eff. 12-31-99 by 1997 Wk. Act 283 to read:NOTE:

History: 1977 c. 173; 1981 c. 280; 1987 a. 332 s. 64; 1993 a. 194; 1995 a. 69; 1997 a 283.

14 SECTION 20. 939.50 (3) (e) of the statutes, as affected by 1997 Wisconsin Act  
15 283, is amended to read:

16 939.50(3)(e) For a Class E felony, a fine not to exceed ~~\$10,000~~ or imprisonment  
17 not to exceed ~~5~~ 15 years or both.

NOTE: NOTE: Par. (e) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

History: 1977 c. 173; 1981 c. 280; 1987 a. 332 s. 64; 1993 a. 194; 1995 a. 69; 1997 a 283.

18 SECTION 21. 939.50 (3) (f) of the statutes is created to read:

19 939.50 (3) (f) For a Class F felony, a fine not to exceed ~~\$10,000~~ <sup>\$25,000</sup> or imprisonment  
20 not to exceed ~~12~~ 1 year and 6 months, or both.

21 SECTION 22. 939.50 (3) (g) of the statutes is created to read:

Add 943.23(1r) - 5 -  
Increase max by not more than 15 yrs

25,180

1

939.50 (3) (g) For a Class G felony, a fine not to exceed \$10,000 or imprisonment

2 not to exceed 10 years, or both.

3 **SECTION 23.** 939.50 (3) (h) of the statutes is created to read:

4 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment

5 not to exceed 6 years, or both.

6 **SECTION 24.** 939.50 (3) (i) of the statutes is created to read:

7 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment

8 not to exceed 3 years and 6 months, or both.

9 **SECTION 25.** 940.02 (2) (intro.) of the statutes is amended to read:

10 940.02 (2) (intro.) Whoever causes the death of another human being under any

11 of the following circumstances is guilty of a Class ~~B~~ C felony:

940.03

History: 1987 a. 339,399; 1995 a. 448; 1997 a. 295.

12 **SECTION 26.** 940.04 (1) of the statutes is amended to read:

13 940.04 (1) Any person, other than the mother, who intentionally destroys the

14 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~

15 ~~than 3 years or both~~ is guilty of a Class H felony.

16 **SECTION 27.** 940.04 (2) (intro.) of the statutes is amended to read:

17 940.04 (2) (intro.) Any person, other than the mother, who does either of the

18 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

19 **SECTION 28.** 940.04 (4) of the statutes is amended to read:

20 940.04 (4) Any pregnant woman who intentionally destroys the life of her

21 unborn quick child or who consents to such destruction by another may-be

22 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

23 **SECTION 29.** 940.05 (1) (intro.) of the statutes is amended to read:

1            940.05 **(1)** (intro.) Whoever causes the death of another human being with  
2            intent to kill that person or another is guilty of a Class ~~B~~ C felony if:

History: 1987 a. 399; 1997 a. 295.

3            **SECTION 30.** 940.05 (2g) (intro.) of the statutes is amended to read:

4            940.05 (2g) (intro.) Whoever causes the death of an unborn child with intent  
5            to kill that unborn child, kill the woman who is pregnant with that unborn child or  
6            kill another is guilty of a Class ~~B~~ C felony if:

History: 1987 a. 399; 1997 a. 295.

7            **SECTION 31.** 940.06 (1) of the statutes is amended to read:

8            940.06 **(1)** Whoever recklessly causes the death of another human being is  
9            guilty of a Class ~~C~~ D felony.

History: 1987 a. 399; 1997 a. 295.

10           **SECTION 32.** 940.06 (2) of the statutes is amended to read:

11           940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of  
12           a Class ~~C~~ D felony.

History: 1987 a. 399; 1997 a. 295.

13           **SECTION 33.** 940.07 of the statutes is amended to read:

14           **940.07 Homicide resulting from negligent control of vicious animal.**

15           Whoever knowing the vicious propensities of any animal intentionally allows it to go  
16           at large or keeps it without ordinary care, if such animal, while so at large or not  
17           confined, kills any human being who has taken all the precautions which the  
18           circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

History: 1977 c. 173.

19           **SECTION 34.** 940.08 of the statutes is amended to read:

20           **940.08 Homicide by negligent handling of dangerous weapon,**

21           **explosives or fire. (1)** Whoever causes the death of another human being by the  
22           negligent operation or handling of a dangerous weapon, explosives or fire is guilty  
23           of a Class ~~D~~ G felony.

(2) Whoever causes the death of an unborn child by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~ G felony.

History: 1917 c. 173; 1985 a. 293; 1981 a. 399; 1991 a. 295.

**SECTION 35. 940.09 (1) (intro.) of the statutes is amended to read:**

940.09 (1) (intro.) Any person who does any of the following is ~~guilty of a Class~~

~~B felony:~~

*may be penalized as provided in sub. (1c)*

History: 1977 c. 173; 1981 c. 20, 184, 314, 391; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 32, 277; 1993 a. 317; 1995 a. 425, 436; 1997 a. 237, 295, 338; ~~1993 (2) c.~~

\*\*\*NOTE: Need to change 940.09 to structure penalties based on number of priors.

**SECTION 36. 940.10 of the statutes is amended to read:**

**940.10 Homicide by negligent operation of vehicle. (1)** Whoever causes the death of another human being by the negligent operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

(2) Whoever causes the death of an unborn child by the negligent operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

History: 1987 a. 399; 1997 a. 295.

**SECTION 37. 940.11 (1) of the statutes is amended to read:**

940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~C~~ F felony.

History: 1991 a. 205.

**SECTION 38. 940.11 (2) of the statutes is amended to read:**

940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~D~~ G felony.

History: 1991 a. 205.

**SECTION 39. 940.12 of the statutes is amended to read:**

AP  
940.09  
(1b)  
[in refs]

refer to 343.397 (2) (?)  
Am; 343.397 (2) (intro.)

C felony if prior  
D " if no prior

1           **940.12 Assisting suicide.** Whoever with intent that another take his or her  
2           own life assists such person to commit suicide is guilty of a Class ~~D~~ H felony.

3           History: 1977 c. 173.

3           **SECTION 40.** 940.15 (2) of the statutes is amended to read:

4           940.15 (2) Whoever intentionally performs an abortion after the fetus or  
5           unborn child reaches viability, as determined by reasonable medical judgment of the  
6           woman's attending physician, is guilty of a Class ~~E~~ I felony

7           History: 1985 a. 56.

7           **SECTION 41.** 940.15 (5) of the statutes is amended to read:

8           940.15 (5) Whoever intentionally performs an abortion and who is not a  
9           physician is guilty of a Class ~~E~~ I felony.

10          History: 1985 a. 56.

10          **SECTION 42.** 940.15 (6) of the statutes is amended to read:

11          940.15 (6) Any physician who intentionally performs an abortion under sub.  
12          (3) shall use that method of abortion which, of those he or she knows to be available,  
13          is in his or her medical judgment most likely to preserve the life and health of the  
14          fetus or unborn child. Nothing in this subsection requires a physician performing  
15          an abortion to employ a method of abortion which, in his or her medical judgment  
16          based on the particular facts of the case before him or her, would increase the risk  
17          to the woman. Any physician violating this subsection is guilty of a Class ~~E~~ I felony.

18          History: 1985 a. 56.

18          **SECTION 43.** 940.19 (2) of the statutes is amended to read:

19          940.19 (2) Whoever causes substantial bodily harm to another by an act done  
20          with intent to cause bodily harm to that person or another is guilty of a Class ~~E~~ I  
21          felony.

22          History: 1977 c. 173; 1979 c. 111, 113; 1987 a. 399; 1993 a. 441, 483.

22          **SECTION 44.** 940.19 (4) of the statutes is amended to read:



Am; 940.19(5) §.195 -

to delete Subs. B.H. & make it an E felony

\*\*\*\* Note = Based on 5/29/99 JEO&MGD:.....

draft sent to revision  
Lesser  
Further  
Sub.  
act.

1 940.19 (4) Whoever causes great bodily harm to another by an act done with  
2 intent to cause bodily harm to that person or another is guilty of a Class **D H** felony.

History: 1977 c. 173; 1979 c. 111, 113; 1987 a. 399; 1993 a. 441,483.

3 **SECTION 45.** 940.19 (6) (intro.) of the statutes is amended to read:

4 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by  
5 conduct that creates a substantial risk of great bodily harm is guilty of a Class **D H**  
6 felony. A rebuttable presumption of conduct creating a substantial risk of great  
7 bodily harm arises:

History: 1977 c. 173; 1979 c. 111,113; 1987 a. 399; 1993 a. 441,483.

8 **SECTION 46.** 940.195 (2) of the statutes is amended to read:

9 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an  
10 act done with intent to cause bodily harm to that unborn child, to the woman who is  
11 pregnant with that unborn child or another is guilty of a Class **E I** felony.

History: 1997 a. 295.

12 **SECTION 47.** 940.195 (4) of the statutes is amended to read:

13 940.195 (4) Whoever causes great bodily harm to an unborn child by an act  
14 done with intent to cause bodily harm to that unborn child, to the woman who is  
15 pregnant with that unborn child or another is guilty of a Class **D H** felony.

History: 1997 a. 295

940.195(5)

16 **SECTION 48.** 940.20 (1) of the statutes is amended to read:

17 **940.20 (1) BATTERY BY PRISONERS.** Any prisoner confined to a state prison or  
18 other state, county or municipal detention facility who intentionally causes bodily  
19 harm to an officer, employe, visitor or another inmate of such prison or institution,  
20 without his or her consent, is guilty of a Class **D H** felony.

1987 s. 35, 143, 283/3; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 n. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343;

21 **SECTION 49.** 940.20 (2) of the statutes is amended to read:

22 940.20 (2) **BATTERY TOLAWENFORCEMENTOFFICERSANDFIREFIGHTERS.** Whoever  
23 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those

1 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the  
2 person knows or has reason to know that the victim is a law enforcement officer or  
3 fire fighter, by an act done without the consent of the person so injured, is guilty of  
4 a Class **D H** felony.

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1991 a. 35, 143, 283.

5 **SECTION 50.** 940.20 (2m) (b) of the statutes is amended to read:

6 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
7 extended supervision and parole agent or an aftercare agent, acting in an official  
8 capacity and the person knows or has reason to know that the victim is a probation,  
9 extended supervision and parole agent or an aftercare agent, by an act done without  
10 the consent of the person so injured, is guilty of a Class **D H** felony.

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283.

11 **SECTION 51.** 940.20 (3) of the statutes is amended to read:

12 940.20 (3) **BATTERY TO JURORS.** Whoever intentionally causes bodily harm to a  
13 person who he or she knows or has reason to know is or was, a grand or petit juror,  
14 and by reason of any verdict or indictment assented to by the person, without the  
15 consent of the person injured, is guilty of a Class **D H** felony.

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283.

16 **SECTION 52.** 940.20 (7) (b) of the statutes is amended to read:

17 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency  
18 department worker, an emergency medical technician, a first responder or an  
19 ambulance driver who is acting in an official capacity and who the person knows or  
20 has reason to know is an emergency department worker, an emergency medical  
21 technician, a first responder or an ambulance driver, by an act done without the  
22 consent of the person so injured, is guilty of a Class **D H** felony

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a 336; 1993 a. 54, 164, 491; 1995 a 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283.

1           **SECTION 53. 940.201 (2)** (intro.) of the statutes is amended to read:

2           **940.201 (2)** (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H  
3           felony:

History: 1997 a. 143.

4           **SECTION 54. 940.203 (2)** (intro.) of the statutes is amended to read:

5           **940.203 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to  
6           cause bodily harm to the person or family member of any judge under all of the  
7           following circumstances is guilty of a Class ~~D~~ H felony:

History: 1993 a. SO, 446.

8           **SECTION 55. 940.205 (2)** (intro.) of the statutes is amended to read:

9           **940.205 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to  
10          cause bodily harm to the person or family member of any department of revenue  
11          official, employe or agent under all of the following circumstances is guilty of a Class  
12          ~~D~~ H felony:

History: 1985 a. 29; 1993 a. 446.

13          **SECTION 56. 940.207 (2)** (intro.) of the statutes is amended to read:

14          **940.207 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to  
15          cause bodily harm to the person or family member of any department of commerce  
16          or department of workforce development official, employe or agent under all of the  
17          following circumstances is guilty of a Class ~~D~~ H felony:

History: 1993 a. 86,446; 1995 a 27 ss. 7227 to 7229,9116 (S), 9130 (4); 1997 a. 3.

18          **SECTION 57. 940.21** of the statutes is amended to read:

19          **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or  
20          mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is  
21          guilty of a Class ~~B~~ C felony.

History: 1977 c. 173.

22          **SECTION 58. 940.22 (2)** of the statutes is amended to read:

1           940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself  
 2 or herself out to be a therapist and who intentionally has sexual contact with a  
 3 patient or client during any ongoing therapist-patient or therapist-client  
 4 relationship, regardless of whether it occurs during any treatment, consultation,  
 5 interview or examination, is guilty of a Class ~~C~~ F felony. Consent is not an issue in  
 6 an action under this subsection.

History: 1983 a. 434; 1985 a. 275; 1987 a. 352, 380; 1991 a. 160; 1993 a. 107; 1995 a. 300.

7           **SECTION 59.** 940.225 (2) (intro.) of the statutes is amended to read:

8           940.225 (2) **SECOND DEGREE SEXUAL ASSAULT.** (intro.) Whoever does any of the  
 9 following is guilty of a Class ~~B~~ C felony:

History: 1975 c. 184,421; 1977 c. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311; 1985 a. 134; 1987 a. 245, 332, 352; 1987 a. 403 ss. 235, 236, 256; 1993 a. 445; 1995 a.69; 1997 a. 220.

10          **SECTION 60.** 940.225 (3) of the statutes is amended to read:

11          940.225 (3) **THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse  
 12 with a person without the consent of that person is guilty of a Class ~~D~~ G felony.  
 13 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person  
 14 without the consent of that person is guilty of a Class ~~D~~ G felony.

History: 1975 c. 184,421; 1977 C. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311; 1985 a. 134; 1987 a. 245, 332, 352; 1987 a. 403 ss. 235, 236, 256; 1993 a.445; 1995 a. 69; 1997 a. 220.

15          **SECTION 61.** 940.23 (1) (a) of the statutes is amended to read:

16          940.23 (1) (a) Whoever recklessly causes great bodily harm to another human  
 17 being under circumstances which show utter disregard for human life is guilty of a  
 18 Class ~~C~~ D felony.

History: 1987 a. 399; 1997 a.295.

19          **SECTION 62.** 940.23 (1) (b) of the statutes is amended to read:

20          940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child  
 21 under circumstances that show utter disregard for the life of that unborn child, the

1 woman who is pregnant with that unborn child or another is guilty of a Class ~~C~~ D  
2 felony.

History: 1987 a. 399; 1997 a. 295.

3 **SECTION 63.** 940.23 (2) of the statutes is amended to read:

4 940.23 (2) ~~SECOND-DEGREE RECKLESS INJURY.~~ (a) Whoever recklessly causes  
5 great bodily harm to another human being is guilty of a Class ~~D~~ F felony

6 (b) Whoever recklessly causes great bodily harm to an unborn child is guilty  
7 of a Class ~~D~~ F felony.

History: 1987 a. 399; 1997 a. 295.

8 **SECTION 64.** 940.24 (1) of the statutes is amended to read:

9 940.24 (1) Whoever causes bodily harm to another by the negligent operation  
10 or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

History: 1977 c. 173; 1987 a. 399; 1997 a. 295.

11 **SECTION 65.** 940.24 (2) of the statutes is amended to read:

12 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent  
13 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~  
14 I felony

History: 1977 c. 173; 1987 a. 399; 1997 a. 295.

15 **SECTION 66.** 940.25 (1) (intro.) of the statutes is amended to read:

16 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class  
17 ~~D~~ F felony:

*RP; 940.25 (1b)*

~~History: 1977 c. 193, 272; 1981 c. 20, 184; 1983 a. 459; 1985 a. 331; 1987 a. 399; 1989 a. 105, 275, 359; 1991 a. 277; 1993 a. 317, 428, 478; 1995 a. 425, 436; 1997 a. 237, 295; s. 13.93 (2) (c).~~

18 **SECTION 67.** 940.285 (2) (b) 1g. of the statutes is amended to read:

19 940.285 (2) (b) 1g. Any person violating par. (a) <sup>1. or 2.</sup> under circumstances that cause  
20 death is guilty of a Class ~~B~~ C felony

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

21 ~~**SECTION 68.** 940.285 (2) (b) 1g. of the statutes is amended to read:~~

*new sentence, next page*

*new sentence*

3.

1 ~~940.285 (2) (b) 1g.~~ Any person violating par. (a) under circumstances that cause  
2 death is guilty of a Class ~~B~~ D felony.

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

~~\*\*\*NOTE: Break out treatment of negligent maltreatment?\*\*\*~~

3 **SECTION 69.** 940.285 (2) (b) 1m. of the statutes is amended to read:

4 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that  
5 cause great bodily harm is guilty of a Class ~~C~~ F felony.

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

6 **SECTION 70.** 940.285 (2) (b) 1r. of the statutes is amended to read:

7 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are  
8 likely to cause great bodily harm is guilty of a Class ~~D~~ G felony.

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

9 **SECTION 71.** 940.285 (2) (b) 2. of the statutes is amended to read:

10 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that  
11 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony.

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

*created*  
12 **SECTION 72.** 940.285 (2) (b) 2. of the statutes is amended to read:  
13 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that  
14 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~H~~ I felony.  
*plain*

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

15 **SECTION 73.** 940.285 (2) (b) 3. of the statutes is amended to read:

16 940.285 (2) (b) 3. Any person violating par. (a) ~~2. or 3.~~ *(Slet)* under circumstances that  
17 are likely to cause great bodily harm is guilty of a Class ~~E~~ I felony

History: 1985 a. 306; 1993 a. 445; 1997 a. 180.

18 **SECTION 74.** 940.29 of the statutes is amended to read:

19 **940.29 Abuse of residents of penal facilities.** Any person in charge of or  
20 employed in a penal or correctional institution or other place of confinement who  
21 abuses, neglects or ill-treats any person confined in or a resident of any such

1 institution or place or who knowingly permits another person to do so is guilty of a  
2 Class ~~E~~ I felony.

History: 1975 c. 119; 1975 c. 413 s. 18; 1977 c. 173; 1979 c. 124; 1981 c. 20; 1987 a. 161 ss. 12, 13m; 1987 a. 332; 1993 a. 445.

3 **SECTION 75.** 940.295 (3) (b) lg. of the statutes is amended to read:

4 940.295 (3) (b) lg. Any person violating par. (a) under circumstances that cause  
5 death to a vulnerable person is guilty of a Class ~~B~~ C felony.

*gain*

History: 1993 a. 445; 1995 a. 225; 1997 a. 180

6 ~~**SECTION 76.** 940.295 (3) (b) lg. of the statutes is amended to read:~~

7 ~~940.295 (3) (b) lg. Any person violating par. (a) under circumstances that cause~~  
8 ~~death to a vulnerable person is guilty of a Class ~~B~~ D felony.~~

~~\*\*\*NOTE: Break out treatment of negligent maltreatment?~~

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

9 **SECTION 77.** 940.295 (3) (b) lm. of the statutes is amended to read:

10 940.295 (3) (b) lm. Any person violating par. (a) under circumstances that  
11 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

12 **SECTION 78.** 940.295 (3) (b) lr. of the statutes is amended to read:

13 940.295 (3) (b) 1r. Except as provided in subd. lm., any person violating par.  
14 (a) 1. under circumstances that cause or are likely to cause great bodily harm is guilty  
15 of a Class ~~D~~ F felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

16 **SECTION 79.** 940.295 (3) (b) 1r. of the statutes is amended to read:

17 940.295 (3) (b) lr. Except as provided in subd. lm., any person violating par.  
18 (a) 1. under circumstances that cause or are likely to cause great bodily harm is guilty  
19 of a Class ~~D~~ G felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

20 **SECTION 80.** 940.295 (3) (b) 2. of the statutes is amended to read:

1 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that  
2 cause ~~or are likely to cause~~ bodily harm is guilty of a Class E H felony

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

3 **SECTION 81.** 940.295 (3) (b) 2. of the statutes is ~~amended~~ <sup>created</sup> to read:

4 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that  
5 ~~cause or~~ are likely to cause bodily harm is guilty of a Class ~~E H~~ <sup>plain</sup> I felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

6 **SECTION 82.** 940.295 (3) (b) 3. of the statutes is amended to read:

7 940.295 (3) (b) 3. Except as provided in subd. lm., any person violating par. (a)  
8 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is  
9 guilty of a Class E H felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

10 **SECTION 83.** 940.295 (3) (b) 3. of the statutes is ~~amended~~ <sup>created</sup> to read:

11 940.295 (3) (b) 3. Except as provided in subd. lm., any person violating par. (a)  
12 2. or 3. under circumstances that ~~cause or~~ are likely to cause great bodily harm is  
13 guilty of a Class E I felony.

History: 1993 a. 445; 1995 a. 225; 1997 a. 180.

14 **SECTION 84.** 940.30 of the statutes is amended to read:

15 **940.30 False imprisonment.** Whoever intentionally confines or restrains  
16 another without the person's consent and with knowledge that he or she has no  
17 lawful authority to do so is guilty of a Class E H felony.

History: 1977 c. 173.

18 **SECTION 85.** 940.305 (1) of the statutes is amended to read:

19 940.305 (1) Except as provided in sub. (2), whoever by force or threat of  
20 imminent force seizes; confines or restrains a person without the person's consent  
21 and with the intent to use the person as a hostage in order to influence a person to



1 perform or not to perform some action demanded by the actor is guilty of a Class 4  
2 B felony.

History: 1979 c. 118; 1993 a. 194.

3 **SECTION 86.** 940.305 (2) of the statutes is amended to read:

4 940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of  
5 a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held  
6 as a hostage is released without bodily harm.

History: 1979 c. 118; 1993 a. 194.

7 **SECTION 87.** 940.31 (1) (intro.) of the statutes is amended to read:

8 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C  
9 felony:

History: 1977 c. 173; 1993 a. 194,486.

10 **SECTION 88.** 940.31 (2) (a) of the statutes is amended to read:

11 940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with  
12 intent to cause another to transfer property in order to obtain the release of the victim  
13 is guilty of a Class ~~A~~ B felony.

History: 1977 c. 173; 1993 a. 194,486.

14 **SECTION 89.** 940.31 (2) (b) of the statutes is amended to read:

15 940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer  
16 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony  
17 if the victim is released without permanent physical injury prior to the time the first  
18 witness is sworn at the trial.

History: 1977 c. 173; 1993 a. 194,486.

19 **SECTION 90.** 940.32 (2) (intro.) of the statutes is amended to read:

20 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class  
21 ~~A misdemeanor~~ I felony:

History: 1993 a. 96,496.

22 **SECTION 91.** 940.32 (2m) of the statutes is amended to read:

1           940.32 **(2m)** Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she  
2 intentionally gains access to a record in electronic format that contains personally  
3 identifiable information regarding the victim in order to facilitate the violation  
4 under sub. (2).

History: 1993 a. 96,496.

5           **SECTION 92.** 940.32 (3) (intro.) of the statutes is amended to read:  
6           940.32 (3) (intro.) Whoever violates sub. (2) under any of the following  
7 circumstances is guilty of a Class ~~E~~ H felony:

History: 1993 a. 96,496.

8           **SECTION 93.** 940.32 (3m) (intro.) of the statutes is amended to read:  
9           940.32 **(3m)** (intro.) Whoever violates sub. (3) under all of the following  
10 circumstances is guilty of a Class ~~D~~ G felony:

History: 1993 a. 96,496.

11          **SECTION 94.** 940.43 (intro.) of the statutes is amended to read:  
12           **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.  
13 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

History: 1981 c. 118; 1997 a. 143.

14          **SECTION 95.** 940.45 (intro.) of the statutes is amended to read:  
15           **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44  
16 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

History: 1981 c. 118; 1997 a. 143.

17          **SECTION 96.** 941.11 (intro.) of the statutes is amended to read:  
18           **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the  
19 following is guilty of a Class ~~D~~ H felony:

History: 1977 c. 173; 1993 a. 486; 1995 a. 417.

20          **SECTION 97.** 941.12 (1) of the statutes is amended to read:

1           941.12 (1) Whoever intentionally interferes with the proper functioning of a  
2 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of  
3 a Class ~~E~~ I felony.

4 History: 1977 c. 173.

**SECTION 98.** 941.20 (2) (intro.) of the statutes is amended to read:

5           941.20 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ G  
6 felony:

7 History: 1977 c. 173; 1987 a. 399; 1989 a. 131; 1993 a. 94,486; 1997 a. 248,249; s. 13.93 (2) (c).

**SECTION 99.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

8           941.20 (3) (a) (intro.) Whoever intentionally discharges a firearm from a  
9 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot  
10 that is open to the public under any of the following circumstances is guilty of a Class  
11 ~~C~~ F felony:

12 History: 1977 c. 173; 1987 a. 399; 1989 a. 131; 1993 a. 94,486; 1997 a. 248,249; s. 13.93 (2) (c).

**SECTION 100.** 941.21 of the statutes is amended to read:

13           **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace  
14 officer who is acting in his or her official capacity by taking a dangerous weapon or  
15 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer  
16 without his or her consent is guilty of a Class ~~E~~ H felony. This section applies to any  
17 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)  
18 (a) that the officer is carrying or that is in an area within the officer's immediate  
19 presence.

20 History: 1983 a. 262; 1993 a. 98; 1995 a. 339.

**SECTION 101.** 941.235 (1) of the statutes is amended to read:

21           941.235 (1) Any person who goes armed with a firearm in any building owned  
22 or leased by the state, or any political subdivision of the state is guilty of a Class ~~B~~  
23 A misdemeanor.

History: 1979 c. 221; 1991 a. 172; 1993 a. 246.

1           **SECTION 102.** 941.26 (2) (a) of the statutes is amended to read:

2           941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ H felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

3           **SECTION 103.** 941.26 (2) (b) of the statutes is amended to read:

4           941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class ~~C~~ F felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

5           **SECTION 104.** 941.26 (2) (e) of the statutes is amended to read:

6           941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or  
7 commercial transportation of the bomb, grenade, projectile, shell or container under  
8 sub. (1) (b) is guilty of a Class ~~E~~ H felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

9           **SECTION 105.** 941.26 (2) (f) of the statutes is amended to read:

10           941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,  
11 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily  
12 discomfort to a person who the actor knows, or has reason to know, is a peace officer  
13 who is acting in an official capacity is guilty of a Class ~~D~~ H felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

14           **SECTION 106.** 941.26 (2) (g) of the statutes is amended to read:

15           941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,  
16 grenade, projectile, shell or container under sub. (1) (b) during his or her commission  
17 of another crime to cause bodily harm or bodily discomfort to another or who  
18 threatens to use the bomb, grenade, projectile, shell or container during his or her  
19 commission of another crime to incapacitate another person is guilty of a Class ~~E~~ H  
20 felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

21           **SECTION 107.** 941.26 (4) (d) of the statutes is amended to read:

22           941.26 (4) (d) Whoever intentionally uses a device or container described under  
23 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,

1 or has reason to know, is a peace officer who is acting in an official capacity is guilty  
2 of a Class ~~D~~ H felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

3 **SECTION 108.** 941.26 (4) (e) of the statutes is amended to read:

4 941.26 (4) (e) Whoever uses a device or container described under par. (a)  
5 during his or her commission of another crime to cause bodily harm or bodily  
6 discomfort to another or who threatens to use the device or container during his or  
7 her commission of another crime to incapacitate another person is guilty of a Class  
8 ~~E~~ H felony.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

9 **SECTION 109.** 941.28 (3) of the statutes is amended to read:

10 941.28 (3) Any person violating this section is guilty of a Class ~~E~~ H felony.

History: 1979 c. 115.

11 **SECTION 110.** 941.29 (2) (intro.) of the statutes is amended to read:

12 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class ~~E~~ G felony  
13 if he or she possesses a firearm under any of the following circumstances:

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417.

14 **SECTION 111.** 941.29 (2m) of the statutes is amended to read:

15 ~~941.29 (2m)~~ Whoever violates this section after being convicted under this  
16 section is guilty of a Class ~~D~~ felony.

\*\*\*NOTE: What should happen to this repeater provision? Repeal, given increase  
in penalty, and just allow use of it as aggravating factor?

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417.

17 **SECTION 112.** 941.295 (1) of the statutes is amended to read:

18 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed  
19 with any electric weapon is guilty of a Class ~~E~~ H felony.

History: 1981 c. 348; 1985 a. 29 s. 3200 (35); 1989 a. 31, 56.

20 **SECTION 113.** 941.296 (2) (intro.) of the statutes is amended to read:

\* NB = X-refs \*

1           941.296 (2) (intro.) Whoever uses or possesses a handgun during the  
2           commission of a crime under chs. 939 to 948 or 961 is guilty of a Class ~~E~~ H felony  
3           under any of the following circumstances.

4           History: 1993 a. 98; 199.5 a. 448.

4           **SECTION 114.** 941.298 (2) of the statutes is amended to read:

5           941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of  
6           a Class ~~E~~ H felony.

7           History: 1991 a. 39.

7           **SECTION 115.** 941.30 (1) of the statutes is amended to read:

8           **941.30 (1) FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly  
9           endangers another's safety under circumstances which show utter disregard for  
10          human life is guilty of a Class ~~D~~ F felony.

11          History: 1987 a. 399.

11          **SECTION 116.** 941.30 (2) of the statutes is amended to read:

12          941.30 (2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever  
13          recklessly endangers another's safety is guilty of a Class ~~E~~ G felony

14          History: 1987 a. 399.

14          **SECTION 117.** 941.31 (1) of the statutes is amended to read:

15          941.31 (1) Whoever makes, buys, transports, possesses, or transfers any  
16          explosive compound or offers to do the same, either with intent to use such explosive  
17          to commit a crime or knowing that another intends to use it to commit a crime, is  
18          guilty of a Class ~~C~~ F felony.

19          History: 1977 c. 173; 1987 a. 234.

19          **SECTION 118.** 941.31 (2) (b) of the statutes is amended to read:

20          941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or  
21          transfers any improvised explosive device, or possesses materials or components

1 with intent to assemble any improvised explosive device, is guilty of a Class ~~E~~ H  
2 felony.

3 History: 1977 c. 173; 1987 a. 234.

**SECTION 119.** 941.32 of the statutes is amended to read:

4 **941.32 Administering dangerous or stupefying drug.** Whoever  
5 administers to another or causes another to take any poisonous, stupefying,  
6 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the  
7 commission of a crime is guilty of a Class ~~C~~ F felony

8 History: 1977 c. 173.

**SECTION 120.** 941.325 of the statutes is amended to read:

9 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs  
10 or other substances in candy or other liquid or solid edibles with the intent to cause  
11 bodily harm to another person is guilty of a Class ~~E~~ I felony.

12 History: 1971 c. 72; 1977 c. 173; 1995 a. 410.

**SECTION 121.** 941.327 (2) (b) 1. of the statutes is amended to read:

13 941.327 (2) (b) 1. Except as provided in subs. 2. to 4., person violating par.  
14 (a) is guilty of a Class E I felony

15 History: 1987 a. 90.

**SECTION 122.** 941.327 (2) (b) 2. of the statutes is amended to read:

16 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great  
17 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

18 History: 1987 a. 90.

**SECTION 123.** 941.327 (2) (b) 3. of the statutes is amended to read:

19 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,  
20 a person violating par. (a) is guilty of a Class ~~C~~ F felony

21 History: 1987 a. 90.

**SECTION 124.** 941.327 (2) (b) 4. of the statutes is amended to read:

1           941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is  
2           guilty of a Class ~~A~~ C felony.

3           History: 1987 a. 90.

**SECTION 125.** 941.327 (3) of the statutes is amended to read:

4           941.327 (3) Whoever intentionally imparts or conveys false information,  
5           knowing the information to be false, concerning an act or attempted act which, if  
6           true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

7           History: 1987 a. 90.

**SECTION 126.** 941.37 (3) of the statutes is amended to read:

8           941.37 (3) Any person who intentionally interferes with any emergency  
9           medical personnel in the performance of duties relating to an emergency or rescue  
10          and who has reasonable grounds to believe that the interference may endanger  
11          another's safety is guilty of a Class ~~E~~ I felony.

12          History: 1983 a. 515; 1989 a. 102.

**SECTION 127.** 941.37 (4) of the statutes is amended to read:

13          941.37 (4) Any person who violates sub. (3) and thereby contributes to the  
14          death of another is guilty of a Class ~~C~~ E felony.

15          History: 1983 a. 515; 1989 a. 102.

**SECTION 128.** 941.38 (2) of the statutes is amended to read:

16          941.38 (2) Whoever intentionally solicits a child to participate in criminal gang  
17          activity is guilty of a Class ~~E~~ I felony.

18          History: 1993 a. 98,227; 1995 a. 448; 1997 a. 143,295.

**SECTION 129.** 943.01 (2) (intro.) of the statutes is amended to read:

19          943.01 (2) (intro.) Any person violating sub. (1) under any of the following  
20          circumstances is guilty of a Class ~~D~~ I felony:

21          History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262,486; 1995 a. 133,208; 1997 a. 143.

**SECTION 130.** 943.01 (2) (d) of the statutes is amended to read:

22          943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced  
23          in value by more than ~~\$1,000~~ \$2,000 the purposes of this paragraph, property



RP. 943.01 (2g)  
I

1 is reduced in value by the amount which it would cost either to repair or replace it,  
2 whichever is less.

History: 1977 c. 173, 1981 c. 188, 1987 a. 399; 1993 a. 262,486; 1995 a. 133,208; 1997 a. 143.

3 ~~SECTION 131.~~ 943.011 (2) (intro.) of the statutes is amended to read:

4 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ I  
5 felony:

History: 1997 a. 143.

6 **SECTION 132.** 943.012 (intro.) of the statutes is amended to read:

7 **943.012 Criminal damage to or graffiti on religious and other property.**

8 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or  
9 writes with ink or another substance on or intentionally etches into any physical  
10 property of another, without the person's consent and with knowledge of the  
11 character of the property, is guilty of a Class ~~E~~ I felony if the property consists of one  
12 or more of the following:

History: 1987 a. 348; 1995 a. 24.

13 **SECTION 133.** 943.013 (2) (intro.) of the statutes is amended to read:

14 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage  
15 to any physical property that belongs to a judge or his or her family member under  
16 all of the following circumstances is guilty of a Class ~~D~~ I felony:

History: 1993 a. 30, 446.

17 ~~SECTION 134.~~ 943.015 (2) (intro.) of the statutes is amended to read:

18 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage  
19 to any physical property which belongs to a department of revenue official, employe  
20 or agent or his or her family member under all of the following circumstances is guilty  
21 of a Class ~~D~~ I felony:

History: 1985 a. 29; 1993 a. 446.

22 **SECTION 135.** 943.017 (2) (intro.) of the statutes is amended to read:

943.014 (2) → A misc

1            943.017 (2) (intro.) Any person violating sub. (1) under any of the following  
2            circumstances is guilty of a Class ~~D~~ I felony:

History: 1995 a. 24; 1997 a. 35, 143.

3            **SECTION 136.** 943.017 (2) (d) of the statutes is amended to read:

4            943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced  
5            in value by more than ~~\$1,000~~ \$2,000 the purposes of this paragraph, property  
6            is reduced in value by the amount which it would cost to repair or replace it or to  
7            remove the marking, drawing, writing or etching, whichever is less.

History: 1995 a. 24; 1997 a. 35, 143.

8            **SECTION 137.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

9            943.017 (**2m**) (b) (intro.) Whoever does any of the following is guilty of a Class ~~D~~  
10            I felony:

History: 1995 a. 24; 1997 a. 35, 143.

11            **SECTION 138.** 943.02 (1) (intro.) of the statutes is amended to read:

12            943.02 (**1**) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C  
13            felony:

History: 1977 c. 173; 1993 a. 486.

14            **SECTION 139.** 943.03 of the statutes is amended to read:

15            **943.03 Arson of property other than building.** Whoever, by means of fire,  
16            intentionally damages any property (other than a building) of another without the  
17            person's consent, if the property is of the value of \$100 or more, is guilty of a Class  
18            ~~E~~ I felony.

History: 1977 c. 173.

19            **SECTION 140.** 943.04 of the statutes is amended to read:

20            **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages  
21            any property (other than a building) with intent to defraud an insurer of that  
22            property is guilty of a Class ~~D~~ H felony. Proof that the actor recovered or attempted

1 to recover on a policy of insurance by reason of the fire is relevant but not essential  
2 to establish the actor's intent to defraud the insurer.

3 History: 1977 c. 173.

**SECTION 141. 943.06 (2)** of the statutes is amended to read:

4 **943.06 (2)** Whoever possesses, manufactures, sells, offers for sale, gives or  
5 transfers a fire bomb is guilty of a Class ~~E~~ H felony.

6 History: 1977 c. 173; 1985 a. 135 s. 83 (3).

**SECTION 142. 943.07 (1)** of the statutes is amended to read:

7 943.07 (1) Whoever intentionally causes damage or who causes another person  
8 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,  
9 tunnel or signal or any railroad property used in providing rail services, which could  
10 cause an injury, accident or derailment is guilty of a Class ~~A misdemeanor~~ L felony.

11 History: 1975 c. 314; 1977 c. 173.

**SECTION 143. 943.07 (2)** of the statutes is amended to read:

12 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad  
13 train, car, caboose or engine is guilty of a Class ~~A misdemeanor~~ L felony.

14 History: 1975 c. 314; 1977 c. 173.

**SECTION 144. 943.10 (1) (intro.)** of the statutes is amended to read:

15 943.10 (1) (intro.) Whoever intentionally enters any of the following places  
16 without the consent of the person in lawful possession and with intent to steal or  
17 commit a felony in such place is guilty of a Class ~~C~~ F felony:

18 History: 1977 c. 173,332; 1995 a. 288.

**SECTION 145. 943.10 (2) (intro.)** of the statutes is amended to read:

19 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following  
20 circumstances is guilty of a Class ~~B~~ E felony:

21 History: 1977 c. 173, 332; 1995 a. 288.

**SECTION 146. 943.12** of the statutes is amended to read:

22 **943.12 Possession of burglarious tools.** Whoever has in personal  
23 possession any device or instrumentality intended, designed or adapted for use in

943.20 changes → SEE Theft Chart  
RN 943.20 (3)(d) 2. → (3)(e) CPSC draft  
JEO&MGD:.....

AM (3)(d) 5. → or

1 breaking into any depository designed for the safekeeping of any valuables or into  
2 any building or room, with intent to use such device or instrumentality to break into  
3 a depository, building or room, and to steal therefrom, is guilty of a Class ~~E~~ I felony,

History: 1977 c. 173.

4 SECTION 147. 943.20 (3) (d) (intro.) of the statutes is amended to read:-

5 943.20 (3) (d) (intro.) If ~~the value of the property does not exceed \$2,500 and~~

6 any of the following circumstances exist, is guilty of a Class ~~D~~ H felony:

History: 1977 c. 173, 255, 447; 1983 a. 189; 1987 a. 266; 1991 a. 39; 1993 a. 213, 445, 486.

7 SECTION 148. 943.205 (3) of the statutes is amended to read:

8 943.205 (3) Anyone who violates this section is guilty of a Class ~~E~~ I felony.

943.21 (3)(a) (b)

History: 1977 c. 173; 1983 a. 189; 1988 a. 236; 1993 a. 213, 486; 1997 a. 254.

9 SECTION 149. 943.23 (lg) of the statutes is amended to read:

10 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,  
11 or the threat of the use of, force or the weapon against another, intentionally takes  
12 any vehicle without the consent of the owner is guilty of a Class ~~B-C~~ I felony.

History: 1977 c. 173; 1987 a. 349; 1989 a. 359; 1993 a. 92.

13 SECTION 150. 943.23 (1m) of the statutes is amended to read:

14 943.23 (1m) Whoever violates sub. (lg) and causes great bodily harm to  
15 another is guilty of a Class ~~B-C~~ I felony and shall be sentenced to not less than 10 years  
16 of imprisonment, unless the sentencing court otherwise provides. If the court places  
17 the person on probation or imposes a sentence less than the 10-year presumptive  
18 minimum sentence, it shall place its reasons for doing so on the record.

History: 1977 c. 173; 1987 a. 349; 1989 a. 359; 1993 a. 92.

19 SECTION 151. 943.23 (2) of the statutes is amended to read:

20 943.23 (2) Whoever intentionally takes and drives any vehicle without the  
21 consent of the owner is guilty of a Class ~~D~~ H felony

History: 1971 c. 173; 1987 a. 349; 1989 a. 359; 1993 a. 92.

22 SECTION 152. 943.23 (3) of the statutes is amended to read:

943.24 (1)  
943.24 (2) - \$2,000 I felony

1 943.23 (3) Whoever intentionally drives or operates any vehicle without the  
2 consent of the owner is guilty of a Class **E I** felony.

History: 1917 c. 173; 1987 a. 349; 1989 a. 359; 1993 a. 92.

3 **SECTION 153.** 943.23 (5) of the statutes is amended to read:

4 943.23 (5) Whoever intentionally removes a major part of a vehicle without the  
5 consent of the owner is guilty of a Class **E I** felony Whoever intentionally removes  
6 any other part or component of a vehicle without the consent of the owner is guilty  
7 of a Class A misdemeanor.

History: 1977 c. 173; 1987 a. 349; 1989 a. 359; 1993 a. 92.

8 **SECTION 154.** 943.25 (1) of the statutes is amended to read:

9 943.25 (1) Whoever, with intent to defraud, conveys real property which he or  
10 she knows is encumbered, without informing the grantee of the existence of the  
11 encumbrance is guilty of a Class **E I** felony.

History: 1977 c. 173; 1979 c. 144; 1993 a. 486.

12 **SECTION 155.** 943.25 (2) (intro.) of the statutes is amended to read:

13 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following  
14 is guilty of a Class **E I** felony:

History: 1977 c. 173; 1979 c. 144; 1993 a. 486.

15 **SECTION 156.** 943.27 of the statutes is amended to read:

16 943.27 **Possession of records of certain usurious loans.** Any person who  
17 knowingly possesses any writing representing or constituting a record of a charge of,  
18 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20  
19 upon \$100 for one year computed upon the declining principal balance of the loan,  
20 use or forbearance of money, goods or things in action or upon the loan, use or sale  
21 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class  
22 **E I** felony.

History: 1977 c. 173; 1979 c. 168.

23 **SECTION 157.** 943.28 (2) of the statutes is amended to read:

943.26  
(2) I felony  
\$2,000  
cut off

1           943.28 (2) Whoever makes any extortionate extension of credit, or conspires to  
2 do so, if one or more of the parties to the conspiracy does an act to effect its object,  
3 is guilty of a Class **C F** felony.

History: 1977 c. 173; 1995 a. 225.

4           **SECTION 158.** 943.28 (3) of the statutes is amended to read:

5           943.28 (3) Whoever advances money or property, whether as a gift, as a loan,  
6 as an investment, pursuant to a partnership or profit-sharing agreement, or  
7 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a  
8 Class **C F** felony.

History: 1977 c. 173; 1995 a. 225.

9           **SECTION 159.** 943.28 (4) of the statutes is amended to read:

10           943.28 (4) Whoever knowingly participates in any way in the use of any  
11 extortionate means to collect or attempt to collect any extension of credit, or to punish  
12 any person for the nonrepayment thereof, is guilty of a Class **C F** felony.

History: 1977 c. 173; 1995 a. 225.

13           **SECTION 160.** 943.30 (1) of the statutes is amended to read:

14           943.30 (1) Whoever, either verbally or by any written or printed  
15 communication, maliciously threatens to accuse or accuses another of any crime or  
16 offense, or threatens or commits any injury to the person, property, business,  
17 profession, calling or trade, or the profits and income of any business, profession,  
18 calling or trade of another, with intent thereby to extort money or any pecuniary  
19 advantage whatever, or with intent to compel the person so threatened to do any act  
20 against the person's will or omit to do any lawful act, is guilty of a Class **D H** felony.

History: 1977 c. 173; 1979 c. 110; 1981 c. 118; 1997 a. 231.

21           **SECTION 161.** 943.30 (2) of the statutes is amended to read:

1           943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting  
2           commerce or business or the movement of any article or commodity in commerce or  
3           business is guilty of a Class **D H** felony.

4           History: 1977 c. 173; 1979 c. 110; 1981 c. 118; 1997 a. 231.

4           **SECTION 162.** 943.30 (3) of the statutes is amended to read:

5           943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or  
6           grand juror, in the performance of his or her functions as such, is guilty of a Class **D**  
7           **H** felony.

8           History: 1977 c. 173; 1979 c. 110; 1981 c. 118; 1997 a. 231.

8           **SECTION 163.** 943.30 (4) of the statutes is amended to read:

9           943.30 (4) Whoever violates sub. (1) by attempting to influence the official  
10          action of any public officer is guilty of a Class **D H** felony.

11          History: 1977 c. 173; 1979 c. 110; 1981 c. 118; 1997 a. 231.

11          **SECTION 164.** 943.30 (5) (b) of the statutes is amended to read:

12          943.30 (5) (b) Whoever, orally or by any written or printed communication,  
13          maliciously uses, or threatens to use, the patient health care records of another  
14          person, with intent thereby to extort money or any pecuniary advantage, or with  
15          intent to compel the person so threatened to do any act against the person's will or  
16          omit to do any lawful act, is guilty of a Class **D H** felony.

17          History: 1977 c. 173; 1979 c. 110; 1981 c. 118; 1997 a. 231.

17          **SECTION 165.** 943.31 of the statutes is amended to read:

18          **943.31 Threats to communicate derogatory information.** Whoever  
19          threatens to communicate to anyone information, whether true or false, which would  
20          injure the reputation of the threatened person or another unless the threatened  
21          person transfers property to a person known not to be entitled to it is guilty of a Class  
22          **E I** felony.

23          History: 1977 c. 173.

23          **SECTION 166.** 943.32 (1) (intro.) of the statutes is amended to read:

1           943.32 **(1)** (intro.) Whoever, with intent to steal, takes property from the person  
2           or presence of the owner by either of the following means is guilty of a Class ~~C~~ **E**  
3           felony:

History: 1977 c. 173; 1979 c. 114; 1993 a. 486; 1995 a. 288.

4           **SECTION 167.** 943.32 (2) of the statutes is amended to read:

5           943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous  
6           weapon, a device or container described under s. 941.26 (4) (a) or any article used or  
7           fashioned in a manner to lead the victim reasonably to believe that it is a dangerous  
8           weapon or such a device or container is guilty of a Class ~~B~~ **C** felony

History: 1977 c. 173; 1979 c. 114; 1993 a. 486; 1995 a. 288.

9           **SECTION 168.** 943.38 (1) (intro.) of the statutes is amended to read:

10          943.38 **(1)** (intro.) Whoever with intent to defraud falsely makes or alters a  
11          writing or object of any of the following kinds so that it purports to have been made  
12          by another, or at another time, or with different provisions, or by authority of one who  
13          did not give such authority, is guilty of a Class ~~C~~ **H** felony:

History: 1977 c. 173.

14          **SECTION 169.** 943.38 (2) of the statutes is amended to read:

15          943.38 (2) Whoever utters as genuine or possesses with intent to utter as false  
16          or as genuine any forged writing or object mentioned in sub. (1), knowing it to have  
17          been thus falsely made or altered, is guilty of a Class ~~C~~ **H** felony.

History: 1977 c. 173.

18          **SECTION 170.** 943.39 (intro.) of the statutes is amended to read:

19          **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or  
20          defraud, does any of the following is guilty of a Class ~~D~~ **H** felony:

History: 1977 c. 173; 1993 a. 112.

21          **SECTION 171.** 943.40 (intro.) of the statutes is amended to read:

*943.395 (2) (a) & (b) 2,000 cutoff / F felony*

*943.34 changes  
See Theft chart*



1           **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with  
2           intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

3           History: 1977 c. 173.

**SECTION 172.** 943.41 (8) (b) of the statutes is amended to read:

4           943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)  
5           or (6m) is guilty of a Class ~~E~~ I felony.

6           History: 1973 c. 219; 1977 c. 173; 1981 c. 288; 1989 a. 321; 1991 a. 39; 1993 a. 486; 1995 a. 225.

**SECTION 173.** 943.41 (8) (c) of the statutes is amended to read:

7           943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),  
8           if the value of the money, goods, services or property illegally obtained does not  
9           exceed \$1,000 is guilty of a Class A misdemeanor; if the value of the money, goods,  
10          services or property exceeds \$1,000 but does not exceed \$2,500, in a single  
11          transaction or in separate transactions within a period not exceeding 6 months, the  
12          person is guilty of a Class ~~E~~ I felony; or if the value of the money, goods, services or  
13          property exceeds \$2,500, the person is guilty of a Class C felony.

**\*\*\*NOTE:** All of these ~~theft~~ crimes and their dollar thresholds need to be carefully  
          reviewed.

See theft chart

14          History: 1973 c. 219; 1977 c. 173; 1981 c. 288; 1989 a. 321; 1991 a. 39; 1993 a. 486; 1995 a. 225.

**SECTION 174.** 943.45 (3) (c) of the statutes is amended to read:

15          943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)  
16          for direct or indirect commercial advantage or private financial gain is guilty of a  
17          Class ~~E~~ A ~~felony~~ misdemeanor.

18          History: 1977 c. 173; 1991 a. 39; 1993 a. 496.

**SECTION 175.** 943.45 (3) (d) of the statutes is amended to read:

19          943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial  
20          advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class  
21          ~~D~~ I felony.

22          History: 1977 c. 173; 1991 a. 39; 1993 a. 496.

**SECTION 176.** 943.455 (4) (c) of the statutes is amended to read:

1 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)  
2 (a) to(f) for direct or indirect commercial advantage or private financial gain is guilty  
3 of a Class ~~E felony~~ A misdemeanor.

History: 1991 a. 39; 1993 a. 496; 1997 a. 218.

4 **SECTION 177.** 943.455 (4) (d) of the statutes is amended to read:

5 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect  
6 commercial advantage or private financial gain as a 2nd or subsequent offense is  
7 guilty of a Class ~~D I~~ I felony.

History: 1991 a. 39; 1993 a. 496; 1997 a. 218.

8 **SECTION 178.** 943.46 (4) (c) of the statutes is amended to read:

9 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)  
10 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty  
11 of a Class ~~E felony~~ A misdemeanor.

History: 1987 a. 345; 1993 a. 496.

12 **SECTION 179.** 943.46 (4) (d) of the statutes is amended to read:

13 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect  
14 commercial advantage or private financial gain as a 2nd or subsequent offense is  
15 guilty of a Class ~~D I~~ I felony.

History: 1987 a. 345; 1993 a. 496.

16 **SECTION 180.** 943.47 (3) (c) of the statutes is amended to read:

17 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)  
18 for direct or indirect commercial advantage or private financial gain is guilty of a  
19 Class ~~E felony~~ A misdemeanor.

History: 1987 a. 345; 1993 a. 496.

20 **SECTION 181.** 943.60 (1) of the statutes is amended to read:

21 943.60 (1) Any person who submits for filing, entering or recording any lien,  
22 claim of lien, lis pendens, writ of attachment, financing statement or any other  
23 instrument relating to a security interest in or title to real or personal property, and

943.50 (4) See theft chart

1 who knows or should have known that the contents or any part of the contents of the  
2 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

History: 1995 a. 224; 1997 a. 27.

3 **SECTION 182.** 943.61 (5) (c) of the statutes is amended to read:

4 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds  
5 \$2,500.

History: 1919 c. 245; Stats. 1979 s. 943.60; 1979 c. 355 s. 232; Stats. 1979 s. 943.61; 1991 a. 39.

6 **SECTION 183.** 943.61 (5) (~~c~~) of the statutes is amended to read:

7 943.61 (5) (c) A Class ~~C~~ I felony, if the value of the library materials exceeds  
8 \$1,000 but is not more than \$2,500.

\*\*\*\*NOTE: All of these theft crimes and their dollar thresholds need to be carefully reviewed.

History: 1979 c. 245; Stats. 1979 s. 943.60; 1979 c. 355 s. 232; Stats. 1979 s. 943.61; 1991 a. 39.

9 **SECTION 184.** 943.62 (4) (b) of the statutes is amended to read:

10 943.62 (4) (b) A Class ~~E~~ I felony, if the value of the advance payment or required  
11 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

History: 1981 c. 20; 1983 a. 167; 1987 a. 359; 1987 a. 403 s. 256; 1995 a. 27; 1997 a. 145.

12 **SECTION 185.** 943.62 (4) (c) of the statutes is amended to read:

13 943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required  
14 refund, as applicable, exceeds \$2,500.

History: 1981 c. 20; 1983 a. 167; 1987 a. 359; 1987 a. 403 s. 256; 1995 a. 27; 1997 a. 145.

15 **SECTION 186.** 943.70 (2) (b) 2. of the statutes is amended to read:

16 943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to  
17 obtain property.

History: 1981 c. 293; 1983 a. 438,541; 1987 a. 399.

18 **SECTION 187.** 943.70 (2) (b) 3. of the statutes is amended to read:

19 943.70 (2) (b) 3. A Class ~~D~~ H felony if the damage is greater than ~~\$2,500~~ \$5,000  
20 or if it causes an interruption or impairment of governmental operations or public  
21 communication, of transportation or of a supply of water, gas or other public service.

~~\*\*\*\*NOTE: Check preceding units in 943.70 re: value cutoffs and make any adjustments so that there are no gaps.~~

History: 1981 c. 293; 1983 a. 438,541; 1987 a. 399.

1 **SECTION 188.** 943.70 (2) (b) 4. of the statutes is amended to read:

2 943.70 (2) (b) 4. A Class ~~C~~ **F** felony if the offense creates a substantial and  
3 unreasonable risk of death or great bodily harm to another.

History: 1981 c. 293; 1983 a. 438,541; 1987 a. 399.

4 **SECTION 189.** 943.70 (3) (b) 2. of the statutes is amended to read:

5 943.70 (3) (b) 2. A Class ~~E~~ **I** felony if the offense is committed to defraud or  
6 obtain property

History: 1981 c. 293; 1983 a. 438,541; 1987 a. 399.

7 **SECTION 190.** 943.70 (3) (b) 3. of the statutes is amended to read:

8 943.70 (3) (b) 3. A Class ~~D~~ **H** felony if the damage to the computer, computer  
9 system, computer network, equipment or supplies is greater than ~~\$2,500~~ **\$5,000**.

~~\*\*\*\*NOTE: Check preceding units in 943.70 re: value cutoffs and make any adjustments so that there are no gaps.~~

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History: 1981 c. 293; 1983 a. 438,541; 1987 a. 399.

10 **SECTION 191.** 943.75 (2) of the statutes is amended to read:

11 943.75 (2) Whoever intentionally releases an animal that is lawfully confined  
12 for scientific, farming, companionship or protection of persons or property,  
13 recreation, restocking, research, exhibition, commercial or educational purposes,  
14 acting without the consent of the owner or custodian of the animal, is guilty of a Class  
15 C misdemeanor. A 2nd violation of this section by a person is a Class A misdemeanor.  
16 A 3rd or subsequent violation of this section by a person is a Class ~~E~~ **I** felony.

History: 1991 a. 20,269; 1993 a. 27; 1995 a. 79; 1997 a. 27, 192, 248.

17 **SECTION 192.** 944.05 (1) (intro.) of the statutes is amended to read:

18 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ **I**  
19 felony:

History: 1977 c. 173; 1993 a. 486.

20 **SECTION 193.** 944.16 (intro.) of the statutes is amended to read:

→ 944.15 (title) RP/RC "Public Fornication"

1           **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a  
2           Class ~~E~~ I felony:

3           History: 1977 c. 173; 1993 a. 486.

3           **SECTION 194.** 944.205 (2) (intro.) of the statutes is amended to read:

4           944.205 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I  
5           felony:

6           History: 1995 a. 249.

6           **SECTION 195.** 944.21 (5) (c) of the statutes is amended to read:

7           944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior  
8           convictions under this section, the person is guilty of a Class ~~D~~ H felony.

9           History: 1977 c. 173, 272; 1987 a. 416; 1993 a. 399; 1995 a. 27 s. 9154 (1); 1997 a. 27.

9           **SECTION 196.** 944.21 (5) (e) of the statutes is amended to read:

10           944.21 (5) (e) Regardless of the number of prior convictions, if the violation  
11           under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,  
12           the person is guilty of a Class ~~D~~ H felony.

13           History: 1977 c. 173, 272; 1987 a. 416; 1993 a. 399; 1995 a. 27 s. 9154 (1); 1997 a. 27.

13           **SECTION 197.** 944.32 of the statutes is amended to read:

14           **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever  
15           intentionally solicits or causes any person to practice prostitution or establishes any  
16           person in a place of prostitution is guilty of a Class ~~D~~ H felony.

17           History: 1977 c. 173; 1987 a. 332.

17           **SECTION 198.** 944.33 (2) of the statutes is amended to read:

18           944.33 (2) If the person received compensation from the earnings of the  
19           prostitute, such person is guilty of a Class ~~C~~ F felony.

20           History: 1977 c. 173; 1979 c. 221, 355; 1983 a. 17; 1993 a. 486.

20           **SECTION 199.** 944.34 (intro.) of the statutes is amended to read:

21           **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does  
22           any of the following is guilty of a Class ~~D~~ H felony:

23           History: 1977 c. 173.

23           **SECTION 200.** 945.03 (intro.) of the statutes is amended to read:

1           **945.03 Commercial gambling.** (intro.) Whoever intentionally does any of  
2           the following is engaged in commercial gambling and is guilty of a Class **E I** felony:

3 History: 1977 c. 173.

3           **SECTION 201.** 945.05 (1) (intro.) of the statutes is amended to read:

4           945.05 (1) (intro.) Whoever manufactures, transfers commercially or possesses  
5           with intent to transfer commercially either of the following is guilty of a Class **E I**  
6           felony:

7 History: 1977 c. 173,297; 1979 c. 32 s. 92 (8); 1993 a. 486.

7           **SECTION 202.** 945.08 (1) of the statutes is amended to read:

8           945.08 (1) Any person who, with intent to influence any participant to refrain  
9           from exerting full skill, speed, strength or endurance, transfers or promises any  
10          property or any personal advantage to or on behalf of any participant in a contest of  
11          skill, speed, strength or endurance is guilty of a Class **D H** felony.

12 History: 1917 C. 173.

12          **SECTION 203.** 946.02 (1) (intro.) of the statutes is amended to read:

13          946.02 (1) (intro.) Whoever does any of the following is guilty of a Class **C F**  
14          felony:

15 History: 1977 c. 173; 1993 a. 486.

15          **SECTION 204.** 946.03 (1) (intro.) of the statutes is amended to read:

16          946.03 (1) (intro.) Whoever does any of the following is guilty of a Class **C F**  
17          felony:

18 History: 1977 c.. 173.

18          **SECTION 205.** 946.03 (2) of the statutes is amended to read:

19          946.03 (2) Whoever permits any premises under his or her care, control or  
20          supervision to be used by an assembly with knowledge that the purpose of the  
21          assembly is to advocate or teach the duty, necessity, desirability or propriety of  
22          overthrowing the government of the United States or this state by the use or threat  
23          of physical violence with intent that such government be overthrown or, after

1 learning that the premises are being so used, permits such use to be continued is  
2 guilty of a Class ~~E~~ I felony.

3 History: 1977 c. 173.

**SECTION 206.** 946.05 (1) of the statutes is amended to read:

4 946.05 **(1)** Whoever intentionally and publicly mutilates, defiles, or casts  
5 contempt upon the flag is guilty of a Class ~~E~~ I felony.

6 History: 1977 c. 173.

**SECTION 207.** 946.10 (intro.) of the statutes is amended to read:

7 **946.10 Bribery of public officers and employees.** (intro.) Whoever does  
8 either of the following is guilty of a Class ~~D~~ H felony:

9 History: 1977 c. 173; 1993 a. 486.

**SECTION 208.** 946.11 (1) (intro.) of the statutes is amended to read:

10 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

11 History: 1975 c. 93; 1977 c. 173; 1985 a. 135; 1993 8.496.

**SECTION 209.** 946.12 (intro.) of the statutes is amended to read:

12 **946.12 Misconduct in public** office. (intro.) Any public officer or public  
13 employe who does any of the following is guilty of a Class ~~E~~ I felony:

14 History: 1977 c. 173; 1993 a. 486.

**SECTION 210.** 946.13 (1) (intro.) of the statutes is amended to read:

15 946.13 **(1)** (intro.) Any public officer or public employe who does any of the  
16 following is guilty of a Class ~~E~~ I felony:

17 History: 1971 c. 40 s. 93; 1973 c. 12 s. 37; 1973 c. 50.265; 1977 c. 166.173; 1983 a. 282; 1987 a. 344, 378, 399; 1989 a. 31,232; 1993 a. 486; 1995 a 27, 225, 227, 435;  
1997 a 35,248.

**SECTION 211.** 946.14 of the statutes is amended to read:

18 **946.14 Purchasing claims at less than full value.** Any public officer or  
19 public employe who in a private capacity directly or indirectly intentionally  
20 purchases for less than full value or discounts any claim held by another against the  
21 state or a political subdivision thereof or against any public fund is guilty of a Class  
22 ~~E~~ I felony.

History: 1977 c. 173.

1           **SECTION 212.** 946.15 (1) of the statutes is amended to read:

2           946.15 (1) Any employer, or any agent or employe of an employer, who induces  
3 any person who seeks to be or is employed pursuant to a public contract as defined  
4 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing  
5 wage rate determination has been issued by the department of workforce  
6 development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental  
7 unit, as defined in s. 66.293 (l):(d), under s. 66.293 (6) to give up, waive or return any  
8 part of the compensation to which that person is entitled under his or her contract  
9 of employment or under the prevailing wage rate determination issued by the  
10 department or local governmental unit, or who reduces the hourly basic rate of pay  
11 normally paid to an employe for work on a project on which a prevailing wage rate  
12 determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3)  
13 during a week in which the employe works both on a project on which a prevailing  
14 wage rate determination has been issued and on a project on which a prevailing wage  
15 rate determination has not been issued, is guilty of a Class ~~E~~ I felony.

History: 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3.

16           **SECTION 213.** 946.15 (3) of the statutes is amended to read:

17           946.15 (3) Any employer or labor organization, or any agent or employe of an  
18 employer or labor organization, who induces any person who seeks to be or is  
19 employed on a project on which a prevailing wage rate determination has been issued  
20 by the department of workforce development under s. 66.293 (3), 103.49 (3) or 103.50  
21 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6)  
22 to permit any part of the wages to which that person is entitled under the prevailing  
23 wage rate determination issued by the department or local governmental unit to be  
24 deducted from the person's pay is guilty of a Class ~~E~~ I felony, unless the deduction



1 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project  
2 that is subject to 40 USC 276c.

3 History: 1979 c. 269; 1995 a. 27 s. 9130 (4); 1995 a. 215; 1997 a. 3.

3 **SECTION 214. 946.31 (I)** (intro.) of the statutes is amended to read:

4 946.31 (1) (intro.) Whoever under oath or **affirmation** orally makes a false  
5 material statement which the person does not believe to be true, in any matter, cause,  
6 action or proceeding, before any of the following, whether legally constituted or  
7 exercising powers as if legally constituted, is guilty of a Class **D H** felony:

8 History: 1977 c. 173; 1979 c. 110.

8 **SECTION 215. 946.32 (I)** (intro.) of the statutes is amended to read:

9 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class **D**  
10 **H** felony:

11 History: 1977 c. 173; 1993 a. 486.

11 **SECTION 216. 946.41 (2m)** (intro.) of the statutes is amended to read:

12 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following  
13 circumstances is guilty of a Class **D H** felony:

14 History: 1977 c. 173; 1983 a. 189; 1989 a. 121; 1993 a. 486.

14 **SECTION 217. 946.415 (2)** (intro.) of the statutes is amended to read:

15 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of  
16 a Class **E I** felony:

17 History: 1995 a. 93.

17 **SECTION 218. 946.42 (3)** (intro.) of the statutes is amended to read:

18 946.42 (3) (intro.) A person in custody who intentionally escapes from custody  
19 under any of the following circumstances is guilty of a Class **D H** felony:

History: 1971 c. 164 s. 89; 1975 c. 39; 1977 c. 173, 312, 354, 418; 1985 a. 320; 1987 a. 27, 238, 352; 1987 a. 403 ss. 238, 239, 256; 1989 a. 31; 1993 a. 16, 377, 385, 491;  
1995 a. 27 ss. 7233m, 7233p, 9126 (19); 1995 a. 77, 154, 352, 390; 1997 a. 35, 283.

20 **SECTION 219. 946.425 (1)** of the statutes is amended to read:

1           946.425 **(1)** Any person who is subject to a series of periods of imprisonment  
2           under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as  
3           required under the sentence is guilty of a Class ~~D~~ H felony.

History: 1989 a. 85; 1993 a. 213; 1995 a. 154.

4           **SECTION 220.** 946.425 (lm) (b) of the statutes is amended to read:

5           946.425 **(lm)** (b) Any person who receives a stay of execution of a sentence of  
6           imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who  
7           intentionally fails to report to the county jail as required under the sentence is guilty  
8           of a Class ~~D~~ H felony.

History: 1989 a. 85; 1993 a. 273; 1995 a. 154.

9           **SECTION 221.** 946.425 (lr) (b) of the statutes is amended to read:

10          946.425 **(lr)** (b) Any person who is subject to a confinement order under s.  
11          973.09 (4) as the result of a conviction for a felony and who intentionally fails to  
12          report to the county jail or house of correction as required under the order is guilty  
13          of a Class ~~D~~ H felony

History: 1989 a. 85; 1993 a. 273; 1995 a. 154.

14          **SECTION 222.** 946.43 (intro.) of the statutes is amended to read:

15          **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state  
16          prison or other state, county or municipal detention facility who intentionally does  
17          any of the following is guilty of a Class ~~C~~ F felony:

History: 1977 c. 173,273.

18          **SECTION 223.** 946.44 (1) (intro.) of the statutes is amended to read:

19          946.44 **(1)** (intro.) Whoever does the following is guilty of a Class ~~D~~ H felony:

History: 1977 c. 173; 1985 a. 320; 1987 a. 27, 236, 238, 403; 1989 a. 31,107; 1993 a. 16, 377, 385, 486,491; 1995 a. 27, 77, 352.

20          **SECTION 224.** 946.44 (lg) of the statutes is amended to read:

21          946.44 **(lg)** Any public officer or public employe who violates sub. (1) (a) or (b)  
22          is guilty of a Class ~~C~~ F felony.

History: 1971 c. 173; 1985 a. 320; 1987 a. 27, 236, 238, 403; 1989 a. 31,107; 1993 a. 16, 377, 385, 486, 491; 1995 a. 27, 77, 352.

23          **SECTION 225.** 946.44 (1m) of the statutes is amended to read:

1            946.44 **(Im)** Whoever intentionally introduces into an institution where  
2            prisoners are detained or transfers to a prisoner any firearm, whether loaded or  
3            unloaded, or any article used or fashioned in a manner to lead another person to  
4            believe it is a firearm, is guilty of a Class ~~C~~ F felony.

History: 1977 c. 173; 198.5 a. 320; 1987 a. 27, 236, 238, 403; 1989 a. 31,107; 1993 a. 16, 377, 385, 486, 491; 1995 a. 27, 77, 352.

5            **SECTION 226.** 946.47 (1) (intro.) of the statutes is amended to read:

6            946.47 **(1)** (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I  
7            felony:

History: 1977 c. 173; 1993 a. 486.

8            **SECTION 227.** 946.48 (1) of the statutes is amended to read:

9            946.48 **(1)** Whoever sends, delivers, or causes to be transmitted to another any  
10            written or oral communication with intent to induce a false belief that the sender has  
11            knowledge of the whereabouts, physical condition, or terms imposed upon the return  
12            of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

History: 1977 c. 173.

13            **SECTION 228.** 946.49 (1) (b) of the statutes is amended to read:

14            946.49 **(1)** (b) If the offense with which the person is charged is a felony, guilty  
15            of a Class ~~D~~ H felony.

History: 1977 c. 173.

16            **SECTION 229.** 946.49 (2) of the statutes is amended to read:

17            946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is  
18            guilty of a Class ~~E~~ I felony for failure to appear as provided.

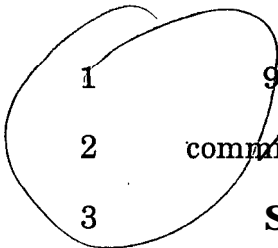
History: 1977 c. 173.

19            **SECTION 230.** 946.50 (5d) of the statutes is created to read:

20            946.50 **(5d)** A Class F felony, if the person was adjudicated delinquent for  
21            committing an act that would be a Class F felony if committed by an adult.

22            **SECTION 231.** 946.50 (5h) of the statutes is created to read:

*new new subs for H & I*



1 **946.50 (5h) A** Class G felony, if the person was adjudicated delinquent for  
2 committing an act that would be a Class G felony if committed by an adult.

3 **SECTION 232.** 946.60 (1) of the statutes is amended to read:

4 946.60 **(1)** Whoever intentionally destroys, alters, mutilates, conceals,  
5 removes, withholds or transfers possession of a document, knowing that the  
6 document has been subpoenaed by a court or by or at the request of a district attorney  
7 or the attorney general, is guilty of a Class **E I** felony.

History: 1981 c. 306.

8 **SECTION 233.** 946.60 (2) of the statutes is amended to read:

9 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent  
10 to cause or induce another person 'to destroy, alter, mutilate, conceal, remove,  
11 withhold or transfer possession of a subpoenaed document, knowing that the  
12 document has been subpoenaed by a court or by or at the request of a district attorney  
13 or the attorney general, is guilty of a Class **E I** felony.

History: 1981 c. 306.

14 **SECTION 234.** 946.61 (1) (intro.) of the statutes is amended to read:

15 946.61 **(1)** (intro.) Whoever does any of the following is guilty of a Class **D H**  
16 felony:

History: 1977 c. 173; 1979 c. 175; 1993 a 486.

17 **SECTION 235.** 946.64 of the statutes is amended to read:

18 **946.64 Communicating with jurors.** Whoever, with intent to influence any  
19 person, summoned or serving as a juror, in relation to any matter which is before that  
20 person or which may be brought before that person, communicates with him or her  
21 otherwise than in the regular course of proceedings in the trial or hearing of that  
22 matter is guilty of a Class **E I** felony.

History: 1977 c. 173.

23 **SECTION 236.** 946.65 (1) of the statutes is amended to read:

1           946.65 (1) Whoever for a consideration knowingly gives false information to  
2           any officer of any court with intent to influence the officer in the performance of  
3           official functions is guilty of a Class ~~E~~ I felony.

4           ~~History: 1977 c. 173.~~

**SECTION 237.** 946.68 (1r) (a) of the statutes is amended to read:

5           946.68 (**1r**) (a) Except as provided in pars. (b) and (c), whoever sends or delivers  
6           to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

7           ~~History: 1977 c. 173; 1997 a. 27.~~

**SECTION 238.** 946.68 (1r) (b) of the statutes is amended to read:

8           946.68 (**1r**) (b) If the document under par. (a) is sent or delivered with intent  
9           to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

10          ~~History: 1977 c. 173; 1997 a. 27.~~

**SECTION 239.** 946.68 (1r) (c) of the statutes is amended to read:

11          946.68 (**1r**) (c) If the document under par. (a) simulates any criminal process,  
12          the person is guilty of a Class ~~D~~ H felony.

13          ~~History: 1977 c. 173; 1997 a. 27.~~

**SECTION 240.** 946.69 (2) (intro.) of the statutes is amended to read:

14          946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I  
15          felony:

16          ~~History: 1977 c. 173; 1993 a. 146,486; 1995 a. 225; 1997 a. 27.~~

**SECTION 241.** 946.70 (2) of the statutes is amended to read:

17          946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet  
18          the commission of a crime other than the crime under this section is guilty of a Class  
19          ~~D~~ H felony.

20          ~~History: 1977 c. 173; 1985 a. 97,332.~~

**SECTION 242.** 946.72 (1) of the statutes is amended to read:

21          946.72 (**1**) Whoever with intent to injure or defraud destroys, damages,  
22          removes or conceals any public record is guilty of a Class ~~D~~ H felony.

23          ~~History: 1977 c. 173; 1981 c. 335.~~

**SECTION 243.** 946.72 (1) of the statutes is amended to read:

1            946.72 **(1)** Whoever with intent to injure or defraud destroys, damages,  
2 removes or conceals any public record is guilty of a Class ~~D~~ H felony

History: 1977 c. 173; 1981 c. 335.

3            **SECTION 244.** 946.74 (2) of the statutes is amended to read:

4            946.74 (2) Whoever violates sub. (1) with intent to commit a crime against  
5 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ H  
6 felony.

History: 1977 c. 173.

7            **SECTION 245.** 946.76 of the statutes is amended to read:

8            **946.76 Search warrant; premature disclosure.** Whoever discloses prior  
9 to its execution that a search warrant has been applied for or issued, except so far  
10 as may be, necessary to its execution, is guilty of a Class ~~E~~ I felony.

History: 1977 c. 173.

11            **SECTION 246.** 946.84 (1) of the statutes is amended to read:

12            946.84 **(1)** Any person convicted of engaging in racketeering activity in  
13 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

History: 1981 c. 280,391.

14            **SECTION 247.** 946.85 (1) of the statutes, as affected by 1999 Wisconsin Act 1997  
15 Wisconsin Act 283, is amended to read:

16            946.85 **(1)** Any person who engages in a continuing criminal enterprise shall  
17 be imprisoned not less than 10 years nor more than ~~30~~ 25 years, and fined not more  
18 than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than  
19 the presumptive minimum sentence, it shall place its reasons for doing so on the  
20 record.

NOTE: NOTE: Sub. (1) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

History: 1981 c. 280; 1997 a. 283.

21            **SECTION 248.** 947.013 **(1t)** of the statutes is amended to read:

22            947.013 **(1t)** Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the  
23 person has a prior conviction under this subsection or sub. (1r), **(1v)** or **(1x)** or s.

1 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation  
2 occurs within 7 years of the prior conviction.

3 History: 1983 a. 336; 1991 a. 194; 1993 a. 496.

**SECTION 249.** 947.013 (1v) of the statutes is amended to read:

4 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or  
5 she intentionally gains access to a record in electronic format that contains  
6 personally identifiable information regarding the victim in order to facilitate the  
7 violation under sub. (1r).

8 History: 1983 a. 336; 1991 a. 194; 1993 a. 496.

**SECTION 250.** 947.013 (lx) (intro.) of the statutes is amended to read:

9 947.013 (lx) (intro.) Whoever violates sub. (1r) under all of the following  
10 circumstances is guilty of a Class ~~D~~ H felony:

11 History: 1983 a. 336; 1991 a. 194; 1993 a. 496.

**SECTION 251.** 947.015 of the statutes is amended to read:

12 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be  
13 conveyed any threat or false information, knowing such to be false, concerning an  
14 attempt or alleged attempt being made or to be made to destroy any property by the  
15 means of explosives is guilty of a Class ~~E~~ I felony.

16 History: 1977 c. 173.

**SECTION 252.** 948.02 (2) of the statutes is amended to read:

17 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or  
18 sexual intercourse with a person who has not attained the age of 16 years is guilty  
19 of a Class ~~B~~ C felony.

20 History: 1987 a. 332; 1989 c. 31; 1993 a. 14, 69.

**SECTION 253.** 948.02 (3) of the statutes is amended to read:

21 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who  
22 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has  
23 knowledge that another person intends to have, is having or has had sexual

1 intercourse or sexual contact with the child, is physically and emotionally capable  
2 of taking action which will prevent the intercourse or contact from taking place or  
3 being repeated, fails to take that action and the failure to act exposes the child to an  
4 unreasonable risk that intercourse or contact may occur between the child and the  
5 other person or facilitates the intercourse or contact that does occur between the

6 child and the other person

RP; 948.02 (3m)

History: 1987 a. 332; 1989 a. 31; 1995 a. 14, 69

7 ~~SECTION 254.~~ 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and  
8 amended to read:

(STET)

9 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)  
10 or (2) within a specified period of time involving the same child is guilty of a:

sketch  
11

11 (a) A Class B felony if at least 3 of the acts were violations of s. 948.02 (1).

History: 1993 a. 221; 1995 a. 14.

12 ~~SECTION 255.~~ 948.025 (1) (b) of the statutes is created to read:

13 948.025 (1) (b) A Class C felony if fewer than 3 of the acts were violations of  
14 s. 948.02 (1).

RP; 948.025 (2m)

15 ~~SECTION 256.~~ 948.03 (2) (a) of the statutes is amended to read:

16 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is  
17 guilty of a Class ~~C~~ E felony.

History: 1987 a. 332.

18 ~~SECTION 257.~~ 948.03 (2) (b) of the statutes is amended to read:

19 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of  
20 a Class ~~D~~ H felony.

History: 1987 a. 332.

21 ~~SECTION 258.~~ 948.03 (2) (c) of the statutes is amended to read:

22 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct  
23 which creates a high probability of great bodily harm is guilty of a Class ~~C~~ F felony.

History: 1987 a. 332.



1           **SECTION 259.** 948.03 (3) (a) 'of the statutes is amended to read:

2           948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty  
3 of a Class ~~D~~ G felony.

4 History: 1987 a. 332.

4           **SECTION 260.** 948.03 (3) (b) of the statutes is amended to read:

5           948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a  
6 Class ~~E~~ I felony.

7 History: 1987 a. 332.

7           **SECTION 261.** 948.03 (3) (c) of the statutes is amended to read:

8           948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct  
9 which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

10 History: 1987 a. 332.

10           **SECTION 262.** 948.03 (4) (a) of the statutes is amended to read:

11           948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class  
12 ~~C~~ F felony if that person has knowledge that another person intends to cause, is  
13 causing or has intentionally or recklessly caused great bodily harm to the child and  
14 is physically and emotionally capable of taking action which will prevent the bodily  
15 harm from occurring or being-repeated, fails to take that action and the failure to act  
16 exposes the child to an unreasonable risk of great bodily harm by the other person  
17 or facilitates the great bodily harm to the child that is caused by the other person.

18 History: 1987 a. 332.

18           **SECTION 263.** 948.03 (4) (b) of the statutes is amended to read:

19           948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class  
20 ~~D~~ H felony if that person has knowledge that another person intends to cause, is  
21 causing or has intentionally or recklessly caused bodily harm to the child and is  
22 physically and emotionally capable of taking action which will prevent the bodily  
23 harm from occurring or being repeated, fails to take that action and the failure to act

1 exposes the child to an unreasonable risk of bodily harm by the other person or  
2 facilitates the bodily harm to the child that is caused by the other person.

3 History: 1987 a. 332.

**SECTION 264.** 948.04 of the statutes is amended to read:

4 **948.04 Causing mental harm to a child. (1)** Whoever is exercising  
5 temporary or permanent control of a child and causes mental harm to that child by  
6 conduct which demonstrates substantial disregard for the mental well-being of the  
7 child is guilty of a Class C F felony.

8 (2) A person responsible for the child's welfare is guilty of a Class C F felony  
9 if that person has knowledge that another person has caused, is causing or will cause  
10 mental harm to that child, is physically and emotionally capable of taking action  
11 which will prevent the harm, fails to take that action and the failure to act exposes  
12 the child to an unreasonable risk of mental harm by the other person or facilitates  
13 the mental harm to the child that is caused by the other person.

14 History: 1987 a. 332.

**SECTION 265.** 948.05 (1) (intro.) of the statutes is amended to read:

15 948.05 (1) (intro.) Whoever does any of the following with knowledge of the  
16 character and content of the sexually explicit conduct involving the child is guilty of  
17 a Class C F felony:

*Am, 948.05 (1m) (as off 99 Act 3)*

~~History: 1987 a. 332.~~

~~18 **SECTION 266.** 948.05 (2) of the statutes is amended to read:~~

19 948.05 (2) A person responsible for a child's welfare who knowingly permits,  
20 allows or encourages the child to engage in sexually explicit conduct for a purpose  
21 proscribed in sub. (1) (a), <sup>or</sup> (b) or <sup>or</sup> (c) is guilty of a Class C F felony.

22 History: 1987 a. 332.

**SECTION 267.** 948.055 (2) (a) of the statutes is amended to read:

1           948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13  
2           years.

History: 1987 a. 334; 1989 a. 359; 1993 a. 218 ss. 6,7; Stats. 1993 s. 948.055; 1995 a. 67.

3           **SECTION 268.** 948.055 (2) (b) of the statutes is amended to read:

4           948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years  
5           but has not attained the age of 18 years.

History: 1987 a. 334; 1989 a. 359; 1993 a. 218 ss. 6,7; Stats. 1993 s. 948.055; 1995 a. 67.

6           **SECTION 269.** 948.06 (intro.) of the statutes is amended to read:

7           **948.06 Incest with a child.** (intro.) Whoever does any of the following is  
8           guilty of a Class ~~BC~~ C felony:

History: 1987 a. 332; 1995 a. 69.

9           **SECTION 270.** 948.07 (intro.) of the statutes is amended to read:

10          **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the  
11          following acts, causes or attempts to cause any child who has not attained the age  
12          of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class  
13          ~~BC~~ D felony:

History: 1987 a. 332; 1995 a. 67, 69, 448, 456.

14          **SECTION 271.** 948.08 of the statutes is amended to read:

15          **948.08 Soliciting a child. for prostitution.** Whoever intentionally solicits  
16          or causes any child to practice prostitution or establishes any child in a place of  
17          prostitution is guilty of a Class ~~BC~~ D felony.

History: 1987 a. 332; 1995 a. 69.

18          **SECTION 272.** 948.095 (2) (intro.) of the statutes is amended to read:

19          948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a  
20          child who has attained the age of 16 years and who is not the defendant's spouse is  
21          guilty of a Class ~~D~~ H felony if all of the following apply:

History: 1995 a. 456.

2           2          **SECTION 273.** 948.11 (2) (a) of the statutes is amended to read:

1            948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,  
2            rents, exhibits, transfers or loans to a child any harmful material, with or without  
3            monetary consideration, is guilty of a Class ~~E~~ I felony.

History: 1987 a. 332; 1989 a. 31; 1993 a. 220,399; 1995 a. 27 s. 9154 (1); 1997 a. 27.82.

4            **SECTION 274. 948.11 (2)** (am) of the statutes is amended to read:

5            948.11 (2) (am) Any person who has attained the age of 17 and who, with  
6            knowledge of the nature of the description or narrative account, verbally  
7            communicates, by any means, a harmful description or narrative account to a child,  
8            with or without monetary consideration, is guilty of a Class ~~E~~ I felony

History: 1987 a. 332; 1989 a. 31; 1993 a. 220,399; 1995 a. 27 s. 9154 (1); 1997 a. 27.82.

9            **SECTION 275. 948.12 (intro.)** of the statutes is amended to read:

10           **948.12 Possession of child pornography.** (intro.) Whoever possesses any  
11           undeveloped film, photographic negative, photograph, motion picture, videotape or  
12           other pictorial reproduction or audio recording of a child engaged in sexually explicit  
13           conduct under all of the following circumstances is guilty of a Class ~~E~~ I felony:

History: 1987 a. 332; 199.5 a. 67.

14           **SECTION 276. 948.13 (2)** of the statutes is amended to read:

15           948.13 (2) Whoever has been convicted of a serious child sex offense and  
16           subsequently engages in an occupation or participates in a volunteer position that  
17           requires him or her to work or interact primarily and directly with children under  
18           16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a  
19           person who is exempt under a court order issued under sub. (2m).

History: 1995 a. 265; 1997 a. 130,220.

20           **SECTION 277. 948.20** of the statutes is amended to read:

21           **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,  
22           leaves any child in a place where the child may suffer because of neglect is guilty of  
23           a Class ~~D~~ G felony.

History: 1977 c. 173; 1987 a. 332 s. 35; Stats. 1987 s. 948.20.

1           **SECTION 278.** 948.20 of the statutes is amended to read:

2           **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,  
3 leaves any child in a place where the child may suffer because of neglect is guilty of  
4 a Class ~~D~~ H felony.

History: 1977 c. 173; 1987 a. 332 s. 35; Stats. 1987 s. 948.20.

5           **SECTION 279.** 948.21 (1) of the statutes is amended to read:

6           **948.21 (1)** Any person who is responsible for a child's welfare who, through his  
7 or her actions or failure to take action, intentionally contributes to the neglect of the  
8 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class ~~C~~ D  
9 felony.

History: 1987 a. 332.

10          **SECTION 280.** 948.22 (2) of the statutes is amended to read:

11           **948.22 (2)** Any person who intentionally fails for 120 or more consecutive days  
12 to provide spousal, grandchild or child support which the person knows or reasonably  
13 should know the person is legally obligated to provide is guilty of a Class ~~E~~ I felony.  
14 A prosecutor may charge a person with multiple counts for a violation under this  
15 subsection if each count covers a period of at least 120 consecutive days and there is  
16 no overlap between periods.

History: 1985 a. 29, 56; 1987 a. 332 s. 33; Stats. 1987 s. 948.22; 1989 a. 31,212; 1993 a. 274,481; 1995 a. 289; 1997 a. 35, 191,252.

17          **SECTION 281.** 948.23 of the statutes is amended to read:

18           **948.23 Concealing death of child.** Any person who conceals the corpse of  
19 any issue of a woman's body with intent to prevent a determination of whether it was  
20 born dead or alive is guilty of a Class ~~E~~ I felony.

History: 1977 c. 173; 1987 a. 332 s. 47; Stats. 1987 s. 948.23.

21          **SECTION 282.** 948.24 (1) (intro.) of the statutes is amended to read:

22           **948.24 (1)** (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H  
23 felony:

History: 1981 c. 81; 1987 a. 332 s. 50; Stats. 1987 s. 948.24; 1989 a. 161; 1997 a. 104.

1           **SECTION 283.** 948.30 (1) (intro.) of the statutes is amended to read:

2           948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the  
3 following is guilty of a Class ~~C~~ E felony:

4 History: 1987 a. 332.

4           **SECTION 284.** 948.30 (2) (intro.) of the statutes is amended to read:

5           948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the  
6 following is guilty of a Class ~~B~~ C felony:

7 History: 1987 a. 332.

7           **SECTION 285.** 948.31 (1) (b) of the statutes is amended to read:

8           948.310) (b) Except as provided under chs. 48 and 938, whoever intentionally  
9 causes a child to leave, takes a child away or withholds a child for more than 12 hours  
10 beyond the court-approved period of physical placement or visitation period from a  
11 legal custodian with intent to deprive the custodian of his or her custody rights  
12 without the consent of the custodian is guilty of a Class ~~C~~ F felony. This paragraph  
13 is not applicable if the court has entered an order authorizing the person to so take  
14 or withhold the child. The fact that joint legal custody has been awarded to both  
15 parents by a court does not preclude a court from finding that one parent has  
16 committed a violation of this paragraph.

17 History: 1987 a. 332; 1989 a. 31, 56, 107; 1993 a. 302; 1995 a. 27 ss. 7237.9126 (19); 1995 a. 77; 1997 a. 290.

17           **SECTION 286.** 948.31 (2) of the statutes is amended to read:

18           948.31 (2) Whoever causes a child to leave, takes a child away or withholds a  
19 child for more than 12 hours from the child's parents or, in the case of a nonmarital  
20 child whose parents do not subsequently intermarry under s. 767.60, from the child's  
21 mother or, if he has been granted legal custody, the child's father, without the consent  
22 of the parents, the mother or the father with legal custody, is guilty of a Class ~~E~~ I

1 felony. This subsection is not applicable if legal custody has been granted by court  
2 order to the person taking or withholding the child.

History: 1987 a. 332; 1989 a. 31, 56, 107; 1993 a. 302; 1995 a. 27 ss. 7237.9126 (19); 1995 a. 77; 1997 a. 290.

3 **SECTION 287. 948.31 (3) (intro.)** of the statutes is amended to read:

4 **948.31 (3) (intro.)** Any parent, or any person acting pursuant to directions from  
5 the parent, who does any of the following is guilty of a Class ~~C~~ **F** felony:

History: 1987 a. 332; 1989 a. 31, 56, 107; 1993 a. 302; 1995 a. 27 ss. 7237.9126 (19); 1995 a. 77; 1997 a. 290.

6 **SECTION 288. 948.40 (4) (b)** of the statutes is amended to read:

7 **948.40 (4) (b)** If the child's act which is encouraged or contributed to is a  
8 violation of a state or federal criminal law which is punishable as a felony, the person  
9 is guilty of a Class ~~D~~ **H** felony.

History: 1987 a. 332; 1989 a. 31; 1995 a. 77.

10 **SECTION 289. 948.51 (3) (b)** of the statutes is amended to read:

11 **948.51 (3) (b)** A Class ~~E~~ **H** felony if the act results in great bodily harm ~~or death~~  
12 to another.

*new (3) (cc) death → G ←*

History: ~~1983 a. 356; 1987 a. 332 s. 32; Stats. 1987 s. 948.51.~~

13 **SECTION 290. 948.60 (2) (b)** of the statutes is amended to read:

14 **948.60 (2) (b)** Except as provided in par. (c), any person who intentionally sells,  
15 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a  
16 Class ~~E~~ **I** felony.

History: 1987 a. 332; 1991 a. 18,139; 1993 a. 98; 1995 a. 27,17; 1997 a. 248.

17 **SECTION 291. 948.60 (2) (c)** of the statutes is amended to read:

18 **948.60 (2) (c)** Whoever violates par. (b) is guilty of a Class ~~D~~ **H** felony if the  
19 person under 18 years of age under par. (b) discharges the firearm and the discharge  
20 causes death to himself, herself or another.

History: 1987 a. 332; 1991 a. 18,139; 1993 a. 98; 1995 a. 27, 77; 1997 a. 248.

21 **SECTION 292. 948.605 (2) (a)** of the statutes is amended to read:

1 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place  
2 that the individual knows, or has reasonable cause to believe, is a school zone is  
3 guilty of a Class ~~A misdemeanor~~ I felony.

History: 1991 a. 17; 1993 a. 336.

4 **SECTION 293.** 948.605 (3) (a) of the statutes is amended to read:

5 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for  
6 the safety of another, discharges or attempts to discharge a firearm at a place the  
7 individual knows is a school zone is guilty of a Class ~~D~~ H felony.

History: 1991 a.17; 1993 a. 336.

8 **SECTION 294.** 948.61 (2) (b) of the statutes is amended to read:

9 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or  
10 subsequent violation of this section within a 5-year period, as measured from the  
11 dates the violations occurred.

History: 1987 a. 332; 1991 a. 17; 1993 a. 336; 1995 a. 27.77.

12 **SECTION 295.** 951.18 (1) of the statutes is amended to read:

13 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,  
14 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 (1) is subject to a  
15 Class C forfeiture. Any person who intentionally or negligently violates any of those  
16 sections is guilty of a Class A misdemeanor. Any person who intentionally violates  
17 s. 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty  
18 of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.02 or 951.06,  
19 knowing that the animal that is the victim is used by a law enforcement agency to  
20 perform agency functions or duties and causing injury to the animal, is guilty of a  
21 Class ~~E~~ I felony.

NOTE: NOTE: Sub. (1) is amended eff. 12-1-99 by 1997 Wis. Act 192 to read:NOTE:

(I) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05, 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years after a humane officer issues an abatement order under s. 173.11 prohibiting the violation of that provision is subject to a Class A forfeiture. Any person who intentionally or negligently violates any of those sections is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class E felony. Any person who intentionally violates s. 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class E felony.

History: 1973 c. 314; 1977 c. 173; 1981 c. 160; 1983 a. 95; 1985 a. 48 s. 2; 1985 a. 263; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.18; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1989 a. 223; 1993 a. 192; 1997 a. 27, 192.

948.62  
(4)

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1           **SECTION 296.** 951.18 (2) of the statutes is amended to read:

2           951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A  
3           misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E felony  
4           for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or subsequent  
5           violation.

History: 1973 c. 314; 1977 c. 173; 1981 c. 160; 1983 a. 95; 1985 a. 48 s. 2; 1985 a. 263; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.18; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1989 a. 223; 1993 a. 192; 1997 a. 27,192.

6           **SECTION 297.** 951.18 (2) of the statutes is amended to read:

7           951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A  
8           misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I  
9           felony for the first violation and is guilty of a Class D felony for the 2nd or subsequent  
10          violation.

History: 1973 c. 314; 1977 c. 173; 1981 c. 160; 1983 a. 95; 1985 a. 48 s. 2; 1985 a. 263; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.18; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1989 a. 223; 1993 a. 192; 1997 a. 27,192.

11          **SECTION 298.** 951.18 (2m) of the statutes is amended to read:

12          951.18 (2m) Any person who violates s. 951.095 is subject to a Class B  
13          forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing  
14          that the animal that is the victim is used by a law enforcement agency or fire  
15          department to perform agency or department functions or duties, is guilty of a Class  
16          A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the  
17          animal that is the victim is used by a law enforcement agency or fire department to  
18          perform agency or department functions or duties and causing injury to the animal,  
19          is guilty of a Class E felony. Any person who intentionally violates s. 951.095,  
20          knowing that the animal that is the victim is used by a law enforcement agency or  
21          fire department to perform agency or department functions or duties and causing  
22          death to the animal, is guilty of a Class ~~D~~ H felony.

History: 1973 c. 314; 1977 c. 173; 1981 c. 160; 1983 a. 95; 1985 a. 48 s. 2; 1985 a. 263; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.18; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1989 a. 223; 1993 a. 192; 1997 a. 27,192.

23          **SECTION 299.** 973.03 (3) (e) of the statutes is amended to read:

1            973.03 (3) (e) A court may not provide that a defendant perform community  
2 service work under this subsection if the defendant is being sentenced regarding any  
3 of the following:

- 4            1. A crime which is a Class A or B felony.
- 5            2. A crime which is a Class C felony listed in s. 969.08 (10) (b), but not including  
6 any crime specified in s. 943.10.
- 7            3. A crime which is a Class C felony specified in s. 948.05.

History: 1971 c. 298; 1983 a. 110,192; 1985 a. 150; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 398,399; 1989 a. 31, 85; 1993 a. 48; 1995 a. 281.448.