



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0590/P4
JEO&MGD:kmg:jf

D-Note

Friday
8/6

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r.m.c.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regenerate

1 AN AC ^T ~~reptal~~ **939.50**(bc),1) 939.~~60~~, (3) 940.~~10~~9 940.25(b),940.285
2 (2) (b) 3., 941.29 (2m), 943.01 (2g), 943.23 (lr), 948.02 (3m), 948.025 (2m),
3 948.35, 948.36, 948.605(4), 973.01 (2) (b) 2. and 973.03 (3) **(e) 3.; to renumber**
4 **and amend** 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 973.01 (2) (b) 6. and
5 973.01 (2)(d); **to amend 48.685 (5)**(bm) 3., 49.95 (1), 115.31 (2g), 118.19 (4) (a),
6 301.26 (4) (cm> 1., 302.11 (lg) (a) 2., 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c),
7 346.17 (3) (d), 753.061 (2m), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) l.,
8 938.355 (4) (b), 938.78 (3), 939.30 (l), 939.30 (2), 939.50 (1) (intro.), 939.50 (2),
9 939.50 (3)(c), 939.50 (3) (d), 939.50 (3) (e), 939.62 (2m) (a) 2m. b., 939.632 (1)
10 (e) l., 939.72 (1), 939.75 (l), 940.02 (2) (intro.), 940.03, 940.04 (l), 940.04 (2)
11 (intro.), 940.04 (4), 940.05 (1) (intro.), 940.05 (2g) (intro.), 940.06 (l), 940.06 (2),
12 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11
13 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4),
14 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (l),
15 940.20(2), 940.20(2m) (b), 940.20(3), 940.20 (7) (b), 940.201 (2) (intro.), 940.203

1 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225
2 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2)
3 (b), 940.24 (l), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) lg., 940.285 (2) (b)
4 lm., 940.285 (2) (b) lr., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) lg., 940.295 (3)
5 (b) lm., 940.295 (3) (b) lr., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305
6 (l), 940.305 (2); 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2)
7 (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.),
8 940.45 (intro.), 941.11 (intro.), 941.12 (l), 941.20 (2) (intro.), 941.20 (3) (a)
9 (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26
10 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.),
11 941.295 (l), 941.296 (2) (intro.), 941.298 (2), 941.30 (l), 941.30 (2), 941.31 (1),
12 941.31 (2) (b), 941.32, 941.325, 941.327 (2) (a) (intro.), 941.327 (2) (b) 1., 941.327
13 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4),
14 941.38 (2), 943.01 (2) (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.),
15 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017
16 (2) (d), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
17 943.07 (l), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3)
18 (a), 943.20 (3) (b), 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) l., 943.20
19 (3) (d) 3., 943.20 (3) (d) 4., 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg),
20 943.23 (lm), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (l), 943.24
21 (2), 943.25 (l), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3),
22 943.28 (4), 943.30 (l), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31,
23 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38
24 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40
25 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c),

1 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50
2 (4) (a), 943.50 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c),
3 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4.,
4 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.75 (2), 944.05 (1) (intro.), 944.16 (intro.),
5 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
6 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03
7 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12
8 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (l), 946.15 (3), 946.31 (1) (intro.),
9 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.),
10 946.425 (1), 946.425 (lm) (b), 946.425 (lr) (b), 946.43 (intro.), 946.44 (1) (intro.),
11 946.44 (lg), 946.44 (lm), 946.47 (1) (intro.), 946.48 (l), 946.49 (1) (b), 946.49 (2),
12 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (lr) (a),
13 946.68 (lr) (b), 946.68 (lr) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74
14 (2), 946.76, 946.82 (4), 946.84 (l), 946.85 (1), 947.013 (It), 947.013 (Iv), 947.013
15 (lx) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03
16 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b),
17 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a),
18 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.),
19 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (1),
20 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
21 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (b), 948.51 (3) (b), 948.60
22 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a),
23 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (l), 951.18 (2), 951.18 (2m),
24 961.455 (3), 968.255 (1) (a) 2., 969.08 (10) (a), 969.08 (10) (b), 971.17 (1), 973.01
25 (2) (b) 3., 973.01 (2) (b) 4., 973.01 (2) (b) 5., 973.0135 (1) (b) 2., 973.03 (3) (e) 1.

1 and 2., 973.075 (1) (b) Im. e., 973.075 (2) (d) and 978.13 (1) (c); **to repeal and**
 2 **recreate** 944.15 (title); and **to create 346.04** (2t), 346.17 (2t), 939.50 (1) (f),
 3 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50
 4 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.34 (1) (bm), 943.50 (4)
 5 (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025
 6 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01
 7 (2) (b) 8., 973.01 (2) (b) 9. and 973.01 (2) (d) 1. to 6. of the statutes; **relating to:**
 8 classification and elements of felony offenses and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

9 **SECTION 1.** 48.685 (5) (bm) 3. of the statutes is amended to read:

10 48.685 (5) (bm) 3. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06,
 11 940.21, 940.225 (l), (2) or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21,
 12 943.10 (2), 943.23 (lg), ~~or (1m) or (1r)~~ or 943.32 (2).

13 **SECTION 2.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283, is
 14 amended to read:

15 49.95 (1) Any person who, with intent to secure public assistance under this
 16 chapter, whether for himself or herself or for some other person, wilfully makes any
 17 false representations may, if the value of the assistance so secured does not exceed
 18 \$300, be required to forfeit not more than \$1,000; if the value of the assistance
 19 exceeds \$300 but does not exceed \$1,000, be fined not more than \$250 or imprisoned
 20 for not more than 6 months or both; if the value of the assistance exceeds \$1,000 but

1 does not exceed \$2,500, be fined not more than \$500 or imprisoned for not more than
2 7 years and 6 months or both; and if the value of the assistance exceeds \$2,500, be
3 ~~punished as prescribed under ch. 943 20(2)(e)~~ fined not more than \$10,000 or
4 imprisoned for not more than 15 years or both.

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5 **SECTION 3.** 115.31 (2g) of the statutes is amended to read:

6 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
7 revoke a license granted by the state superintendent, without a hearing, if the
8 licensee is convicted of any Class A, B, C ~~or~~ D, E, F, G or H felony under ch. 940 or
9 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September
10 12, 1991.

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

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

19 **SECTION 5.** 301.26 (4) (cm) 1 . of the statutes is amended to read:

20 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
21 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
22 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
23 correctional institutions, secured child caring institutions, as defined in s. 938.02
24 (15g), alternate care providers, aftercare supervision providers and 'corrective
25 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the

1 care of any juvenile 14 years of age or over who has been placed in a juvenile
 2 correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32
 3 (1) (a) 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2)(b) 4., 943.02, 943.10
 4 (2), 943.23 (1g), ^{plans?} ~~(1m)~~ or ~~(1r)~~; 943.32 (2), 948.02 (1), 948.025, (1)(a) or 948.30 (2),
 a 5 ~~948.35 (1) (b) or 948.36~~ and for the care of any juvenile 10 years of age or over who
 6 has been placed in a juvenile correctional institution or a secured child caring
 7 institution for attempting or committing a violation of s. 940.01 or for committing a
 8 violation of s. 940.02 or 940.05.

9 SECTION 6. 302.11 (lg) (a) 2. of the statutes is amended to read:

10 302.11 (lg) (a) 2: Any felony under s. 940.02, 940.03, 940.05, 940.09 ~~(1)~~ (1c),
 11 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b),
 12 943.02, 943.10 (2), 943.23 (lg) or ~~(1m)~~, 943.32 (2), 946.43, 948.02 (1) or (2), 948.025,
 13 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c)~~
 14 or 948.36.

15 SECTION 7. 346.04 (2t) of the statutes is created to read:

16 346.04 (2t) No operator ^{her} of a vehicle, after having received a visible or audible
 17 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall knowingly file or attempt
 18 intentionally resist the to evade any traffic officer by ~~willful or wanton disregard of such signal.~~
 19 ~~to evade any traffic officer by willful or wanton disregard of such signal.~~

20 SECTION 8. 346.17 (2t) of the statutes is created to read:

21 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
 22 \$10,000 or imprisoned for not more than 9 months or both.

23 **NOTE:** Proposed ss. 346.04 (2t) and 346.17 (2t) are a stab at creating a
 misdemeanor fleeing offense. The subcommittee should review them carefully to
 determine what changes it wants to make to those proposed statutes.

24 SECTION 9. 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
 25 is amended to read:

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failing to stop
his or her
vehicle as
promptly as
safety
reason-
ably
permits

1 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
2 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
3 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

4 SECTION 10. 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
7 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
8 the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be~~
9 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

10 SECTION 11. 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
13 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~
14 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

15 SECTION 12. 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 346.17 (3) (d) If the violation results in the death of another, the person shall
18 be fined not less than \$1,100 nor more than \$10,000 and may be ~~imprisoned for not~~
19 ~~more than 7 years and 6 months~~ is guilty of a Class E felony.

20 SECTION 13. 753.061 (2m) of the statutes is amended to read:

21 753.061 (2m) The chief judge of the 1st judicial administrative district is
22 authorized to designate 4 circuit court branches to primarily handle violent crime
23 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
24 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (lg), ~~and (1m) and (1r)~~ and
25 943.32 (2). If the circuit court branches are designated under this subsection, 2 shall

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✓

1 begin to primarily handle violent crime cases on September 1, 1991, and 2 shall begin
2 to primarily handle violent crime cases on August 1, 1992.

3 SECTION 14. 938.208 (1) (a) of the statutes is amended to read:

4 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
5 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
6 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (l), 943.23 (1g) ^{plain?} ~~(1g)~~ ✓
7 ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03
8 if committed by an adult.

9 SECTION 15. 938.34 (4h) (a) of the statutes is amended to read:

10 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
11 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
12 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10(2), 943.23 (lg) ^{plain?} ~~(1m)~~ ✓
13 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1) (a) or 948.30(2), ~~948.35(1)(b) or 948.36~~
14 or the juvenile is 10 years of age or over and has been adjudicated delinquent for
15 attempting or committing a violation of s. 940.01 or for committing a violation of
16 940.02 or 940.05.

17 SECTION 16. 938.34 (4m) (b) 1. of the statutes is amended to read:

18 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
20 940.31, 941.20 (3), 943.02 (l), 943.23 (1g) ^{plain?} ~~(1m) or (1r)~~ ✓
21 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

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~~SECTION 17~~ 938.355 (4) (b) of the statutes is amended to read:

23 938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
24 has been adjudicated delinquent is subject to par. (a), except that the judge may make
25 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th

1 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
2 apply for 5 years, if the juvenile is adjudicated delinquent for committing an act that
3 would be punishable as a Class B or C felony if committed by an adult, or until the
4 juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for
5 committing an act that would be punishable as a Class A felony if committed by an
6 adult.

****NOTE: Should this paragraph refer to felonies other than those in Classes A, B
and C?

7 **SECTION 18. 938.78 (3)** of the statutes is amended to read:

8 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
9 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
10 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
11 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
12 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
13 (a), 943.23 (1g), ^{plain} ~~(1m)~~ [↓] ~~or (1r)~~ [↓], 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, ✓
14 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
15 correctional facility, child caring institution, inpatient facility, as defined in s. 51.01
16 (10), secure detention facility or juvenile portion of a county jail, or from the custody
17 of a peace officer or a guard of such a facility, institution or jail, or has been allowed
18 to leave a secured correctional facility, child caring institution, inpatient facility,
19 secure detention facility or juvenile portion of a county jail for a specified time period
20 and is absent from the facility, institution or jail for more than 12 hours after the
21 expiration of the specified period, the department or county department having
22 supervision over the juvenile may release the juvenile's name and any information
23 about the juvenile that is necessary for the protection of the public or to secure the

1 juvenile's return to the facility, institution or jail. The department of corrections
2 shall promulgate rules establishing guidelines for the release of the juvenile's name
3 or information about the juvenile to the public.

4 **SECTION 19.** 939.30 (1) of the statutes is amended to read:

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

9 **SECTION 20.** 939.30 (2) of the statutes is amended to read:

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

13 **SECTION 21.** 939.50 (1) (intro.) of the statutes is amended to read:

14 939.50(1) (intro.) ~~Except as provided in ss. 946.83 and 946.85, felonies~~ Felonies
15 ~~in chs. 939 to 951~~ the statutes are classified as follows:

16 **SECTION 22.** 939.50 (1) (bc) of the statutes is repealed.

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

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

19 **SECTION 24.** 939.50 (1) (g) of the statutes is created to read:

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

21 **SECTION 25.** 939.50 (1) (h) of the statutes is created to read:

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

23 **SECTION 26.** 939.50 (1) (i) of the statutes is created to read:

24 939.50 (1) (i) Class I felony.

25 **SECTION 27.** 939.50 (2) of the statutes is amended to read:

1 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~or~~, E, E, G, H or I felony when it
2 is so specified in ~~chs. 939 to 951~~ the statutes.

3 **SECTION 28.** 939.50 (3) (bc) of the statutes, as affected by 1997 Wisconsin Act
4 283, is repealed.

5 **SECTION 29.** 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ ^{\$100,000} ~~\$50,000~~ or
8 imprisonment not to exceed ~~15~~ 40 years, or both.

9 **SECTION 30.** 939.50 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ ^{\$100,000} ~~\$50,000~~ or
12 imprisonment not to exceed ~~10~~ 25 years, or both.

13 **SECTION 31.** 939.50 (3) (e) of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or
16 imprisonment not to exceed ~~5~~ 15 years, or both.

17 **SECTION 32.** 939.50 (3) (f) of the statutes is created to read:

18 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
19 not to exceed 12 years and 6 months, or both.

20 **SECTION 33.** 939.50 (3) (g) of the statutes is created to read:

21 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
22 not to exceed 10 years, or both.

23 **SECTION 34.** 939.50 (3) (h) of the statutes is created to read:

24 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
25 not to exceed 6 years, or both.

SECTION 35. 939.50 (3) (i) of the statutes is created to read:

939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.

SECTION 36. 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g) (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

SECTION 37. 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10(2), 943.23 (1g) (1m) or (1r), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

SECTION 38. 939.72 (1) of the statutes is amended to read:

939.72 (1) Section 939.30, 948.35 or 948.36 for solicitation and s. 939.05 as a party to a crime which is the objective of the solicitation; or

SECTION 39. 939.75 (1) of the statutes is amended to read:

939.75 (1) In this section and ss. 939.24 (l), 939.25 (1), 940.01 (1) (b), 940.02 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), (1b) and (lg) (c) and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to (e) and (1b), "unborn child" means any individual of the human species from fertilization until birth that is gestating inside a woman.

SECTION 40. 940.02 (2) (intro.) of the statutes is amended to read:

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1 940.02 (2) (intro.) Whoever causes the death of another human being under any
2 of the following circumstances is guilty of a Class B C felony:

3 SECTION 41. 940.03 of the statutes is amended to read:

4 **940.03 Felony murder.** Whoever causes the death of another human being
5 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
6 (a), 943.02, 943.10(2), 943.23(1g) or 943.32 (2) may be imprisoned for not more than
7 ~~20~~ 15 years in excess of the maximum period of imprisonment provided by law for
8 that crime or attempt.

9 SECTION 42. 940.04 (1) of the statutes is amended to read:

10 940.04 (1) Any person, other than the mother, who intentionally destroys the
11 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
12 ~~than 3 years or both~~ is guilty of a Class H felony.

13 SECTION 43. 940.04 (2) (intro.) of the statutes is amended to read:

14 940.04 (2) (intro.) Any person, other than the mother, who does either of the
15 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

16 SECTION 44. 940.04 (4) of the statutes is amended to read:

17 940.04 (4) Any pregnant woman who intentionally destroys the life of her
18 unborn quick child or who consents to such destruction by another ~~may be~~
19 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

20 SECTION 45. 940.05 (1) (intro.) of the statutes is amended to read:
21 940.05 ~~(1)~~ (intro.) Whoever causes the death of another human being with
22 intent to kill that person or another is guilty of a Class B C felony if:
23 SECTION 46. 940.05 (2g) (intro.) of the statutes is amended to read:

1 ~~940.05 (2g) (intro.) Whoever causes the death of an unborn child with intent~~
2 ~~to kill that unborn child, kill the woman who is pregnant with that unborn child or~~
3 ~~kill another is guilty of a Class ~~B~~ C felony if:~~

4 SECTION 47. 940.06 (1) of the statutes is amended to read:

5 940.06 (1) Whoever recklessly causes the death of another human being is
6 guilty of a Class ~~C~~ D felony.

7 SECTION 48. 940.06 (2) of the statutes is amended to read:

8 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
9 a Class ~~C~~ D felony.

10 SECTION 49. 940.07 of the statutes is amended to read:

11 **940.07 Homicide resulting from negligent control of vicious animal.**

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

16 SECTION 50. 940.08 (1) of the statutes is amended to read:

17 940.08 (1) Whoever causes the death of another human being by the negligent
18 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
19 ~~D~~ G felony.

20 SECTION 51. 940.08 (2) of the statutes is amended to read:

21 940.08 (2) Whoever causes the death of an unborn child by the negligent
22 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~
23 G felony.

24 SECTION 52. 940.09 (1) (intro.) of the statutes is amended to read:

1 940.09 (1) (intro.) Any person who does any of the following ~~is guilty of a Class~~
2 ~~B~~ felony may be nenalized as provided in sub. (1c):

3 **SECTION 53.** 940.09 (lb) of the statutes is repealed.

4 **SECTION 54.** 940.09 (lc) of the statutes is created to read:

5 940.09 (lc) (a) Except as provided in par. (b), a person who violates sub. (1) is
6 guilty of a Class D felony,

7 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
8 one or more prior convictions, suspensions or revocations, as counted under s.
9 343.307 (2).

10 **SECTION 55.** 940.10 (1) of the statutes is amended to read:

11 940.10 (1) Whoever causes the death of another human being by the negligent
12 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

13 **SECTION 56.** 940.10 (2) of the statutes is amended to read:

14 940.10 (2) Whoever causes the death of an unborn child by the negligent
15 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

16 **SECTION 57.** 940.11 (1) of the statutes is amended to read:

17 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
18 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
' 19 guilty of a Class ~~C~~ F felony.

20 **SECTION 58.** 940.11 (2) of the statutes is amended to read:

21 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
22 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~D~~ G
23 felony.

24 **SECTION 59.** 940.12 of the statutes is amended to read:

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 **SECTION 60.** 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 **SECTION 61.** 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 **SECTION 62.** 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 **SECTION 63.** 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.

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22 **SECTION 64.** 940.19 (4) of the statutes is amended to read:

23 940.19 (4) Whoever causes great bodily harm to another by an act done with
24 intent to cause bodily harm to that person or another is guilty of a Class ~~D~~ H felony.

25 **SECTION 65.** 940.19 (5) of the statutes is amended to read:

1 940.19 (5) Whoever causes great bodily harm to another by an act done with
2 intent to cause either ~~substantial bodily harm~~ or great bodily harm to that person
3 or another is guilty of a Class ~~C~~ E felony.

→ ~~***NOTE: This is a tentative change based on language contained in the subcommittee's 5/29/99 draft. It is subject to further subcommittee review and alteration.~~

4 **SECTION 66.** 940.19 (6) (intro.) of the statutes is amended to read:

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

9 **SECTION 67.** 940.195 (2) of the statutes is amended to read:

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

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13 **SECTION 68.** 940.195 (4) of the statutes is amended to read:

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

17 **SECTION 69.** 940.195 (5) of the statutes is amended to read:

18 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
19 done with intent to cause either ~~substantial bodily harm~~ or great bodily harm to that
20 unborn child, to the woman who is pregnant with that unborn child or another is
21 guilty of a Class ~~C~~ E felony.

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→ ~~***NOTE: This is a tentative change based on language contained in the subcommittee's 5/29/99 draft. It is subject to further subcommittee review and alteration.~~

22 **SECTION 70.** 940.20 (1) of the statutes is amended to read:

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

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5 **SECTION 71.** 940.20 (2) of the statutes is amended to read:

6 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS. Whoever
7 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
8 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
9 person knows or has reason to know that the victim is a law enforcement officer or
10 fire fighter, by an act done without the consent of the person so injured, is guilty of
11 a Class D H felony.

12 **SECTION 72.** 940.20 (2m) (b) of the statutes is amended to read:

13 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,
14 extended supervision and parole agent or an aftercare agent, acting in an official
15 capacity and the person knows or has reason to know that the victim is a probation,
16 extended supervision and parole agent or an aftercare agent, by an act done without
17 the consent of the person so injured, is guilty of a Class D H felony.

18 **SECTION 73.** 940.20 (3) of the statutes is amended to read:

19 940.20 (3) BATTERY TO JURORS. Whoever intentionally causes bodily harm to a
20 person who he or she knows or has reason to know is or was a grand or petit juror,
21 and by reason of any verdict or indictment assented to by the person, without the
22 consent of the person injured, is guilty of a Class D H felony.

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23 **SECTION 74.** 940.20 (7) (b) of the statutes is amended to read:

24 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency
25 department worker, an emergency medical technician, a first responder or an

1 ambulance driver who is acting in an official capacity and who the person knows or
2 has reason to know is an emergency department worker, an emergency medical
3 technician, a first responder or an ambulance driver, by an act done without the
4 consent of the person so injured, is guilty of a Class ~~D~~ H felony.

5 **SECTION 75.** 940.201 (2) (intro.) of the statutes is amended to read:

6 **940.201 (2)** (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
7 felony:

8 **SECTION 76.** 940.203 (2) (intro.) of the statutes is amended to read:

9 **940.203 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to
10 cause bodily harm to the person or family member of any judge under all of the
11 following circumstances is guilty of a Class ~~D~~ H felony:

12 **SECTION 77.** 940.205 (2) (intro.) of the statutes is amended to read:

13 **940.205 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to
14 cause bodily harm to the person or family member of any department of revenue
15 official, employe or agent under all of the following circumstances is guilty of a Class
16 ~~D~~ H felony:

17 **SECTION 78.** 940.207 (2) (intro.) of the statutes is amended to read:

18 **940.207 (2)** (intro.) Whoever intentionally causes bodily harm or threatens to
19 cause bodily harm to the person or family member of any department of commerce
20 or department of workforce development official, employe or agent under all of the
21 following circumstances is guilty of a Class ~~D~~ H felony:

22 **SECTION 79.** 940 . 21 of the statutes is amended to read:

23 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
24 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
25 guilty of a Class ~~B~~ C felony.

1 **SECTION 80.** 940.22 (2) of the statutes is amended to read:

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

8 **SECTION 81.** 940.225 (2) (intro.) of the statutes is amended to read:

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

11 **SECTION 82.** 940.225 (3) of the statutes is amended to read:

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

16 **SECTION 83.** 940.23 (1) (a) of the statutes is amended to read:

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

20 **SECTION 84.** 940.23 (1) (b) of the statutes is amended to read:

21 940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child
22 under circumstances that show utter disregard for the life of that unborn child, the
23 woman who is pregnant with that unborn child or another is guilty of a Class ~~C~~ D
24 felony.

25 **SECTION 85.** 940.23 (2) (a) of the statutes is amended to read:

1 940.23 (2) (a) Whoever recklessly causes great bodily harm to another human
2 being is guilty of a Class ~~D~~ F felony.

3 **SECTION 86.** 940.23 (2) (b) of the statutes is amended to read:

4 940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child
5 is guilty of a Class ~~D~~ F felony.

6 **SECTION 87.** 940.24 (1) of the statutes is amended to read:

7 940.24 (1) Whoever causes bodily harm to another by the negligent operation
8 or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

9 **SECTION 88.** 940.24 (2) of the statutes is amended to read:

10 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
11 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~
12 I felony.

13 **SECTION 89.** 940.25 (1) (intro.) of the statutes is amended to read:

14 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
15 ~~D~~ F felony:

16 **SECTION 90.** 940.25 (lb) of the statutes is repealed.

17 **SECTION 91.** 940.285 (2) (b) lg. of the statutes is amended to read:

18 940.285 (2) (b) lg. Any person violating par. (a) 1. or 2. under circumstances
19 that cause death is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under
20 circumstances that cause death is guilty of a Class D felony.

21 **SECTION 92.** 940.285 (2) (b) lm. of the statutes is amended to read:

22 940.285 (2) (b) lm. Any person violating par. (a) under circumstances that
23 cause great bodily harm is guilty of a Class ~~C~~ F felony.

24 **SECTION 93.** 940.285 (2) (b) lr. of the statutes is amended to read:

1 940.285 (2) (b) lr. Any person violating par. (a) 1. under circumstances that are
2 likely to cause great bodily harm is guilty of a Class ~~D~~ G felony. ~~Any person violating~~
3 ~~par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is~~
4 ~~guilty of a Class I felony.~~

5 **SECTION 94.** 940.285 (2) (b) 2. of the statutes is amended to read:

6 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
7 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. ~~Any person~~
8 ~~violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty~~
9 ~~of a Class I felony.~~

10 **SECTION 95.** 940.285 (2) (b) 3. of the statutes is repealed.

11 **SECTION 96.** 940.29 of the statutes is amended to read:

12 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
13 employed in a penal or correctional institution or other place of confinement who
14 abuses, neglects or ill-treats any person confined in or a resident of any such
15 institution or place or who knowingly permits another person to do so is guilty of a
16 Class ~~E~~ I felony.

17 **SECTION 97.** 940.295 (3) (b) lg. of the statutes is amended to read:

18 940.295 (3) (b) lg. Any person violating par. (a) ~~1. or 2.~~ under circumstances
19 that cause death to a vulnerable person is guilty of a Class ~~B~~ C felony. ~~Any person~~
20 ~~violating par. (a) 3. under circumstances that cause death to a vulnerable person is~~
21 ~~guilty of a Class D felony.~~

22 **SECTION 98.** 940.295 (3) (b) lm. of the statutes is amended to read:

23 940.295 (3) (b) lm. Any person violating par. (a) under circumstances that
24 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

25 **SECTION 99.** 940.295 (3) (b) lr. of the statutes is amended to read:

1 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
2 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
3 of a Class ~~D~~ F felony. ~~Any person violating~~ under circumstances that are
4 likely to cause great bodily ~~harm~~ ty of a Class G felony.

5 **SECTION 100.** 940.295 (3) (b) 2. of the statutes is amended to read:

6 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
7 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
8 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
9 of a Class I felony.

10 **SECTION 101.** 940.295 (3) (b) 3. of the statutes is amended to read:

11 940.295 (3) (b) 3. Except as provided in subd. 1m., 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~~ H felony. Any person violating par. (a) 2. or 3. under circumstances
14 that result in causing harm is guilty of a Class I felony.

15 **SECTION 102.** 940.30 of the statutes is amended to read:

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

19 **SECTION 103.** 940.305 (1) of the statutes is amended to read:

20 940.305 (1) Except as provided in sub. (2), whoever by force or threat of
21 imminent force seizes, confines or restrains a person without the person's consent
22 and with the intent to use the person as a hostage in order to influence a person to
23 perform or not to perform some action demanded by the actor is guilty of a Class 4
24 B felony.

25 **SECTION 104.** 940.305 (2) of the statutes is amended to read:

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

4 **SECTION 105.** 940.31 (1) (intro.) of the statutes is amended to read:

5 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
6 felony:

7 **SECTION 106.** 940.31 (2) (a) of the statutes is amended to read:

8 940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with
9 intent to cause another to transfer property in order to obtain the release of the victim
10 is guilty of a Class ~~A~~ B felony.

11 **SECTION 107.** 940.31 (2) (b) of the statutes is amended to read:

12 940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer
13 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
14 the victim is released without permanent physical injury prior to the time the first
15 witness is sworn at the trial.

16 **SECTION 108.** 940.32 (2) (intro.) of the statutes is amended to read:

17 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
18 ~~A misdemeanor~~ I felony:

19 **SECTION 109.** 940.32 (2m) of the statutes is amended to read:

20 940.32 (2m) Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
21 intentionally gains access to a record in electronic format that contains personally
22 identifiable information regarding the victim in order to facilitate the violation
23 under sub. (2).

24 **SECTION 110.** 940.32 (3) (intro.) of the statutes is amended to read:

1 940.32 (3) (intro.) Whoever violates sub. (2) under any of the following
2 circumstances is guilty of a Class ~~E~~ H felony:

3 **SECTION 111.** 940.32 (3m) (intro.) of the statutes is amended to read:

4 940.32 (**3m**) (intro.) Whoever violates sub. (3) under all of the following
5 circumstances is guilty of a Class ~~D~~ G felony:

6 **SECTION 112.** 940.43 (intro.) of the statutes is amended to read:

7 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
8 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

9 **SECTION 113.** 940.45 (intro.) of the statutes is amended to read:

10 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
11 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

12 **SECTION 114.** 941.11 (intro.) of the statutes is amended to read:

13 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
14 following is guilty of a Class ~~D~~ H felony:

15 **SECTION 115.** 941.12 (1) of the statutes is amended to read:

16 941.12 (**1**) Whoever intentionally interferes with the proper functioning of a
17 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
18 a Class ~~E~~ I felony.

19 **SECTION 116.** 941.20 (2) (intro.) of the statutes is amended to read:

20 941.20 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ G
21 felony:

22 **SECTION 117.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

23 941.20 (3) (a) (intro.) Whoever intentionally discharges a firearm from a
24 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot

1 that is open to the public under any of the following circumstances is guilty of a Class
2 C F felony:

3 **SECTION 118. 941.21** of the statutes is amended to read:

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

11 **SECTION 119. 941.235 (1)** of the statutes is amended to read:

12 941.235 (1) Any person who goes armed with a firearm in any building owned
13 or leased by the state or any political subdivision of the state is guilty of a Class B
14 A misdemeanor,

15 **SECTION 120. 941.26 (2) (a)** of the statutes is amended to read:

16 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

17 **SECTION 121. 941.26 (2) (b)** of the statutes is amended to read:

18 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

19 **SECTION 122. 941.26 (2) (e)** of the statutes is amended to read:

20 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
21 commercial transportation of the bomb, grenade, projectile, shell or container under
22 sub. (1) (b) is guilty of a Class E H felony.

23 **SECTION 123. 941.26 (2) (f)** of the statutes is amended to read:

24 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
25 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily

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

3 **SECTION 124.** 941.26 (2) (g) of the statutes is amended to read:

4 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
5 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
6 of another crime to cause bodily harm or bodily discomfort to another or who
7 threatens to use the bomb, grenade, projectile, shell or container during his or her
8 commission of another crime to incapacitate another person is guilty of a Class ~~E~~ H
9 felony.

10 **SECTION 125.** 941.26 (4) (d) of the statutes is amended to read:

11 941.26 (4) (d) Whoever intentionally uses a device or container described under
12 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
13 or has reason to know, is a peace officer who is acting in an official capacity is guilty
14 of a Class ~~D~~ H felony.

15 **SECTION 126.** 941.26 (4) (e) of the statutes is amended to read:

16 941.26 (4) (e) Whoever uses a device or container described under par. (a)
17 during his or her commission of another crime to cause bodily harm or bodily
18 discomfort to another or who threatens to use the device or container during his or
19 her commission of another crime to incapacitate another person is guilty of a Class
20 ~~E~~ H felony.

21 **SECTION 127.** 941.28 (3) of the statutes is amended to read:

22 941.28 (3) Any person violating this section is guilty of a Class ~~E~~ H felony.

23 **SECTION 128.** 941.29 (2) (intro.) of the statutes is amended to read:

24 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class ~~E~~ G felony
25 if he or she possesses a firearm under any of the following circumstances:

1 SECTION 129. 941.29 (2m) of the statutes is repealed.

2 SECTION 130. 941.295 (1) of the statutes is amended to read:

3 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed
4 with any electric weapon is guilty of a Class ~~E~~ H felony.

5 SECTION 131. 941.296 (2) (intro.) of the statutes is amended to read:

6 941.296 (2) (intro.) Whoever uses or possesses a handgun during the
7 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class ~~E~~ H felony
8 under any of the following circumstances.

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9 SECTION 132. 941.298 (2) of the statutes is amended to read:

10 941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of
11 a Class ~~E~~ H felony.

12 SECTION 133. 941.30 (1) of the statutes is amended to read:

13 941.30 (1) ~~FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.~~ Whoever recklessly
14 endangers another's safety under circumstances which show utter disregard for
15 human life is guilty of a Class ~~D~~ F felony.

16 SECTION 134. 941.30 (2) of the statutes is amended to read:

17 941.30 (2) ~~SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.~~ Whoever
18 recklessly endangers another's safety is guilty of a Class ~~E~~ G felony.

19 SECTION 135. 941.31 (1) of the statutes is amended to read:

20 941.31 (1) Whoever makes, buys, transports, possesses, or transfers any
21 explosive compound or offers to do the same, either with intent to use such explosive
22 to commit a crime or knowing that another intends to use it to commit a crime, is
23 guilty of a Class ~~C~~ F felony.

24 SECTION 136. 941.31 (2) (b) of the statutes is amended to read:

1 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
2 transfers any improvised explosive device, or possesses materials or components
3 with intent to assemble any improvised explosive device, is guilty of a Class ~~E~~ H
4 felony.

5 **SECTION 137.** 941.32 of the statutes is amended to read:

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

10 **SECTION 138.** 941.325 of the statutes is amended to read:

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

14 **SECTION 139.** 941.327 (2) (a) (intro.) of the statutes is amended to read:

15 941.327 (2) (a) (intro.) . Whoever, with intent to ~~kill~~, injure or otherwise
16 endanger the health or safety of any person or to cause significant injury or damage
17 to the business of any person or entity, does either of the following may be punished
18 under par. (b):

*****NOTE:** The word "kill" is **eliminated** because it makes the offense duplicative of
first degree intentional homicide.

19 **SECTION 140.** 941.327 (2) (b) 1. of the statutes is amended to read:

20 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
21 (a) is guilty of a Class ~~E~~ I felony.

22 **SECTION 141.** 941.327 (2) (b) 2. of the statutes is amended to read:

1 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
2 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

3 **SECTION 142.** 941.327 (2) (b) 3. of the statutes is amended to read:

4 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
5 a person violating par. (a) is guilty of a Class ~~C~~ F felony.

6 **SECTION 143.** 941.327 (2) (b) 4. of the statutes is amended to read:

7 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
8 guilty of a Class ~~A~~ C felony.

 ****NOTE: Because the word "kill" is eliminated from the language specifying the
elements of this crime, the committee thinks it proper to reduce the penalty for the crime
to a Class B felony so as to reserve Class A felonies for the most serious crimes against
persons and state. Because, after the amendment to the elements of the crime, the statute
no longer punishes acts undertaken with the intent to kill, classification as a Class C
felony provides sufficient punishment.

9 **SECTION 144.** 941.327 (3) of the statutes is amended to read:

10 941.327 (3) Whoever intentionally imparts or conveys false information,
11 knowing the information to be false, concerning an act or attempted act which, if
12 true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

13 **SECTION 145.** 941.37 (3) of the statutes is amended to read:

14 941.37 (3) Any person who intentionally interferes with any emergency
15 medical personnel in the performance of duties relating to an emergency or rescue
16 and 'who has reasonable grounds to believe that the interference may endanger
17 another's safety is guilty of a Class ~~E~~ I felony.

18 **SECTION 146.** 941.37 (4) of the statutes is amended to read:

19 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
20 death of another is guilty of a Class ~~C~~ E felony.

21 **SECTION 147.** 941.38 (2) of the statutes is amended to read:

1 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
2 activity is guilty of a Class ~~E~~ I felony.

3 **SECTION 148.** 943.01 (2) (intro.) of the statutes is amended to read:

4 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
5 circumstances is guilty of a Class ~~D~~ I felony:

6 **SECTION 149.** 943.01 (2) (d) of the statutes is amended to read:

7 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
8 in value by more than ~~\$1,000~~ ~~\$2,000~~ the purposes of this paragraph, property
9 is reduced in value by the amount which it would cost either to repair or replace it,
10 whichever is less.

11 **SECTION 150.** 943.01 (2g) of the statutes is repealed.

12 **SECTION 151.** 943.011 (2) (intro.) of the statutes is amended to read:

13 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ I
14 felony:

15 **SECTION 152.** 943.012 (intro.) of the statutes is amended to read:

16 **943.012 Criminal damage to or graffiti on religious and other property.**

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

22 **SECTION 153.** 943.013 (2) (intro.) of the statutes is amended to read:

23 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
24 to any physical property that belongs to a judge or his or her family member under
25 all of the following circumstances is guilty of a Class ~~D~~ I felony:

1 **SECTION 154.** 943.014 (2) of the statutes is amended to read:

2 943.014 (2) Whoever intentionally demolishes a historic building without a
3 permit issued by a city, village, town or county or without an order issued under s.
4 66.05 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
5 ~~building and the land upon which the building is located immediately prior to~~
6 ~~demolition and may be imprisoned for not more than 0 months~~ is guilty of a Class A
7 misdemeanor.

8 **SECTION 155.** 943.015 (2) (intro.) of the statutes is amended to read:

9 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
10 to any physical property which belongs to a department of revenue official, employe
11 or agent or his or her family member under all of the following circumstances is guilty
12 of a Class ~~D~~ I felony:

13 **SECTION 156.** 943.017 (2) (intro.) of the statutes is amended to read:

14 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
15 circumstances is guilty of a Class ~~D~~ I felony:

16 **SECTION 157.** 943.017 (2) (d) of the statutes is amended to read:

17 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
18 in value by more than ~~\$1,000~~ \$2,000 ~~For the~~ purposes of this paragraph, property
19 is reduced in value by the amount which it would cost to repair or replace it or to
20 remove the marking, drawing, writing or etching, whichever is less.

21 **SECTION 158.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

22 943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class-B
23 I felony:

24 **SECTION 159.** 943.02 (1) (intro.) of the statutes is amended to read:

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

3 **SECTION 160.** 943.03 of the statutes is amended to read:

4 **943.03 Arson of property other than building.** Whoever, by means of fire,
5 intentionally damages any property (other than a building) of another without the
6 person's consent, if the property is of the value of \$100 or more, is guilty of a Class
7 ~~E~~ I felony.

8 **SECTION 161.** 943.04 of the statutes is amended to read:

9 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
10 any property (other than a building) with intent to defraud an insurer of that
11 property is guilty of a Class ~~D~~ H felony. Proof that the actor recovered or attempted
12 to recover on a policy of insurance by reason of the fire is relevant but not essential
13 to establish the actor's intent to defraud the insurer.

14 **SECTION 162.** 943.06 (2) of the statutes is amended to read:

15 943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or
16 transfers a fire bomb is guilty of a Class ~~E~~ H felony.

17 **SECTION 163.** 943.07 (1) of the statutes is amended to read:

18 943.07 **(1)** Whoever intentionally causes damage or who causes another person
19 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,
20 tunnel or signal or any railroad property used in providing rail services, which could
21 cause an injury, accident or derailment is guilty of a Class ~~A misdemeanor~~ I felony.

22 **SECTION 164.** 943.07 (2) of the statutes is amended to read:

23 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
24 train, car, caboose or engine is guilty of a Class ~~A misdemeanor~~ I felony.

25 **SECTION 165.** 943.10 (1) (intro.) of the statutes is amended to read:

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

4 **SECTION 166.** 943.10 (2) (intro.) of the statutes is amended to read:

5 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
6 circumstances is guilty of a Class ~~B~~ E felony:

7 **SECTION 167.** 943.12 of the statutes is amended to read:

8 **943.12 Possession of burglarious tools.** Whoever has in personal
9 possession any device or instrumentality intended, designed or adapted for use in
10 breaking into any depository designed for the safekeeping of any valuables or into
11 any building or room, with intent to use such device or instrumentality to break into
12 a depository, building or room, and to steal therefrom, is guilty of a Class ~~E~~ I felony.

13 **SECTION 168.** 943.20 (3) (a) of the statutes is amended to read:

14 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,000, is
15 guilty of a Class A misdemeanor.

16 **SECTION 169.** 943.20 (3) (b) of the statutes is amended to read:

17 943.20 (3) (b) If the value of the property exceeds ~~\$1,000~~ \$2,000 but ~~does~~ not
18 ~~\$2,500~~ exceed \$5,000, is guilty of a Class ~~E~~ I felony.

19 **SECTION 170.** 943.20 (3) (bm) of the statutes is created to read:

20 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
21 \$10,000, is guilty of a Class H felony.

22 **SECTION 171.** 943.20 (3) (c) of the statutes is amended to read:

23 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
24 a Class ~~C~~ G felony.

25 **SECTION 172.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

1 943.20 (3) (d) (intro.) If ~~the value of the property does not exceed \$2,500 and~~
2 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

3 SECTION 173. 943.20 (3) (d) 1. of the statutes is amended to read:

4 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

5 SECTION 174. 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
6 amended to read:

7 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
8 a corpse; ~~or,~~ is guilty of a Class G felony.

9 SECTION 175. 943.20 (3) (d) 3. of the statutes is amended to read:

10 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
11 or left unoccupied because of physical disaster, riot, bombing or the proximity of
12 battle; ~~or,~~

13 SECTION 176. 943.20 (3) (d) 4. of the statutes is amended to read:

14 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
15 the proximity of battle has necessitated its removal from a building-'

16 SECTION 177. 943.205 (3) of the statutes is amended to read:

17 943.205 (3) Anyone who violates this section is guilty of a Class ~~E~~ I felony.

18 SECTION 178. 943.21 (3) (a) of the statutes is amended to read:

19 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
20 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~
21 \$2,000 or less.

22 SECTION 179. 943.21 (3) (b) of the statutes is amended to read:

23 943.21 (3) (b) Is guilty of a Class ~~E~~ I felony when the value of any beverage,
24 food, lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,000.

25 SECTION 180. 943.23 (lg) of the statutes is amended to read:

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

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4 SECTION 181. 943.23 (1m) of the statutes is amended to read: repealed.

~~5 943.23 (1m) Whoever violates sub. (1g) and causes great bodily harm to
6 another is guilty of a Class ~~B~~ C felony and shall be sentenced to not less than 10 years
7 of imprisonment, unless the sentencing court otherwise provides. If the court places
8 the person on probation or imposes a sentence of less than the 10-year presumptive
9 minimum sentence, it shall place its reasons for doing so on the record.~~

10 SECTION 182. 943.23 (1r) of the statutes is repealed.

11 SECTION 183. 943.23 (2) of the statutes is amended to read:

12

12 943.23 (2) ~~Whoever~~ intentionally takes and drives any vehicle without the
13 consent of the owner is guilty of a Class ~~D~~ H felony.

Except as provided
in sub. (3m),
whoever

14 SECTION 184. 943.23 (3) of the statutes is amended to read:

15 943.23 (3) ~~Whoever~~ intentionally drives or operates any vehicle without the
16 consent of the owner is guilty of a Class ~~E~~ I felony.

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17 SECTION 185. 943.23 (4m) of the statutes is amended to read:

18 943.23 (4m) Whoever knows that the owner does not consent to the driving or
19 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
20 a person while he or she violates sub. (1g), ~~(1m)~~, ~~(1r)~~, (2) ~~or~~ (3) or (3m) is guilty of a Class A
21 misdemeanor.

3m

22 SECTION 186. 943.23 (5) of the statutes is amended to read:

23 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
24 consent of the owner is guilty of a Class ~~E~~ I felony. Whoever intentionally removes

1 any other part or component of a vehicle without the consent of the owner is guilty
2 of a Class A misdemeanor.

3 **SECTION 187.** 943.24 (1) of the statutes is amended to read:

4 943.24 (1) Whoever issues any check or other order for the payment of not more
5 than ~~\$1,000~~ \$2,000 which, at the time of issuance, he or she intends shall not be paid
6 is guilty of a Class A misdemeanor.

7 **SECTION 188.** 943.24 (2) of the statutes is amended to read:

8 943.24 (2) Whoever issues any single check or other order for the payment of
9 more than ~~\$1,000~~ \$2,000 or whoever within a 15-day period issues more than one
10 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$2,000 which,
11 at the time of issuance, the person intends shall not be paid is guilty of a Class ~~E~~ I
12 felony.

13 **SECTION 189.** 943.25 (1) of the statutes is amended to read:

14 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
15 she knows is encumbered, without informing the grantee of the existence of the
16 encumbrance is guilty of a Class ~~E~~ I felony.

17 **SECTION 190.** **943.25 (2)** (intro.) of the statutes is amended to read:

18 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
19 is guilty of a Class ~~E~~ I felony:

20 **SECTION 191.** **943.26 (2)** of the statutes is amended to read:

21 943.26 (2) If the security is impaired by more than ~~\$1,000~~ \$2,000, the
22 mortgagor or vendee is guilty of a Class ~~E~~ I felony.

23 **SECTION 192.** **943.27** of the statutes is amended to read:

24 **943.27 Possession of records of certain usurious loans.** Any person who
25 knowingly possesses any writing representing or constituting a record of a charge of,

1 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
2 upon \$100 for one year computed upon the declining principal balance of the loan,
3 use or forbearance of money, goods or things in action or upon the loan, use or sale
4 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
5 E I felony.

6 **SECTION 193.** 943.28 (2) of the statutes is amended to read:

7 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
8 do so, if one or more of the parties to the conspiracy does an act to effect its object,
9 is guilty of a Class C F felony.

10 **SECTION 194.** 943.28 (3) of the statutes is amended to read:

11 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
12 as an investment, pursuant to a partnership or profit-sharing agreement, or
13 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
14 Class C F felony.

15 **SECTION 195.** 943.28 (4) of the statutes is amended to read:

16 943.28 (4) Whoever knowingly participates in any way in the use of any
17 extortionate means to collect or attempt to collect any extension of credit, or to punish
18 any person for the nonrepayment thereof, is guilty of a Class C F felony.

19 **SECTION 196.** 943.30 (1) of the statutes is amended to read:

20 943.30 (1) Whoever, either verbally or by any written or printed
21 communication, maliciously threatens to accuse or accuses another of any crime or
22 offense, or threatens or commits any injury to the person, property, business,
23 profession, calling or trade, or the profits and income of any business, profession,
24 calling or trade of another, with intent thereby to extort money or any pecuniary

1 advantage whatever, or with intent to compel the person so threatened to do any act
2 against the person's will or omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

3 **SECTION 197.** 943.30 (2) of the statutes is amended to read:

4 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
5 commerce or business or the movement of any article or commodity in commerce or
6 business is guilty of a Class ~~D~~ H felony.

7 **SECTION 198.** 943.30 (3) of the statutes is amended to read:

8 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
9 grand juror, in the performance of his or her functions as such, is guilty of a Class ~~D~~
10 H felony.

11 **SECTION 199. 943.30 (4)** of the statutes is amended to read:

12 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
13 action of any public officer is guilty of a Class ~~D~~ H felony.

14 **SECTION 200.** 943.30 (5) (b) of the statutes is amended to read:

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

20 **SECTION 201.** 943.31 of the statutes is amended to read:

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

1 **SECTION 202.** 943.32 (1) (intro.) of the statutes is amended to read:

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

5 **SECTION 203.** 943.32 (2) of the statutes is amended to read:

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

10 **SECTION 204.** 943.34 (1) (a) of the statutes is amended to read:

11 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
12 exceed ~~\$1,000~~ \$2,000.

13 **SECTION 205.** 943.34 (1) (b) of the statutes is amended to read:

14 943.34 (1) (b) A Class ~~E~~ I felony, if the value of the property exceeds ~~\$1,000~~
15 \$2,000 but does not ~~more than \$2,500~~ exceed \$5,000.

16 **SECTION 206.** 943.34 (1) (bm) of the statutes is created to read:

17 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
18 does not exceed \$10,000.

19 **SECTION 207.** 943.34 (1) (c) of the statutes is amended to read:

20 943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
21 \$10,000.

22 **SECTION 208.** 943.38 (1) (intro.) of the statutes is amended to read:

23 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
24 writing or object of any of the following kinds so that it purports to have been made

1 by another, or at another time, or with different provisions, or by authority of one who
2 did not give such authority, is guilty of a Class ~~C~~ H felony:

3 **SECTION 209.** 943.38 (2) of the statutes is amended to read:

4 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
5 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
6 been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

7 **SECTION 210.** 943.39 (intro.) of the statutes is amended to read:

8 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
9 defraud, does any of the following is guilty of a Class ~~D~~ H felony:

10 **SECTION 211.** 943.395 (2) (a) of the statutes is amended to read:

11 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
12 benefit does not exceed ~~\$1,000~~ \$2,000.

13 **SECTION 212.** 943.395 (2) (b) of the statutes is amended to read:

14 943.395 (2) (b) Is guilty of a Class ~~E~~ I felony if the value of the claim or benefit
15 exceeds ~~\$1,000~~ \$2,000.

16 **SECTION 213.** 943.40 (intro.) of the statutes is amended to read:

17 **943.40 Fraudulent destruction of certain writings.** (intro.)> Whoever with
18 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

19 **SECTION 214.** 943.41 (8) (b) of the statutes is amended to read:

20 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
21 or (6m) is guilty of a Class ~~E~~ I felony.

22 **SECTION 215.** 943.41 (8) (c) of the statutes is amended to read:

23 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
24 if the value of the money, goods, services or property illegally obtained does not
25 exceed ~~\$1,000~~ \$2,000 is guilty of a Class A misdemeanor; if the value of the money,

1 goods, services or property exceeds ~~\$1,000~~ \$2,000 but does not exceed ~~\$2,500~~ \$5,000,
 2 in a single transaction or in separate transactions within a period not exceeding 6
 3 months, the person is guilty of a Class ~~E~~ I felony; if the value of the money, goods,
 4 services or property exceeds \$5,000 but does not exceed \$10,000 in a single
 5 transaction or in separate transactions within a period not exceeding 6 months, the
 6 person is guilty of a Class H felony; or if the value of the money, goods, services or
 7 property exceeds ~~\$2,500~~ \$10,000, the person is guilty of a Class ~~E~~ G felony.

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8 SECTION 216. 943.45 (3) (c) of the statutes is amended to read:

9 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
 10 for direct or indirect commercial advantage or private financial gain is guilty of a
 11 Class ~~E~~ A ~~felony~~ misdemeanor.

12 SECTION 217. 943.45 (3) (d) of the statutes is amended to read:

13 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
 14 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
 15 ~~D~~ I felony.

16 SECTION 218. 943.455 (4) (c) of the statutes is amended to read:

17 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
 18 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
 19 of a Class ~~E~~ A ~~felony~~ misdemeanor.

20 SECTION 219. 943.455 (4) (d) of the statutes is amended to read:

21 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
 22 commercial advantage or private financial gain as a 2nd or subsequent offense is
 23 guilty of a Class ~~D~~ I felony.

24 SECTION 220. 943.46 (4) (c) of the statutes is amended to read:

1 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
2 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
3 of a Class ~~E felony~~ A misdemeanor.

4 **SECTION 221.** 943.46 (4) (d) of the statutes is amended to read:

5 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) 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.

8 **SECTION 222.** 943.47 (3) (c) of the statutes is amended to read:

9 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
10 for direct or indirect commercial advantage or private financial gain is guilty of a
11 Class ~~E felony~~ A misdemeanor.

12 **SECTION 223.** 943.47 (3) (d) of the statutes is amended to read:

13 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
14 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
15 ~~D I~~ I felony.

16 **SECTION 224.** 943.50 (4) (a) of the statutes is amended to read:

17 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
18 exceed ~~\$1,000~~ \$2,000.

19 **SECTION 225.** 943.50 (4) (b) of the statutes is amended to read:

20 943.50 (4) (b) A Class ~~E I~~ I felony, if the value of the merchandise exceeds ~~\$1,000~~
21 \$2,000 but ~~does not~~ does not ~~\$2,500~~ exceed \$5,000.

22 **SECTION 226.** 943.50 (4) (bm) of the statutes is created to read:

23 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
24 but does not exceed \$10,000.

25 **SECTION 227.** 943.50 (4) (c) of the statutes is amended to read:

1 943.50 (4) (c) A Class ~~C~~G felony, if the value of the merchandise exceeds \$2,500
2 \$10,000.

3 SECTION 228. 943.60 (1) of the statutes is amended to read:

4 943.60 (1) Any person who submits for filing, entering or recording any lien,
5 claim of lien, lis pendens, writ of attachment, financing statement or any other
6 instrument relating to a security interest in or title to real or personal property, and
7 who knows or should have known that the contents or any part of the contents of the
8 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~H felony

9 SECTION 229. 943.61 (5) (b) of the statutes is amended to read:

10 943.61 (5) (b) A Class ~~E~~I felony, if the value of the library materials exceeds
11 \$1,000 but does not exceed \$2,500.

12 SECTION 230. 943.61 (5) (c) of the statutes is amended to read:

13 943.61 (5) (c) A Class ~~C~~H felony, if the value of the library materials exceeds
14 \$ 2 , 5 0 0 .

15 SECTION 231. 943.62 (4) (b) of the statutes is amended to read:

16 943.62 (4) (b) A Class ~~E~~I felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

18 SECTION 232. 943.62 (4) (c) of the statutes is amended to read:

19 943.62 (4) (c) A Class ~~C~~F felony, if the value of the advance payment or required
20 refund, as applicable, exceeds \$2,500.

21 SECTION 233. 943.70 (2) (b) 2. of the statutes is amended to read:

22 943.70 (2) (b) 2. A Class ~~E~~I felony if the offense is committed to defraud or to
23 obtain property.

24 SECTION 234. 943.70 (2) (b) 3. of the statutes is amended to read:

1 943.70 (2) (b) 3. A Class ~~D~~ H felony if the damage is greater than ~~\$2,500~~ \$5,000
2 or if it causes an interruption or impairment of governmental operations or public
3 communication, of transportation or of a supply of water, gas or other public service.

4 **SECTION 235.** 943.70 (2) (b) 4. of the statutes is amended to read:

5 943.70 (2) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and
6 unreasonable risk of death or great bodily harm to another.

7 **SECTION 236.** 943.70 (3) (b) 2. of the statutes is amended to read:

8 943.70 (3) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or
9 obtain property.

10 **SECTION 237.** 943.70 (3) (b) 3. of the statutes is amended to read:

11 943.70 (3) (b) 3. A Class ~~D~~ H felony if the damage to the computer, computer
12 system, computer network, equipment or supplies is greater than ~~\$2,500~~ \$5,000.

13 **SECTION 238.** 943.75 (2) of the statutes is amended to read:

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

20 **SECTION 239.** 944.05 (1) (intro.) of the statutes is amended to read:

21 944.05 **(1)** (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
22 felony:

23 **SECTION 240.** 944.15 (title) of the statutes is repealed and recreated to read:

24 **944.15 (title) Public fornication.**

25 **SECTION 241.** 944.16 (intro.) of the statutes is amended to read:

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

3 **SECTION 242.** 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 **SECTION 243.** **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 **SECTION 244.** 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 **SECTION 245.** 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 **SECTION 246.** 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 **SECTION 247.** 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 **SECTION 248.** 945.03 (intro.) of the statutes is amended to read:

24 **945.03 Commercial gambling.** (intro.) Whoever intentionally does any of
25 the following is engaged in commercial gambling and is guilty of a Class ~~E~~ I felony:

1 **SECTION 249.** 945.05 (1) (intro.) of the statutes is amended to read:

2 945.05 (1) (intro.) Whoever manufactures, transfers commercially or possesses
3 with intent to transfer commercially either of the following is guilty of a Class ~~E~~ **I**
4 felony:

5 . **SECTION 250.** 945.08 (1) of the statutes is amended to read:

6 945.08 (1) Any person who, with intent to influence any participant to refrain
7 from exerting full skill, speed, strength or endurance, transfers or promises any
8 property or any personal advantage to or on behalf of any participant in a contest of
9 skill, speed, strength or endurance is guilty of a Class ~~D~~ **H** felony.

10 **SECTION 251.** 946.02 (1) (intro.) of the statutes is amended to read:

11 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ **F**
12 felony:

13 **SECTION 252.** 946.03 (1) (intro.) of the statutes is amended to read:

14 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ **F**
15 felony:

16 **SECTION 253.** 946.03 (2) of the statutes is amended to read:

17 946.03 (2) Whoever permits any premises under his or her care, control or
18 supervision to be used by an assembly with knowledge that the purpose of the
19 assembly is to advocate or teach the duty, necessity, desirability or propriety of
20 overthrowing the government of the United States or this state by the use or threat
21 of physical violence with intent that such government be overthrown or, after
22 learning that the premises are being so used, permits such use to be continued is
23 guilty of a Class ~~E~~ **I** felony.

24 **SECTION 254.** 946.05 (1) of the statutes is amended to read:

1 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
2 contempt upon the flag is guilty of a Class ~~E~~ I felony.

3 SECTION 255. 946.10 (intro.) of the statutes is amended to read:

4 **946.10 Bribery of public officers and employes.** (intro.) Whoever does
5 either of the following is guilty of a Class ~~D~~ H felony:

6 SECTION 256. 946.11 (1) (intro.) of the statutes is amended to read:

7 946.11 **(1)** (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

8 SECTION 257. 946.12 (intro.) of the statutes is amended to read:

9 **946.12 Misconduct in public office.** (intro.) Any public officer or public
10 employe who does any of the following is guilty of a Class ~~E~~ I felony:

11 SECTION 258. 946.13 (1) (intro.) of the statutes is amended to read:

12 946.13 **(1)** (intro.) Any public officer or public employe who does any of the
13 following is guilty of a Class ~~E~~ I felony:

14 SECTION 259. 946.14 of the statutes is amended to read:

15 **946.14 Purchasing claims at less than full value.** Any public officer or
16 public employe who in a private capacity directly or indirectly intentionally
17 purchases for less than full value or discounts any claim held by another against the
18 state or a political subdivision thereof or against any public fund is guilty of a Class
19 ~~E~~ I felony.

20 SECTION 260. 946.15 (1) of the statutes is amended to read:

21 946.15 **(1)** Any employer, or any agent or employe of an employer, who induces
22 any person who seeks to be or is employed pursuant to a public contract as defined
23 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
24 wage rate determination has been issued by the department of workforce
25 development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental

1 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any
2 part of the compensation to which that person is entitled under his or her contract
3 of employment or under the prevailing wage rate determination issued by the
4 department or local governmental unit, or who reduces the hourly basic rate of pay
5 normally paid to an employe for work on a project on which a prevailing wage rate
6 determination has not been issued under s. 66.293 (3) or (6), **103.49 (3)** or 103.50 (3)
7 during a week in which the employe works both on a project on which a prevailing
8 wage rate determination has been issued and on a project on which a prevailing wage
9 rate determination has not been issued, is guilty of a Class ~~E~~ I felony.

10 **SECTION 261. 946.15 (3)** of the statutes is amended to read:

11 946.15 (3) Any employer or labor organization, or any agent or employe of an
12 employer or labor organization, who induces any person who seeks to be or is
13 employed on a project on which a prevailing wage rate determination has been issued
14 by the department of workforce development under s. 66.293 (3), 103.49 (3) or 103.50
15 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6)
16 to permit any part of the wages to which that person is entitled under the prevailing
17 wage rate determination issued by the department or local governmental unit to be
18 deducted from the person's pay is guilty of a Class ~~E~~ I felony, unless the deduction
19 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project
20 that is subject to 40 USC 276c.

21 **SECTION 262. 946.31 (1)** (intro.) of the statutes is amended to read:

22 **946.31 (1)** (intro.) Whoever under oath or affirmation orally makes a false
23 material statement which the person does not believe to be true, in any matter, cause,
24 action or proceeding, before any of the following, whether legally constituted or
25 exercising powers as if legally constituted, is guilty of a Class ~~D~~ H felony:

1 **SECTION 263.** 946.32 (1) (intro.) of the statutes is amended to read:

2 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class **D**
3 **H** felony:

4 **SECTION 264.** 946.41 (2m) (intro.) of the statutes is amended to read:

5 946.41 (2m) (intro.) Whoever violates sub. **(1)** under all of the following
6 circumstances is guilty of a Class **D** **H** felony:

7 **SECTION 265.** 946.415 (2) (intro.) of the statutes is amended to read:

8 **946.415 (2)** (intro.) **Whoever** intentionally does all of the following is guilty of
9 a Class **E** **I** felony:

10 **SECTION 266.** 946.42 (3) (intro.) of the statutes is amended to read:

11 946.42 (3) (intro.) **A person** in custody who intentionally escapes from custody
12 under any of the following circumstances is guilty of a Class **D** **H** felony:

13 **SECTION 267.** 946.425 (1) of the statutes is amended to read:

14 946.425 (1) Any person who is subject to a series of periods of imprisonment
15 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
16 required under the sentence is guilty of a Class **D** **H** felony.

17 **SECTION 268.** 946.425 (1m) (b) of the statutes is amended to read:

18 946.425 **(1m)** (b) Any person who receives a stay of execution of a sentence of
19 imprisonment of **10** or more days to a county jail under s. **973.15 (8)** (a) and who
20 intentionally fails to report to the county jail as required under the sentence is guilty
21 of a Class **D** **H** felony.

22 **SECTION 269.** 946.425 (1r) (b) of the statutes is amended to read:

23 946.425 **(1r)** (b) Any person who is subject to a confinement order under s.
24 973.09 (4) as the result of a conviction for a felony and who intentionally fails to

1 report to the county jail or house of correction as required under the order is guilty
2 of a Class D H felony.

3 **SECTION 270.** 946.43 (intro.) of the statutes is amended to read:

4 **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state
5 prison or other state, county or municipal detention facility who intentionally does
6 any of the following is guilty of a Class C F felony:

7 **SECTION 271.** 946.44 (1) (intro.) of the statutes is amended to read:

8 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

9 **SECTION 272.** 946.44 (lg) of the statutes is amended to read:

10 946.44 (lg) Any public officer or public employe who violates sub. (1) (a) or (b)
11 is guilty of a Class C F felony.

12 **SECTION 273.** 946.44 (1m) of the statutes is amended to read:

13 946.44 (1m) Whoever intentionally introduces into an institution where
14 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
15 unloaded, or any article used or fashioned in a manner to lead another person to
16 believe it is a firearm, is guilty of a Class C F felony.

17 **SECTION 274.** 946.47 (1) (intro.) of the statutes is amended to read:

18 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
19 felony:

20 **SECTION 275.** 946.48 (1) of the statutes is amended to read:

21 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
22 written or oral communication with intent to induce a false belief that the sender has
23 knowledge of the whereabouts, physical condition, or terms imposed upon the return
24 of a kidnapped or missing person is guilty of a Class D H felony.

25 **SECTION 276.** 946.49 (1) (b) of the statutes is amended to read:

1 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
2 of a Class ~~D~~ H felony.

3 **SECTION 277.** 946.49 (2) of the statutes is amended to read:

4 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
5 guilty of a Class ~~E~~ I felony for failure to appear as provided.

6 **SECTION 278.** 946.50 (5d) of the statutes is created to read:

7 946.50 (**5d**) A Class F felony, if the person was adjudicated delinquent for
8 committing an act that would be a Class F felony if committed by an adult.

9 **SECTION 279.** 946.50 (5h) of the statutes is created to read:

10 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
11 committing an act that would be a Class G felony if committed by an adult.

12 **SECTION 280.** 946.50 (5p) of the statutes is created to read:

13 946.50 (**5p**) A Class H felony, if the person was adjudicated delinquent for
14 committing an act that would be a Class H felony if committed by an adult.

15 **SECTION 281.** 946.50 (5t) of the statutes is created to read:

16 946.50 (**5t**) A Class I felony, if the person was adjudicated delinquent for
17 committing an act that would be a Class I felony if committed by an adult.

18 **SECTION 282.** 946.60 (1) of the statutes is amended to read:

19 946.60 (**1**) Whoever intentionally destroys, alters, mutilates, conceals,
20 removes, withholds or transfers possession of a document, knowing that the
21 document has been subpoenaed by a court or by or at the request of a district attorney
22 or the attorney general, is guilty of a Class ~~E~~ I felony.

23 **SECTION 283.** 946.60 (2) of the statutes is amended to read:

24 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
25 to cause or induce another person to destroy, alter, mutilate, conceal, remove,

1 withhold or transfer possession of a subpoenaed document, knowing that the
2 document has been subpoenaed by a court or by or at the request of a district attorney
3 or the attorney general, is guilty of a Class ~~E~~ I felony.

4 **SECTION 284.** 946.61 (1) (intro.) of the statutes is amended to read:

5 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
6 felony:

7 **SECTION 285.** 946.64 of the statutes is amended to read:

8 **946.64 Communicating with jurors.** Whoever, with intent to influence any
9 person, summoned or serving as a juror, in relation to any matter which is before that
10 person or which may be brought before that person, communicates with him or her
11 otherwise than in the regular course of proceedings in the trial or hearing of that
12 matter is guilty of a Class ~~E~~ I felony.

13 **SECTION 286.** 946.65 (1) of the statutes is amended to read:

14 946.65 **(1)** Whoever for a consideration knowingly gives false information to
15 any officer of any court with intent to influence the officer in the performance of
16 official functions is guilty of a Class ~~E~~ I felony.

17 **SECTION 287.** 946.68 (1r) (a) of the statutes is amended to read:

18 946.68 **(1r)** (a) Except as provided in pars. (b) and (c), whoever sends or delivers
19 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

20 **SECTION 288.** 946.68 (1r) (b) of the statutes is amended to read:

21 946.68 **(1r)** (b) If the document under par. (a) is sent or delivered with intent
22 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

23 **SECTION 289.** 946.68 (1r) (c) of the statutes is amended to read:

24 946.68 **(1r)** (c) If the document under par. (a) simulates any criminal process,
25 the person is guilty of a Class ~~D~~ H felony.

1 **SECTION 290.** 946.69 (2) (intro.) of the statutes is amended to read:

2 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ **I**
3 felony:

4 **SECTION 291.** 946.70 (2) of the statutes is amended to read:

5 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
6 the commission of a crime other than the crime under this section is guilty of a Class
7 ~~D~~ **H** felony.

8 **SECTION 292.** 946.72 (1) of the statutes is amended to read:

9 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
10 removes or conceals any public record is guilty of a Class ~~D~~ **H** felony.

11 **SECTION 293.** 946.74 (2) of the statutes is amended to read:

12 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
13 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ **H**
14 felony.

15 **SECTION 294.** 946.76 of the statutes is amended to read:

16 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
17 to its execution that a search warrant has been applied for or issued, except so far
18 as may be necessary to its execution, is guilty of a Class ~~E~~ **I** felony.

19 **SECTION 295.** 946.82 (4) of the statutes is amended to read:

20 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
21 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
22 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (l),
23 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
24 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
940.19 ~~(3)~~ ^{↓ ↓ (4) ✓} to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20

1 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
 2 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d)
 3 (e), 943.201, 943.23 (lg), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
 4 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
 5 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
 6 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13,
 7 946.31, 946.32 (1), 946.48 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,
 8 948.05, 948.08, 948.12 and 948.30.

9 SECTION 296. 946.84 (1) of the statutes is amended to read:

10 946.84 (1) Any person convicted of engaging in racketeering activity in
 11 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

12 SECTION 297. 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
 13 is amended to read:

14 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~
 15 ~~be imprisoned not less than 10 years nor more than 30 years, and fined not more than~~
 16 ~~\$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than the~~
 17 ~~presumptive minimum sentence, it shall place its reasons for doing so on the record~~
 18 is guilty of a Class D felony, except that instead of imposing a fine as provided under
 19 s. 939.50 (3) (d) a court may fine the person as provided in s. 946.84 (2).

20 SECTION 298. 947.013 (1t) of the statutes is amended to read:

21 947.013 (1t) Whoever violates sub. (lr) is guilty of a Class ~~E~~ I felony if the
 22 person has a prior conviction under this subsection or sub. (lr), (1v) or (lx) or s.
 23 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
 24 occurs within 7 years of the prior conviction.

25 SECTION 299. 947.013 (1v) of the statutes is amended to read:

1 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
2 she intentionally gains access to a record in electronic format that contains
3 personally identifiable information regarding the victim in order to facilitate the
4 violation under sub. (1r).

5 **SECTION 300.** 947.013 (1x) (intro.) of the statutes is amended to read:

6 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
7 circumstances is guilty of a Class ~~D~~ H felony:

8 **SECTION 301.** 947.015 of the statutes is amended to read:

9 947.015 **Bomb scares.** Whoever intentionally conveys or causes to be
10 conveyed any threat or false information, knowing such to be false, concerning an
11 attempt or alleged attempt being made or to be made to destroy any property by the
12 means of explosives is guilty of a Class ~~E~~ I felony.

13 **SECTION 302.** 948.02 (2) of the statutes is amended to read:

14 948.02 (2) ~~SECOND DEGREE SEXUAL ASSAULT.~~ Whoever has sexual contact or
15 sexual intercourse with a person who has not attained the age of 16 years is guilty
16 of a Class ~~B~~ C felony.

17 **SECTION 303.** 948.02 (3) of the statutes is amended to read:

18 948.02 (3) ~~FAILURE TO ACT.~~ A person responsible for the welfare of a child who
19 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
20 knowledge that another person intends to have, is having or has had sexual
21 intercourse or sexual contact with the child, is physically and emotionally capable
22 of taking action which will prevent the intercourse or contact from taking place or
23 being repeated, fails to take that action and the failure to act exposes the child to an
24 unreasonable risk that intercourse or contact may occur between the child and the

1 other person or facilitates the intercourse or contact that does occur between the
2 child and the other person.

3 SECTION 304. 948.02 (3m) of the statutes is repealed.

4 SECTION 305. 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
5 amended to read:

6 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
7 or (2) within a specified period of time involving the same child is guilty of a:

8 (a) A Class B felony if at least 3 of the ^{violations} ~~acts~~ were violation~~s~~ of s. 948.02 (1).

9 SECTION 306. 948.025 (1) (b) of the statutes is created to read:

10 948.025 (1) (b) A Class C felony if fewer than 3 of the ~~acts~~ ^{violations} were violations of
11 s. 948.02 (1).

12 SECTION 307. 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
13 amended to read:

14 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
15 the defendant guilty the members of the jury must unanimously agree that at least
16 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
17 under sub. (1) of time but need not agree on which acts constitute the requisite
18 number. and need not agree on whether a particular violation
was a violation of s. 948.02 (1) or (2)

19 SECTION 308. 948.025 (2) (a) of the statutes is created to read:

20 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
21 the defendant guilty the members of the jury must unanimously agree that at least
22 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
23 agree on which acts constitute the requisite number.

24 SECTION 309. 948.025 (2m) of the statutes is repealed.

25 SECTION 310. 948.03 (2) (a) of the statutes is amended to read:

1 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
2 guilty of a Class C E felony.

3 **SECTION 311.** 948.03 (2) (b) of the statutes is amended to read:

4 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
5 a Class D H felony.

6 **SECTION 312.** 948.03 (2) (c) of the statutes is amended to read:

7 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
8 which creates a high probability of great bodily harm is guilty of a Class C F felony.

9 **SECTION 313.** 948.03 (3) (a) of the statutes is amended to read:

10 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
11 of a Class D G felony.

12 **SECTION 314.** 948.03 (3) (b) of the statutes is amended to read:

13 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
14 Class E I felony.

15 **SECTION 315.** 948.03 (3) (c) of the statutes is amended to read:

16 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
17 which creates a high probability of great bodily harm is guilty of a Class D H felony.

18 **SECTION 316.** 948.03 (4) (a) of the statutes is amended to read:

19 948.03 (4) (a) A person, responsible for the child's welfare is guilty of a Class
20 C F felony if that person has knowledge that another person intends to cause, is
21 causing or has intentionally or recklessly caused great bodily harm to the child and
22 is 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
24 exposes the child to an unreasonable risk of great bodily harm by the other person
25 or facilitates the great bodily harm to the child that is caused by the other person.

1 **SECTION 317.** 948.03 (4) (b) of the statutes is amended to read:

2 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
3 ~~D~~ H felony if that person has knowledge that another person intends to cause, is
4 causing or has intentionally or recklessly caused bodily harm to the child and is
5 physically and emotionally capable of taking action which will prevent the bodily
6 harm from occurring or being repeated, fails to take that action and the failure to act
7 exposes the child to an unreasonable risk of bodily harm by the other person or
8 facilitates the bodily harm to the child that is caused by the other person.

9 **SECTION 318.** 948.04 (1) of the statutes is amended to read:

10 948.04 (1) Whoever is exercising temporary or permanent control of a child and
11 causes mental harm to that child by conduct which demonstrates substantial
12 disregard for the mental well-being of the child is guilty of a Class ~~C~~ F felony.

13 **SECTION 319.** 948.04 (2) of the statutes is amended to read:

14 948.04 (2) A person responsible for the child's welfare is guilty of a Class ~~C~~ F
15 felony if that person has knowledge that another person has caused, is causing or will
16 cause mental harm to that child, is physically and emotionally capable of taking
17 action which will prevent the harm, fails to take that action and the failure to act
18 exposes the child to an unreasonable risk of mental harm by the other person or
19 facilitates the mental harm to the child that is caused by the other person.

20 **SECTION 320.** 948.05 (1) (intro.) of the statutes is amended to read:

21 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
22 character and content of the sexually explicit conduct involving the child is guilty of
23 a Class ~~C~~ F felony:

24 **SECTION 321.** 948.05 (1m) of the statutes, as affected by 1999 Wisconsin Act 3,
25 is amended to read:

1 948.05 **(1m)** Whoever produces, performs in, profits from, promotes, imports
2 into the state, reproduces, advertises, sells, distributes or possesses with intent to
3 sell or distribute, any undeveloped film, photographic negative, photograph, motion
4 picture, videotape, sound recording or other reproduction of a child engaging in
5 sexually explicit conduct is guilty of a Class ~~C~~ F felony if the person knows the
6 character and content of the sexually explicit conduct involving the child and if the
7 person knows or reasonably should know that the child engaging in the sexually
8 explicit conduct has not attained the age of 18 years.

9 **SECTION 322.** 948.05 (2) of the statutes, as affected by 1999 Wisconsin Act 3,
10 is amended to read: •

11 948.05 (2) A person responsible for a child's welfare who knowingly permits,
12 allows or encourages the child to engage in sexually explicit conduct for a purpose
13 proscribed in sub. (1) (a) or (b) or **(1m)** is guilty of a Class ~~C~~ F felony.

14 **SECTION 323.** 948.055 (2) (a) of the statutes is amended to read:

15 948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13
16 years.

17 **SECTION 324.** 948.055 (2) (b) of the statutes is amended to read:

18 948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years
19 but has not attained the age of 18 years.

20 **SECTION 325.** 948.06 (intro.) of the statutes is amended to read:

21 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
22 guilty of a Class ~~B~~ C felony:

23 **SECTION 326.** 948.07 (intro.) of the statutes is amended to read:

24 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
25 following acts, causes or attempts to cause any child who has not attained the age

1 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
2 **BC D** felony:

3 SECTION 327. 948.08 of the statutes is amended to read:

4 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
5 or causes any child to practice prostitution or establishes any child in a place of
6 prostitution is guilty of a Class **BC D** felony.

7 SECTION 328. 948.095 (2) (intro.) of the statutes is amended to read:

8 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
9 child who has attained the age of 16 years and who is not the defendant's spouse is
10 guilty of a Class **D H** felony if all of the following apply:

11 SECTION 329. 948.11 (2) (a) of the statutes is amended to read:

12 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
13 rents, exhibits, transfers or loans to a child any harmful material, with or without
14 monetary consideration, is guilty of a Class **E I** felony.

15 SECTION 330. 948.11 (2) (am) of the statutes is amended to read:

16 948.11 (2) (am) Any person who has attained the age of 17 and who, with
17 knowledge of the nature of the description or narrative account, verbally
18 communicates, by any means, a harmful description or narrative account to a child,
19 with or without monetary consideration, is guilty of a Class **E I** felony.

20 SECTION 331. 948.12 (intro.) of the statutes is amended to read:

21 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
22 undeveloped film, photographic negative, photograph, motion picture, videotape or
23 other pictorial reproduction or audio recording of a child engaged in sexually explicit
24 conduct under all of the following circumstances is guilty of a Class **E I** felony:

25 SECTION 332. 948.13 (2) of the statutes is amended to read:

1 948.13 (2) Whoever has been convicted of a serious child sex offense and
2 subsequently engages in an occupation or participates in a volunteer position that
3 requires him or her to work or interact primarily and directly with children under
4 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
5 person who is exempt under a court order issued under sub. (2m).

6 **SECTION 333.** 948.20 of the statutes is amended to read:

7 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
8 leaves any child in a place where the child may suffer because of neglect is guilty of
9 a Class ~~D~~ G felony.

10 **SECTION 334.** 948.21 (1) of the statutes is amended to read:

11 **948.21 (1)** Any person who is responsible for a child's welfare who, through his
12 or her actions or failure to take action, intentionally contributes to the neglect of the
13 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class ~~C~~ D
14 felony.

15 **SECTION 335.** 948.22 (2) of the statutes is amended to read:

16 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
17 to provide spousal, grandchild or child support which the person knows or reasonably
18 should know the person is legally obligated to provide is guilty of a Class ~~E~~ I felony.
19 A prosecutor may charge a person with multiple counts for a violation under this
20 subsection if each count covers a period of at least 120 consecutive days and there is
21 no overlap between periods.

22 **SECTION 336.** 948.23 of the statutes is amended to read:

23 **948.23 Concealing death of child.** Any person who conceals the corpse of
24 any issue of a woman's body with intent to prevent a determination of whether it was
25 born dead or alive is guilty of a Class ~~E~~ I felony.

1 **SECTION 337.** 948.24 (1) (intro.) of the statutes is amended to read:

2 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
3 felony:

4 **SECTION 338.** 948.30 (1) (intro.) of the statutes is amended to read:

5 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class ~~C~~ E felony:

7 **SECTION 339.** 948.30 (2) (intro.) of the statutes is amended to read:

8 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
9 following is guilty of a Class ~~B~~ C felony:

10 **SECTION 340.** 948.31 (1) (b) of the statutes is amended to read:

11 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
12 causes a child to leave, takes a child away or withholds a child for more than 12 hours
13 beyond the court-approved period of physical placement or visitation period from a
14 legal custodian with intent to deprive the custodian of his or her custody rights
15 without the consent of the custodian is guilty of a Class ~~C~~ F felony. This paragraph
16 is not applicable if the court has entered an order authorizing the person to so take
17 or withhold the child. The fact that joint legal custody has been awarded to both
18 parents by a court does not preclude a court from finding that one parent has
19 committed a violation of this paragraph.

20 **SECTION 341.** 948.31 (2) of the statutes is amended to read:

21 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
22 child for more than 12 hours from the child's parents or, in the case of a nonmarital
23 child whose parents do not subsequently intermarry under s. 767.60, from the child's
24 mother or, if he has been granted legal custody, the child's father, without the consent
25 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.

3 SECTION 342. 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:

6 SECTION 343. 948.35 of the statutes is repealed.

****NOTE: The offense of soliciting a child to commit a felony is repealed because it is duplicative of the statute imposing criminal liability for being party to a crime (s. 939.05, stats.).

7 SECTION 344. 948.36 of the statutes is repealed.

****NOTE: The offense of using a child to commit Class A a felony is repealed because it is duplicative of the statute imposing criminal liability for being party to a crime (s. 939.05, stats.) and because it has never been prosecuted.

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8 SECTION 345. 948.40 (4) (b) of the statutes is amended to read:

9 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
10 violation of a state or federal criminal law which is punishable as a felony, the person
11 is guilty of a Class ~~D~~ H felony.

12 SECTION 346. 948.51 (3) (b) of the statutes is amended to read:

13 948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
14 to another.

15 SECTION 347. 948.51 (3) (c) of the statutes is created to read:

16 948.51 (3) (c) A Class G felony if the act results in the death of another.

17 SECTION 348. 948.60 (2) (b) of the statutes is amended to read:

18 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
19 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
20 Class ~~E~~ I felony.

21 SECTION 349. 948.60 (2) (c) of the statutes is amended to read:

1 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
2 person under 18 years of age under par. (b) discharges the firearm and the discharge
3 causes death to himself, herself or another.

4 **SECTION 350.** 948.605 (2) (a) of the statutes is amended to read:

5 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
6 that the individual knows, or has reasonable cause to believe, is a school zone is
7 guilty of a Class ~~A misdemeanor~~ I felony.

8 **SECTION 351.** 948.605 (3) (a) of the statutes is amended to read:

9 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
10 the safety of another, discharges or attempts to discharge a firearm at a place the
11 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

12 **SECTION 352.** 948.605 (4) of the statutes is repealed.

13 **SECTION 353.** 948.61 (2) (b) of the statutes is amended to read:

14 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
15 subsequent violation of this section within a 5-year period, as measured from the
16 dates the violations occurred. •

17 **SECTION 354.** 948.62 (1) (a) of the statutes is amended to read:

18 948.62 (1) (a) A Class ~~E~~ A misdemeanor, if the value of the property does
19 not exceed \$500.

20 **SECTION 355.** 948.62 (1) (b) of the statutes is amended to read:

21 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
22 does not exceed ~~\$2,500~~ \$2,000.

23 **SECTION 356.** 948.62 (1) (bm) of the statutes is created to read:

24 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,000 but
25 does not exceed \$5,000.

1 SECTION 357. 948.62 (1) (c) of the statutes is amended to read:

2 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
3 \$5,000.

4 SECTION 358. 949.03 (1) (b) of the statutes is amended to read:

5 949.03 (1) (b) The commission or the attempt to commit any crime specified in
6 s. ~~346.62~~ (4), ~~346.63~~ (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
7 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
8 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
9 943.04, 943.10, 943.20, 943.23 (1g), ^{plainly} ~~off~~ (1m) or (1r), 943.32, 948.02, 948.025, 948.03,
10 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

11 SECTION 359. 951.18 (1) of the statutes, as affected by 1997 Wisconsin Act 192,
12 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 is subject to a
15 Class C forfeiture. Any person who violates any of these provisions within 3 years
16 after a humane officer issues an abatement order under s. 173.11 prohibiting the
17 violation of that provision is subject to a Class A forfeiture. Any person who
18 intentionally or negligently violates any of those sections is guilty of a Class A
19 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
20 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
21 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
22 is the victim is used by a law enforcement agency to perform agency functions or
23 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

24 SECTION 360. 951.18 (2) of the statutes is amended to read:

1 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
2 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I
3 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
4 subsequent violation.

5 **SECTION 361.** 951.18 (2m) of the statutes is amended to read:

6 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
7 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
8 that the animal that is the victim is used by a law enforcement agency or fire
9 department to perform agency or department functions or duties, is guilty of a Class
10 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
11 animal that is the victim is used by a law enforcement agency or fire department to
12 perform agency or department functions or duties and causing injury to the animal,
13 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,
14 knowing that the animal that is the victim is used by a law enforcement agency or
15 fire department to perform agency or department functions or duties and causing
16 death to the animal, is guilty of a Class ~~D~~ H felony.

17 **SECTION 362.** 961.455 (3) of the statutes is amended to read:

18 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
19 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
20 939.30 ~~or 948.35~~.

21 **SECTION 363.** 968.255 (1) (a) 2. of the statutes is amended to read:

22 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
23 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

24 **SECTION 364.** 969.08 (10) (a) of the statutes is amended to read:

1 969.08 (10) (a) "Commission of a serious crime" includes a solicitation,
2 conspiracy or attempt, under s. 939.30, 939.31, or 939.32 ~~or 948.35~~, to commit a
3 serious crime.

4 SECTION 365. 969.08 (10) (b) of the statutes is amended to read:

5 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),
6 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
7 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
8 940.29, 940.295 (3) (b) lg., lm., lr., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
9 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
10 943.23 (lg ~~or~~ ^{fy} ~~or~~ ^l ~~or~~ ^r ~~or~~ ^l ~~or~~ ^r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02
11 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

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12 SECTION 366. 971.17 (1) of the statutes is amended to read:
13 971.17 (1) COMMITMENT PERIOD. When a defendant is found not guilty by reason
14 of mental disease or mental defect, the court shall commit the person to the
15 department of health and family services for a specified period not exceeding
16 two-thirds of the maximum term of imprisonment that could be imposed under s.
17 973.15 (2) (a) against an offender convicted of the same crime or crimes, including
18 imprisonment authorized by ss. ~~346.65 (2) (f), (2j) (d) or (3m), 939.62, 939.621,~~
19 ~~939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b) and 961.48 and~~
20 ~~either any applicable~~ penalty enhancement statutes, ~~as applicable~~, subject to the
21 credit provisions of s. 973.155. If the maximum term of imprisonment is life, the
22 commitment period specified by the court may be life, subject to termination under
23 sub. (5).

24 SECTION 367. 973.01 (2) (b) 2. of the statutes is repealed.

25 SECTION 368. 973.01 (2)(b) 3. of the statutes is amended to read:

plus imprisonment authorized by any applicable penalty enhancement statutes

1 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
2 not exceed ~~10~~ 25 years.

3 SECTION 369. 973.01 (2) (b) 4. of the statutes is amended to read:

4 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
5 not exceed ~~5~~ 15 years.

6 SECTION 370. 973.01 (2) (b) 5. of the statutes is amended to read:

7 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
8 not exceed ~~2~~ 10 years.

9 SECTION 371. 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
10 and amended to read:

11 973.01 (2) (b) 10. For any ~~felony~~ ^{crime} other than a felony specified in subs. 1. to ~~5.~~
12 9., the term of confinement in prison may not exceed 75% of the total length of the
13 bifurcated sentence.

14 SECTION 372. 973.01 (2) (b) 6m. of the statutes is created to read:

15 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
16 not exceed 7 years and 6 months.

17 SECTION 373. 973.01 (2) (b) 7. of the statutes is created to read:

18 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
19 not exceed 5 years.

plus imprisonment authorized by any applicable penalty enhancement statutes

20 SECTION 374. 973.01 (2) (b) 8. of the statutes is created to read:

21 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
22 not exceed 3 years.

23 SECTION 375. 973.01 (2) (b) 9. of the statutes is created to read:

24 973.01 (2) (b) 9. For a Class I felony the term of confinement in prison may not
25 exceed one year and 6 month.
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70-1 ✓

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~~SECTION 376.~~ 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)

and amended to read:

973.01 (2) (d) ***Minimum and maximum term of extended supervision.*** (intro.)

The term of extended supervision that follows the term of confinement in prison may not be less than 25% of the length of the term of confinement in prison imposed under par. (b). ^{and for a classified felony,} ~~and may not exceed whichever of the following is applicable:~~

SECTION 377. 973.01 (2) (d) 1. to 6. of the statutes are created to read:

973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not exceed 20 years.

2. For a Class C felony, the term of extended supervision may not exceed 15 years.

3. For a Class D felony, the term of extended supervision may not exceed 10 years.

4. For a Class E, F or G felony, the term of extended supervision may not exceed 5 years.

5. For a Class H felony, the term of extended supervision may not exceed 3 years.

6. For a Class I felony, the term of extended supervision may not exceed 2 years.

SECTION 378. 973.0135 (1) (b) 2. of the statutes is amended to read:

973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (lg) ^{plain} ~~(1m)~~ ^{il.} ~~or (1r)~~, 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08 or ~~948.30 (2), 948.35 (1) (b) or (c) or 948.36~~

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70-24

~~SECTION 379.~~ 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

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71-4

1 973.03 (3) (e) 1. A crime which is a Class A e-r, B or C felony
2 2. A crime which is a Class C, D, E, F or G felony listed in s. 969.08 (10) (b), but
3 not including any crime specified in s. 943.10.

4 **SECTION 380.** 973.03 (3) (e) 3. of the statutes is repealed.

5 **SECTION 381.** 973.075 (1) (b) lm. e. of the statutes is amended to read:

6 973.075 (1) (b) lm. e. To cause more than ~~\$1,000~~ \$2,000 worth of criminal
7 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

8 **SECTION 382.** 973.075 (2) (d) of the statutes is amended to read:

9 973.075 (2) (d) The officer has probable cause to believe that the property was
10 derived from or realized through a crime or that the property is a vehicle which was
11 used to transport any property or weapon used or to be used or received in the
12 commission of any felony, which was used in the commission of a crime relating to
13 a submerged cultural resource in violation of s. 44.47 or which was used to cause
14 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
15 of s. 943.01 (2) (d) or 943.012.

INS
71-15

16 **SECTION 383.** 978.13 (1) (c) of the statutes is amended to read:

17 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
18 fringe benefit costs of clerk positions in the district attorney's office necessary for the
19 prosecution of violent crime cases *primarily involving felony violations under s.
20 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
21 940.06, 940.225, 943.23 (1g), ~~and (1m) and (1r)~~ and 943.32 (2). The state treasurer

22 shall pay the amount authorized under this paragraph to the county treasurer
23 pursuant to a voucher submitted by the district attorney to the secretary of
24 administration from the appropriation under s. 20.475 (1) (i). The amount paid

1 under this paragraph may not exceed \$88,500 in the 1997-98 fiscal year and \$91,600
2 in the 1998-99 fiscal year.

3 **SECTION 384. Initial applicability.**

4 (1) This act first applies to offenses committed on the effective date of this
5 subsection.

6 **SECTION 385. Effective date.**

7 (1) This act takes effect on December 31, 1999, or on the day after publication,
8 whichever is later.

9 (END)

1 **INSERT 4-9:**

2 **SECTION 1.** 48.355 (2d) (b) 3. of the statutes is amended to read:

3 48.355 **(2d)** (b) 3. That the parent has committed a violation of s. 940.19 (2), ~~(3)~~,
4 (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
5 violation of the law of any other state or federal law, if that violation would be a
6 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
7 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
8 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
9 defined in s. 939.22 (38), to the child or another child of the parent. .

History: 1971 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292.

10 **SECTION 2.** 48.415 (9m) (b) 2. of the statutes is amended to read:

11 48.415 **(9m)** (b) 2. The commission of a violation of s. 940.19 (2), ~~(3)~~, (4) or (5),
12 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
13 or 948.08 or a violation of the law of any other state or federal law, if that violation
14 would be a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2),
15 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

History: 1979 c. 330; 1983 8.189 s. 329 (5); 1983 a. 326; 1983 a. 447 ss. 8, 67; 1983 a. 488, 538; 1987 a. 355, 383; 1989 a. 86; 1993 a. 235, 395; 1995 a. 77, 108, 225, 275; 1997 a. 35, 80, 237, 292, 294; s. 13.93 (2) (c).

16 **SECTION 3.** 48.417 (1) (d) of the statutes is amended to read:

17 48.417 **(1)** (d) A court of competent jurisdiction has found that the parent has
18 committed a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or
19 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
20 federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225
21 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
22 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or

INS 4-13

Section #. 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 (5) (bm) 4. A violation of s. 940.19 (2), ~~(3)~~, (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c)

1 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
2 of the parent.

3 History: 1997 a. 237. **SECTION 4. 48.57 (3p) (g) 2.** of the statutes is amended to read:

4 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
5 in s. 939.62, 939.621, 939.63, ~~939.64~~, ~~939.641~~ or 939.645 or has been convicted of a
6 violation of the law of any other state or federal law under circumstances under
7 which the person would be subject to a penalty specified in any of those sections if
8 convicted in this state.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34.221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292.
9 **SECTION 5. 48.685 (5) (bm) 2.** of the statutes is amended to read:

10 48.685 (5) (bm) 2. A violation of s. 940.19 (2), ~~(3)~~, (4), (5) or (6) or 940.20 (1) or
11 (1m), if the victim is the spouse of the person.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

(END OF INSERT 4-9)

INSERT 5-4: ✓

13 **SECTION 6. 110.07 (5) (a)** of the statutes is amended to read:

14 110.07 (5) (a) In this subsection, "bulletproof garment" has the meaning given
15 in s. ~~939.64 (1)~~ 973.017 (3) (c). ^{Al}

History: 1971 c. 40.125; 1973 c. 90.146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67.1981 c. 390; 1983 a. 27.; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359, 1993 a. 25; 1995 a. 201, 227, 341.

(END OF INSERT 5-4)

INSERT 6-18: ✓

17 **SECTION 7. 346.04 (4)** of the statutes is created to read:

18 346.04 (4) A person may not be convicted of violating both subs. (2t) and (3) for
19 acts arising out of the same incident or occurrence. ✓ ✓

(END OF INSERT 6-18)

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INSERT 7-19: -

SECTION 8. 346.175 (1) (a) of the statutes is amended to read:

346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.04 (2t)[✓] or (3) for fleeing a traffic officer shall be presumed liable for the violation as provided in this section.

History: 1993 a. 189; 1991 a. 21.

SECTION 9. 346.175 (1) (b) of the statutes is amended to read:

346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 346.04 (2t)[✓] or (3) for fleeing a traffic officer may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under s. 346.04 (2t)^J or (3).

History: 1993 a. 189; 1991 a. 27.

SECTION 10. 346.175 (4) (b) of the statutes is amended to read:

346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle at the time of the violation, then the owner of the vehicle shall not be liable under this section or under s. 346.04 (2t)^J or (3).

History: 1993 a. 189; 1997 a. 27.

SECTION 11. 346.175 (4) (c) of the statutes is amended to read:

346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information

1 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
2 this section or under s. 346.04 (2t) or (3).

History: 1993 a. 189; 1997 a. 27.

3 SECTION 12. 346.175 (4) (d) of the statutes is amended to read:

4 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
5 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
6 of the violation the vehicle was being operated by or was under the control of any
7 person on a trial run, and if the dealer provides a traffic officer employed by the
8 authority issuing the citation with the name, address and operator's license number
9 of the person operating the vehicle, then that person, and not the dealer, shall be
10 liable under this section or under s. 346.04 (2t) or (3).

History: 1993 a. 189; 1997 a. 27.

11 SECTION 13. 346.175 (5) (intro.) of the statutes is amended to read:

12 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
13 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

History: 1993 a. 189; 1997 a. 27.

14 SECTION 14. 346.175 (5) (a) of the statutes is amended to read:

15 346.175 (5) (a) A vehicle owner or other person found liable under this section
16 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
17 more than \$1,000.

History: 1993 a. 189; 1997 a. 27.

18 (END OF INSERT 7-19)

19 **INSERT 8-21:**

20 SECTION 15. 938.355 (2d) (b) 3. of the statutes is amended to read:

21 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),
22 ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a)
23 or a violation of the law of any other state or federal law, if that violation would be

1 a violation of s. 940.19 (2), ~~(3)~~[✓], (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
 2 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted
 3 in great bodily harm, as defined in s. ~~938.22~~[✓] ~~939.22~~[✓] (14), or in substantial bodily
 4 harm, as defined in s. ~~938.22~~[✓] ~~939.22~~[✓] (38), to the juvenile or another child of the
 5 parent.

NOTE: NOTE: The bracketed language indicates the correct cross-references. Corrective legislation is pending. NOTE:
 History: 1995 a. 77, 352; 1997 a 27, 35, 205, ~~237, 239, 252~~; s. 13.93 (2) (c).

(END OF INSERT B-21)

INSERT 12-3:[✓]

SECTION 16. 939.615 (7) (b) 2. of the statutes is amended to read:

939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ **I** felony if the
 same conduct that violates par. (a) also constitutes a crime that is a felony.

History: 1997 a. 215.

SECTION 17. 939.615 (7) (c) of the statutes is repealed.

SECTION 18. 939.62 (1) (a) of the statutes is amended to read:

939.62 (1) (a) A maximum term of one year or less may be increased to not more
 than ~~3~~ **2** years.

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; s. 13.93 (2) (c).

SECTION 19. 939.62 (1) (b) of the statutes is amended to read:

939.62 (1) (b) A maximum term of more than one year but not more than 10
 years may be increased by not more than 2 years if the prior convictions were for
 misdemeanors and by not more than 6 ~~4~~ years if the prior conviction was for a felony.

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; s. 13.93 (2) (c).

SECTION 20. 939.62 (1) (c) of the statutes is amended to read:

939.62 (1) (c) A maximum term of more than 10 years may be increased by not
 more than 2 years if the prior convictions were for misdemeanors and by not more
 than ~~10~~ **6** years if the prior conviction was for a felony.

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; s. 13.93 (2) (c).

SECTION 21. 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

INSERT 17-21: ✓

SECTION 34. 940.195 (6) of the statutes is repealed.

(END OF INSERT 17-21)

INSERT 18-4: ✓

SECTION 35. 940.20 (1m) of the statutes is amended to read:

940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any person who is subject to an injunction under s. 813.12 or a tribal injunction filed under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class ~~E~~ I felony.

(b) Any person who is subject to an injunction under s. 813.125 and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class ~~E~~ I 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.

(END OF INSERT 18-4)

INSERT 18-22: ✓

SECTION 36. 940.20 (4) of the statutes is amended to read:

940.20 (4) BATTERY TO PUBLIC OFFICERS Whoever intentionally causes bodily harm to a public officer in order to influence the action of such officer or as a result of any action taken within an official capacity, without the consent of the person injured, is guilty of a Class ~~E~~ I 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.

SECTION 37. 940.20 (5) (b) of the statutes is amended to read:

940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college district or school district officer or employe acting in that capacity, and the person

1 knows or has reason to know that the victim is a technical college district or school
2 district officer or employe, without the consent of the person so injured, is guilty of
3 a Class ~~E~~ I 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.

5 SECTION 38. 940.20 (6) (b) (intro.) of the statutes is amended to read:

5 940.20 (6) (b) ^(Intro.) Whoever intentionally causes bodily harm to another under any
6 of the following circumstances is guilty of a Class ~~E~~ I 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.

7 (END OF INSERT 18-22) ' "

8 **INSERT 28-8:** ✓

9 SECTION 39. 941.296 (3) ^J of the statutes is repealed.

10 (END OF INSERT 28-8)

11 **INSERT 35-15:** ✓

12 SECTION 40. 943.201 (2) of the statutes is amended to read:

13 943.201 (2) Whoever intentionally uses or attempts to use any personal
14 identifying information or personal identification document of an individual to
15 obtain credit, money, goods, services or anything else of value without the
16 authorization or consent of the individual and by representing that he or she is the
17 individual or is acting with the authorization or consent of the individual is guilty
18 of a Class ~~D~~ H felony.

History: 1997 a. 101.

19 (END OF INSERT 35-15)

20 **INSERT 36-16:** ✓

21 SECTION 41. 943.23 (3m) of the statutes is created to read:

22 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
23 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours

1 after the vehicle was taken. An affirmative defense under this subsection mitigates
2 the offense to a Class A misdemeanor. A defendant who raises this affirmative
3 defense has the burden of proving the defense by a preponderance of the evidence.

4 (END OF INSERT 36-16)

5 **INSERT 42-7:** ✓

6 SECTION 42. 946.42 (4) ✓ of the statutes is repealed.

7 SECTION 43. 946.425 (2) ✓ of the statutes is repealed.

8 (END OF INSERT 427)

9 **INSERT 64-8:** ✓

10 SECTION 44. 948.40 (4) (a) of the statutes is amended to read:

11 948.40 (4) (a) If death is a consequence, the person is guilty of a Class ~~C~~ **D**
12 felony; or

13 History: 1987 a. 332; 1989 a. 31; 1995 a. 77.

13 (END OF INSERT 64-S)

14 **INSERT 68-12:** ✓

15 SECTION 45. 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
16 amended to read:

17 971.17 (1) (a) Felonies committed before December 31, 1999. ~~When~~ Except as
18 provided in nar. (c), when a defendant is found not guilty by reason of mental disease
19 or mental defect of a felony committed before December 31, 1999, the court shall
20 commit the person to the department of health and family services for a specified
21 period not exceeding two-thirds of the maximum term of imprisonment that could
22 be imposed under s. 973.15 (2) (a) against an offender convicted of the same ~~crime~~
23 ~~or crimes~~ felony or felonies, including imprisonment authorized by ~~ss. 346.65 (2) (f),~~
24 ~~(2) (d) or (3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09~~

1 ~~(1b), 940.25 (1b) and 961.48 and other any applicable~~ penalty enhancement statutes,
2 ~~as applicable~~, subject to the credit provisions of s. 973.155.

3 (c) Felonies punishable by life imprisonment. If ~~the maximum term of~~
4 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
5 mental defect of a felony that is nunishable by life inmrisonment, the commitment
6 period specified by the court may be life, subject to termination under sub. (5).

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 394; 1989 a 31, 142, 334, 359; Sup. Ct. Order, 158 W (2d) xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252,275.

7 **SECTION 46.** 971.17 (1) (b) of the statutes is created to read:

8 971.17 (1) (b) *Felonies committed on or after December 31, 1999.* Except as
9 provided in par. (c), when a defendant is found not guilty by reason of mental disease
10 or mental defect of a felony committed on or after December 31, 1999, the court shall
11 commit the person to the department of health and family services for a specified
12 period not exceeding the maximum term of confinement that could be imposed on an
13 offender convicted of the same felony or felonies under ss. 973.01 (2) (b) and 973.15
14 (2) (a), plus imprisonment authorized by any applicable penalty enhancement
15 statutes, subject to the credit provisions of s. 973.155.

16 **SECTION 47.** 971.17 (1) (d) of the statutes is created to read:

17 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
18 of mental disease or mental defect of a misdemeanor, the court shall commit the
19 person to the department of health and family services for a specified period not
20 exceeding two-thirds of the maximum term of imprisonment that could be imposed
21 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
22 misdemeanors, including imprisonment authorized by any applicable penalty
23 enhancement statutes, subject to the credit provisions of s. 973.155.

24 **SECTION 48.** 973.01 (1) of the statutes is amended to read:

INSERT 70-24: ✓

SECTION 53. 973.017 of the statutes is 'created to read:

973.017 Sentencing; use of guidelines; consideration of aggravating and mitigating factors. (1) DEFINITION. In this section, "sentencing decision" means a decision as to whether to impose a sentence or place a person on probation and a decision as to the length of a sentence of imprisonment, the amount of a fine and the length of a term of probation.

(2) GENERAL REQUIREMENT. When a court makes a sentencing decision concerning a person convicted of a criminal offense, the court shall consider all of the following:

(a) If the offense is a felony that was committed on or after December 31, 1999, the sentencing guidelines adopted by the sentencing commission under s. 973.30 or, if the sentencing commission has not adopted a guideline for the offense, any applicable temporary sentencing guideline adopted by the criminal penalties study committee, as specified in 1999 Wisconsin Act (this act), section ~~XXX~~.

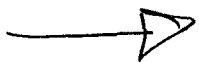
***NOTE: In the first compile, insert an auto-reference to the nonstatutory section that refers to the CPSC's temporary sentencing guidelines.

Section 973.30 is created in LRB-336 which will be compiled with this dra

(b) Any applicable aggravating and mitigating factors.

(3) AGGRAVATING FACTORS; **GENERALLY.** (a) *All crimes.* When making a sentencing decision for any crime, the a court shall consider all of the following as aggravating factors:

1. The fact that the person committed the crime while his or her usual appearance was concealed, disguised or altered, with the intent to make it less likely that he or she would be identified with the crime.



1 2. The fact that the person committed the crime using information that was
2 disclosed to him or her under s. 301.46.

3 (b) **Crimes in the criminal code and ^Uuniform ^ccontrolled ^ssubstances^Aget.** When
4 making a sentencing decision concerning any crime under chs. 939 to 948 or 961, the
5 court shall consider as an aggravating factor the fact that the person committed the
6 crime for the benefit of, at the direction of or in association with any criminal gang,
7 with the specific intent to promote, further or assist in any criminal conduct by
8 criminal gang members.

9 (c) **All felonies.** ^{92.} When making a sentencing decision concerning any felony, the
10 court shall consider as an aggravating factor the fact that the person committed the
11 felony while wearing a bulletproof garment. ^{1. AA} In this paragraph, "bulletproof

12 garment" means a vest or other garment designed, redesigned or adapted to prevent
13 bullets from penetrating the garment.

14 (d) **Felonies in the criminal code.** [✓] [✓] 1. When making a sentencing decision
15 concerning any felony under chs. 939 to 951, the court shall consider as an
16 aggravating factor the fact that the person committed the felony with the intent to
17 influence the policy of a governmental unit or to punish a governmental unit for a
18 prior policy decision, if [✓] any of the following circumstances also ^{applies} apply to the felony
19 committed by the person:

20 a. The person caused bodily harm, great bodily harm or death to another.

21 b. The person caused damage to the property of another and the total property
22 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
23 b., property is reduced in value by the amount that it would cost either to [✓] repair or
24 & replace it, whichever is less.

25 c. The person used force or violence or the threat of force or violence.

9b.

1 2. Subdivision 1. does not apply to conduct arising out of or in connection with
 2 a labor dispute. ~~For purposes of this subdivision~~ ^{as added to a. 11 In}, "labor dispute" includes any
 3 controversy concerning terms, tenure or conditions of employment, or concerning the
 4 association or representation of persons in negotiating, fixing, maintaining,
 5 changing or seeking to arrange terms or conditions of employment, regardless of
 6 whether the disputants stand in the proximate relation of employer and employe.

7 (4) AGGRAVATING FACTORS; SERIOUS SEXCRIMES COMMITTED WHILE INFECTED WITH
 8 CERTAIN DISEASES. (a) In this subsection:

9 1. "HIV" means any strain of human immunodeficiency virus, which causes
 10 acquired immunodeficiency syndrome.

11 2. "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
 12 or 948.025.^J

13 3. "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B,
 14 hepatitis C or chlamydia.

15 4. "Significantly exposed" means sustaining a contact which carries a potential
 16 for transmission of a sexually transmitted disease or HIV by one or more of the
 17 following:

18 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
 19 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
 20 amniotic fluid; or other body fluid that is visibly contaminated with blood.

21 b. Exchange, during the accidental or intentional infliction of a penetrating
 22 wound, including a needle puncture, of blood; semen; vaginal secretions;
 23 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
 24 body fluid that is visibly contaminated with blood.

1 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
 2 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
 3 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
 4 amniotic fluid; or other body fluid that is visibly contaminated with blood.

5 (b) When making a sentencing decision concerning a person convicted of a
 6 serious sex crime, the court shall consider as an aggravating factor the fact that the
 7 serious sex crime was committed under all of the following circumstances:

8 1. At the time that he or she committed the serious sex crime, the person
 9 convicted of committing the serious sex crime had a sexually transmitted disease or
 10 acquired immunodeficiency syndrome or had had a positive test for the presence of
 11 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

12 2. At the time that he or she committed the serious sex crime, the person
 13 convicted of committing the serious sex crime knew that he or she had a sexually
 14 transmitted disease or acquired immunodeficiency syndrome or that he or she had
 15 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
 16 or an antibody to HIV.

17 3. The victim of the serious sex crime was significantly exposed to HIV or to the
 18 sexually transmitted disease, whichever is applicable, by the acts constituting the
 19 serious sex crime.

20 (5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)

21 In this subsection:

22 1. "Elder person" means any individual who is 62 years of age or older.

23 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
 24 (1), (2) or (3), 940.23 or 943.32.

1 (b) When making a sentencing decision concerning a person convicted of a
2 violent felony, the court shall consider as an aggravating factor the fact that the
3 victim of the violent felony was an elder person. This paragraph applies even if the
4 person mistakenly believed that the victim had not attained the age of 62 years.

5 (6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT BY CERTAIN PERSONS. (a) In this

6 subsection, "person responsible for the welfare the child" includes the child's parent[✓],
7 stepparent[✓], guardian[✓], foster parent[✓], treatment foster parent[✓]; an employe of a public
8 or private residential home, institution or agency; ^{any} other person legally responsible
9 for the child's welfare in a residential setting; or a person employed by one ^{who i} legally
10 responsible for the child's welfare to exercise temporary control or care for the child.

11 (b) When making a sentencing decision concerning a person convicted of a
12 violation of s. 948.02 (1) or (2) or 948.025 (1), the court shall consider as an
13 aggravating factor the fact that ^{the} person was a person responsible for the welfare of
14 the child who was the victim of the violation.

15 (7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.

16 When making a sentencing decision concerning a person convicted of a violation of
17 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
18 that, at the time of the violation, there was a minor passenger under 16 years of age
19 or an unborn child in the [✓] [person's] motor vehicle.

****NOTE: The word "person's" is in brackets to alert you to the fact that the word
does not appear in the current enhancers. Current law seems ambiguous on the issue of
whether the child has to be in the defendant's vehicle, but in the context of ss. 940.09 and
940.25, stats., I think the enhancer probably is limited to such cases. Should this draft
include the bracketed language?

20 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution or*

21 *delivery to prisoners.* ^{1. Ins. 17-3 ← from p. 17}
22 convicted of violating s. 961.41 (1) or (1m), the court shall consider as an aggravating

1 factor the fact that the violation involved delivering, distributing or possessing with
 2 intent to deliver or distribute a controlled substance or controlled substance analog
 3 to a prisoner within the precincts of any prison, jail or house of correction. In this
 4 paragraph, "precinct" means a place where any activity is conducted by a prison, jail
 5 or house of correction. *Ins. 17-3 move to p. 16*

6 (b) ***Distribution or delivery on public transit vehicles.*** When making a
 7 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
 8 the court shall consider as an aggravating factor the fact that the violation involved
 9 delivering, distributing or possessing with intent to deliver or distribute a controlled
 10 substance included in schedule I or II or a controlled substance analog of any
 11 controlled substance included in schedule I or II and that the person knowingly used
 12 a public transit vehicle during the violation.

13 (9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME. The aggravating factors
 14 listed in this section are not elements of any crime. A prosecutor is not required to
 15 charge any aggravating factor or otherwise allege the existence of an aggravating
 16 factor in any pleading. The existence of an aggravating factor does not have to be
 17 proved beyond a reasonable doubt for a court to use the existence of the aggravating
 18 factor in making a sentencing decision.

****NOTE: Does this provision effect your intent? Do you want the draft to specify
 the standard of proof for aggravating factors?

(END OF INSERT 70-24)

INSERT 71-4: ✓

SECTION 54. 973.032 (4) (c) 2. of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0590/P5dn
JEO&MGD:km

8

Mike Brennan and Tom Hammer:

In addition to 4-star notes (******NOTE:**) in the draft itself that raise issues or pose questions to you, please note the following when reviewing the draft:

1. Does proposed s. 346.04 (4) say enough to accomplish your intent, or does it need to address any other issues? For instance, will a prosecutor be able to charge both a felony and misdemeanor (even though there can be a conviction only for one or the other)? Do they have to be joined? Instead of creating proposed s. 346.04 (4), do you want to consider adding a subsection to s. 939.66, stats., as a way to achieve the same result?

2. Misdemeanor fleeing, unlike felony fleeing, will be a "minor" offense for habitual traffic offender purposes under s. 351.02 (1), stats. Okay? Also, this draft adds cross-references to the new misdemeanor offense in s. 346.175, stats. Is that your okay?

3. Is the change to s. 939.62 (2m) (a) 2m. a., stats., okay? Now that all felonies are classified, it seemed better to refer to the **classifications** instead of the maximum sentences. (Although there are currently no **A or B** felonies in ch. 961, there could be in the future, so I included them here.) I did **not** make a similar change in ss. 302.11 (lg) (a) 1. and 973.0135 (1) (b) 1., stats., because those affect only parole eligibility, and persons eligible for parole will be sentenced under the current ch. 961 penalty structure.

4. The draft keeps first degree reckless homicide under the "Len Bias" law (s. 940.02 (2), stats.) as a Class C felony. Is that your intent?

5. In accordance with Tom Hammer's comments, I revised the jury unanimity language under s. 948.025 (2), stats. Please review the language to make sure that it addresses his concerns.

6. Review the treatment of s. 973.01 (1) and (2) (a), (b) and (c), stats., **very carefully**. By removing the reference to "felony", a court will be able to give a bifurcated sentence to a misdemeanant who faces prison time because of a penalty enhancer.

7. Review proposed s. 973.017 **very carefully**. It is a first attempt at a sort of omnibus sentencing factor statute and contains the list of aggravating factors based on the various repealed penalty enhancers.

8. Should "chemical castration" be a possible condition of extended supervision? It may be made a condition of parole under s. 304.06 (1q), stats., but it is not referred to in s. 302.113, stats., because the act creating s. 304.06 (1q), stats., was enacted while truth in sentencing was pending last session.

Please let me know if you have questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0590/P5dn
JEO:kmg:km

August 5, 1999

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Please let me know if you have questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us