

For: 3420/P1

Please compare the following:

99-0590/P5

99-2889/P3

99-3265/P1

99-3266/P1

99-3361/P2

99-3370/P2

1999 DRAFTING REQUEST

Bill

Received: **07/12/1999**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing: **JEO**

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Subject: **Criminal Law - miscellaneous**

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Pre Topic:

No specific pre topic given

Topic:

Classification of noncriminal code felonies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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/?	olsenje	/pl wlj 7/27	KJf 7/27	Kf/km 7/28			

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STATE OF WISCONSIN
CRIMINAL PENALTIES STUDY COMMITTEE
CODE RECLASSIFICATION SUBCOMMITTEE

**CLASSIFICATION OF NON-DRUG FELONIES
CODIFIED OUTSIDE THE CRIMINAL CODE**

INTRODUCTION

Among the charges given to the Criminal Penalties Study Committee by the Wisconsin legislature are the following:

1. Creating a uniform classification system for all felonies, including felonies outside of the criminal code.¹
2. Classifying each felony and Class A misdemeanor in a manner that places crimes of similar severity into the same classification.²
3. Consolidating all felonies into a single criminal code.³

The non-drug non-Criminal Code felonies analyzed in this document, which number approximately 150, are scattered throughout the Wisconsin Statutes. These crimes are not part of the Wisconsin Criminal Code,⁴ though many of the Code's general provisions apply to them" and, unless there is a specific provision to the contrary, so do the provisions of the Wisconsin Code of Criminal Procedure.⁶

¹ See 1997 Wis. Act 283 sec. 454(1)(e)1.

² See 1997 Wis. Act 283 sec. 454(1)(e)2.

³ See 1997 Wis. Act 283 sec. 454(1)(e)3.

⁴ Chapters 939 to 95 I comprise the Wisconsin Criminal Code. See Wis. Stat. sec. 939.01.

⁵ Wis. Stat. sec. 939.20 provides: "Sections 939.22 to 939.25 [definitions of criminal intent, criminal recklessness, criminal negligence, and other miscellaneous words and phrases] apply *only* to crimes defined in chs. 939 to 95 1. Other sections in ch. 939 [the general provisions of Wisconsin's substantive criminal law] apply to crimes defined in other chapters of the statutes as well as to those defined in chs. 939 to 95 1."

⁶ Wis. Stat. sec. 967.0 I provides in pertinent part that "Chapters 967 to 979 [the Wisconsin Criminal Procedure Code] shall govern all criminal proceedings.. . ."

METHODOLOGY FOR CLASSIFYING NON-DRUG NON-CRIMINAL CODE FELONIES IN THE PROPOSED A-I CLASSIFICATION SYSTEM

The subcommittee utilized the same approach for classifying non-drug non-Criminal Code offenses that it used for classifying Criminal Code felonies and drug felonies.

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

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

Felony Class Adjustments. After application of the M.R. converter to initially place a crime in one of the new A-I classes, the subcommittee then considered whether an adjustment up or down was necessary so that crimes of similar severity are classified together. This was done in response to a specific charge from the legislature.⁷ In making its final determination about the classification of offenses, the subcommittee also endeavored to:

- Allow enough incarceration exposure for the worst case-worst offender scenario (while recognizing that sentencing guidelines and judicial discretion will inform the sentencing of less serious variations and that penalty enhancers and repeat offender statutes allow for cases where the maximum penalty for the underlying crime is insufficient).
- Show proper deference to judgments already made by the legislature about maximum possible penalties.

⁷ See 1997 Wis. Act 283 sec. 454(1)(e)2.

- Classify crimes that involve death or serious injury (or the potential for such harm) in higher categories than those involving offenses against property or other non-violent behavior.
- Consider data about sentencing patterns and time actually served for offenses when such data was available and when the subcommittee had some measure of confidence in its reliability.
- Account for the political reality that its recommendations must survive the scrutiny of both the legislature and the governor in order to become law.

IMPACT OF CLASSIFICATION ON THE NATURE OF NON-DRUG NON-CRIMINAL CODE PENALTIES

Under current law these miscellaneous offenses are not classified: each has a specific penalty articulated for the particular statute and different penalty systems are used. In some instances a maximum fine and a maximum amount of imprisonment are specified. In others minimum fines and minimum periods of incarceration are included. For some of the latter probation is an option, but if the court elects to incarcerate, then the minimum period of incarceration must be imposed.

Bringing these miscellaneous offenses within a uniform system for classifying crimes (a charge given to the Committee by the legislature) means that the penalty structure for these offenses will be expressed in terms of a maximum fine and a maximum term of imprisonment. Once a crime is placed in a given felony classification, the penalty range for that classification will apply.

There is at least a two-fold impact of such classification. First, with the exception of 5th offense OWI for which a minimum mandatory term of imprisonment is preserved to maintain consistency in the structure of penalties for all OWI offenders, for all felony classes into which these miscellaneous felonies have been placed, there is no minimum term of imprisonment. In appropriate cases the judge would have the discretion to place the offender on probation. The subcommittee unanimously supports this result. It believes that judges should have the same full range of penalties available to them when sentencing violators of these miscellaneous offenses as they have when sentencing persons convicted of such dangerous offenses as homicide (other than first-degree intentional homicide), armed robbery, sexual assault, or aggravated burglary. It also believes that the exercise of sound judicial discretion in sentencing these offenders should not be restricted by minimum penalties when the legislature has not seen fit to so restrict discretion when sentencing offenders convicted of other serious felonies like those noted above.⁸

⁸ The Committee recognizes that some presumptive minimum penalties are used in the penalty enhancer statutes. It will be recommending that these be repealed as well for the same reasons as those articulated in the text accompanying this note.

Another impact of classification occurs in the area of maximum fines. Under current law maximum fines vary with each offense. The subcommittee unanimously recommends that its proposed fine structure for other classified felonies be applied to these **miscellaneous** felonies as **well** with the exception of a few offenses for which the legislature is established particularly high fines for obvious reasons. As to the latter the subcommittee recommends that the current maximum fines be preserved. Further, unless specifically noted, the subcommittee recommends that minimum fines be abandoned. As a general principle it believes the court should have full discretion in deciding when to impose a fine and, if so, in what amount.

LEGISLATIVE CHARGE TO CONSOLIDATE ALL FELONIES INTO A SINGLE CRIMINAL CODE

Finally, the subcommittee addresses the last of the legislative charges quoted on the first page of this document regarding the consolidation of all felonies into a single criminal code. The subcommittee strongly opposes this change in the Statutes for numerous reasons and respectfully urges the legislature to reconsider it. Among the reasons for its opposition are the following:

1. Over 200 felonies are placed in various chapters of the Wisconsin Statutes other than in the Criminal Code. They are logically codified with the subject matter of the various statutory chapters and for ease of access should remain where they are. To remove the crimes from their related substantive law provisions would promote needless confusion among the lawyers, judge, legislators and others who must use these laws and would require looking in multiple places for related provisions. DNR crimes should remain with other DNR statutes; traffic crimes should remain with other Vehicle Code statutes; securities crimes should remain with other securities laws, **etc.**
2. 1997 Act 283 speaks only in terms of relocating all felonies to the Criminal Code. Thus, misdemeanors would remain scattered throughout the statutes while felonies would be in the Criminal Code, even if those felonies and misdemeanors dealt with related subject matter.
3. The Criminal Code has not been **recodified** since the 1950's. Since that time it has become inordinately complex with the addition of literally countless provisions. To overburden the Code with addition of over 200 more felonies would produce a document that would defy usage by even the most talented of lawyers, judges, legislators and other users.

PROPOSED PENALTY STRUCTURE:

THE A-I FELONY CLASSIFICATION SYSTEM

FELONY CLASS .	MAXIMUM IMPRISONMENT	MAXIMUM EXT. SUPERVISION	MAXIMUM FINE
A	Mandatory Life		---
B	40 years	20 years	---
C	25 years	15 years	\$50,000
D	15 years	10 years	\$50,000
E	10 years	5 years	\$50,000
F	7.5 years	5 years	\$25,000
G	5 years	5 years	\$25,000
H	3 years	3 years	\$10,000
I	18 mos.	2 years	\$10,000

CLASSIFICATION OF NON-DRUG FELONIES CODIFIED OUTSIDE THE CRIMINAL CODE

NOTE: THE LIST OF NON-DRUG FELONIES CODIFIED OTHER THAN IN THE WISCONSIN CRIMINAL CODE WAS DERIVED FROM DOCUMENTATION PREPARED BY THE WISCONSIN LEGISLATIVE REFERENCE BUREAU.

COLOR CODES

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

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

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

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

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
11.61(1)(a) and (b)	Criminal violations of campaign finance statutes	Fine not more than \$10,000 or imprisoned not more than 3 years or both	Class I
12.60(1)(a)	Criminal violations of elections statutes	Fine not more than \$10,000 or imprisoned not more than 3 years in the Wisconsin state prisons or both	Class I

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
2 ✓ 13.05	Logrolling by members of the Legislature prohibited	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 3 years or both	Class I
✓ 13.06	Granting of executive favor by members of the Legislature prohibited	Fine not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 2 years or both	Class I
t ✓ 13.69(6m)	Criminal violations of lobby law statutes	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H
✓ 23.33(13)(cg)	Causing death or injury by interfering with all-terrain vehicle route or trail sign standard	Fine not more than \$10,000 or imprisoned for not more than 2 years or both if the violation causes the death or injury	Class H (from I)
✓ 26.14(8)	Intentionally setting fires to land of another or a marsh	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class H
29.971 ✓ 29.99(1)(c)	Possession of fish with a value exceeding \$1,000 in violation of statutes	Fine of not more than \$10,000 or imprisonment for not more than 2 years or both	Class I
✓ 29.99(1m)(c)	Possession of clams with a value exceeding \$1,000 in violation of statutes	Fine of not more than \$10,000 or imprisonment for not more than 2 years or both	Class I
i ✓ 29.99(11m)(a)	Illegal shooting, shooting at, killing, taking, catching or possessing a bear	Fine of not more than \$5,000 or imprisonment for not more than one year or both for the second and any subsequent violation	Class A misd. ?
✓ 29.99(11p)(a)	Entering the den of a hibernating black bear and harming the bear	Fine of not more than \$10,000 or imprisonment for not more than one year or both	Class A misd. ?
✓ 30.547 30.80(3m)	Falsifying boat certificate or title, or altering hull or engine serial numbers	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
NB = (a) ✓ 30.80(2g)(b)	Failure to render aid in a boating accident that involves injury to a person but not great bodily harm	Fine not less than \$300 nor more than \$5,000 or imprisoned not more than one year or both	Class A misd. ?

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 30.80(2g)(c)	Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm	Fine not more than \$10,000 or imprisoned not more than 2 years or both	Class I
✓ 30.80(2g)(d)	Failure to render aid in a boating accident that involves the death of a person	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class H
✓ 36.25(6)(d)	Improper release of mines and explored mine land information by employes of the Geological and Natural History Survey or Department of Revenue	Fine not less than \$50 nor more than \$500, or imprisoned in the county jail for not less than one month nor more than 6 months, or imprisoned in the Wisconsin state prisons for not more than 2 years	Class I
✓ 47.03(3)(d)	Illegal use of the term " blind-made "	Fine not more than \$1,000 or imprisoned not more than one year or both	Class A misd. (?)
✓ 49.127(8)(a)2.	Illegal use of food stamps with a value over \$100 but less than \$5000 - first offense	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class H (I)
✓ 49.127(8)(b)2.	Illegal use of food stamps with a value over \$100 but less than \$5000 - second and subsequent offenses	Fine not more than \$10,000 or imprisoned not more than 5 years or both	P E N A L - UNDER (H) REVIEW
✓ 49.127(8)(c)	Illegal use of food stamps with value of \$5000 or more - Any offense	Fine not more than \$250,000 or imprisoned not more than 20 years or both.	PENALTY UNDER (G) REVIEW
✓ 49.141(7)(a)	Committing a fraudulent act in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H
✓ 49.141(7)(b)	Committing other fraudulent acts to obtain W-2 benefits or payments	Fine not more than \$10,000 or imprisoned for not more than one year or both	Class A misd. (?)
✓ 49.141(9)(a)	Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE

Handwritten notes and markings on the right side of the table:

- Vertical line on the right margin.
- Checkmarks and handwritten 'c' next to several rows.
- Large handwritten 'X' or checkmark spanning rows 47.03(3)(d) through 49.141(9)(a).
- Handwritten note: "PUT (on) Hammer 1/21" written vertically.
- Handwritten circled numbers: 2, 1, 14, 9, 2.
- Handwritten text: "P E N A L - UNDER REVIEW" and "P E N A LTY UNDER REVIEW".
- Handwritten text: "KEEP OLD MAX FINE" circled.

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 49.141(9)(b)	Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ \$9.141(10)(b)	Improper charging by a provider for W-2 services	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.49(1)(b)1.	Committing a fraudulent act in connection with providing items or services under medical assistance	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.49(2)(a)	Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ /49.49(2)(b)	Offering or paying a kickback, bribe or rebate in connection with providing medical assistance	Fine not more than \$25,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.49(3)	Fraudulent certification of qualified medical assistance facilities	Fine not more than \$25,000 or imprisoned not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.49(3m)(b)	Improper charging by a provider for medical assistance services	Fine not more than \$25,000 or imprisoned not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.19(1)(b)	improper charging by a facility for medical assistance services	Fine not more than \$25,000 or imprisoned not more than 5 years or both	Class H KEEP OLD MAX FINE
✓ 49.95(1)	Illegal intent to secure public assistance if the value exceeds \$1,000 but does not exceed \$2,500	Fine not more than \$500 or imprisoned for not more than 5 years or both	Class H
✓ 49.95(1)	Illegal intent to secure public assistance if the value exceeds \$2,500	Fine not more than \$10,000 or imprisoned for not more than 10 years or both (Class C felony)	PENALTY UNDER REVIEW
✓ 51.15(12)	False statement related to emergency mental health detentions	Fine not more than \$5,000 or imprisoned not more than 5 years, or both	Class H

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A – I System
✓ 55.06(11)(am)	False statement related to protective services placements	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H ✓
✓ 66.4025(1)(b)	False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000	Fine not more than \$10,000 or imprisoned for not more than 2 yews or both	Class I ✓
✓ 66.4025(1)(c)	False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H ✓
✓ 69.24(1)(intro)	Fraudulent or destroyed vital statistical record	Fine not more than \$10,000 or imprisoned not more than 2 years or both	Class H ✓
✓ 70.47(18)(a)	Tampering with records of the Board of Review with intent to injure or defraud	Fine not more than \$1,000 or imprisoned not more than 2 years or both	Class I ✓
✓ 71.83(2)(b)1.	False income tax return; fraud	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both	Class H ✓
✓ 71.83(2)(b)2.	Officer of a corporation; false franchise or income tax return	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both, together with the cost of prosecution	Class H ✓
✓ 71.83(2)(b)3.	Income tax evasion	Fine not more than \$5,000 or imprisoned not more than 3 years or both, together with the costs of prosecution	Class I ✓
✓ 71.83(2)(b)4.	Fraudulent claim for tax credit	Fine not to exceed \$10,000 or imprisoned not to exceed 5 years or both, together with the cost of prosecution	Class H ✓

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Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
86.192(4)	Tampering with road signs if the tampering results in the death of a person	Fine up to \$10,000 or imprisoned not more than 2 years , or both	Class H (from I)
97.43(4)	Use of meat from dead or diseased animals	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 5 years or both	Class H
97.45(2)	Violation of horsemeat labeling requirements	Fine not less than \$500 nor more than \$5,000 or imprisoned for not more than 5 years or both	Class H
100.26(2)	Violation of commission merchant duties and responsibilities	Fine not less than \$50 nor more than \$3,000, or by imprisonment for not less than 30 days nor more than 3 years , or both	Class I
100.26(5)	Violations of dairy license requirements, DATCP orders or regulations and false advertising	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than one year or both	Class A misd.
100.26(7)	Fraudulent drug advertising	Fine not less than \$500 nor more than \$5,000 or imprisoned not more than one year or both for each offense	Class A misd.
101.93(10)(b)	Intentional destruction of a PECFA record	Fine not more than \$10,000 or imprisoned for not more than 10 years or both	Class G (from F)
101.94(8)(b)	Intentional violation of manufactured home laws that threaten health and safety	Fine not more than \$1,000 or imprisoned not more than one year or both	Class A misd.
102.835(11)	Intent to evade collection of uninsured employer levies under the worker's compensation law	Fine nor more than \$5,000 or imprisoned for not more than 3 years or both, and shall be liable to the state for the cost of prosecution	Class I
102.835(18)	Discharge or discrimination by employer against employee who has been the subject of a worker's compensation levy	Fine not more than \$1,000 or imprisoned for not more than one year or both	Class A misd.

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - System
[Redacted]	Violation of an order to cease operation because of a lack of worker's compensation insurance	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
108.225(11)	Evading collection of unemployment compensation levies under employment compensation law	Fine not more than \$5,000 or imprisoned for not more than 3 years or both	Class I
108.225(18)	Discharge or discrimination by employer against employe who has been the subject of an unemployment compensation levy	Fine not more than \$1,000 or imprisoned for not more than one year or both	Class A misd.
114.20(18)(c)	False statement related to aircraft registration	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
1 [Redacted]	Injury or death by providing alcohol beverages to a minor	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H - if great bodily harm results Class G - if death results
125.085(3)(a)2.	Receiving money or other considerations for providing false proof of age	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
125.105(2)(b)	Impersonating an agent, inspector or employe of DOR or DOJ in commission of a crime	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H
125.66(3)	Sale and manufacturing of liquor without permits	Fine not more than \$10,000 or imprisonment for not more than 10 years or both	Class F
125.68(12)(b)	Delivering alcohol from denatured alcohol	Fine not less than \$1,000 nor more than \$5,000 or imprisoned not less than one year nor more than 10 years or both	Class F
125.68(12)(c)	Sale or disposal of denatured alcohol resulting in death	Imprisoned for not more than 10 years	Class E (from F)

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A-I System
✓ 132.20(2)	Trafficking in counterfeit trademarks and other commercial marks with intent to deceive	Fine not more than \$250,000 or imprisoned for not more than 5 years or both, or, if the person is not an individual, be fined not more than \$1,000,000	Class H KEEP OLD MAX FINE
✓ 133.03(1)	Unlawful contracts or conspiracies in restraint of trade or commerce	Fine not more than \$100,000 if a corporation, or, if any other person, \$50,000, or be imprisoned for not more than 5 years, or both	Class H KEEP OLD MAX FINE
✓ 133.03(2)	Monopolization of any part of trade or commerce	Fine not more than \$100,000 if a corporation, or, if any other person, \$50,000, or be imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE
134.05(4)	Bribery of an agent, employe or servant	Fine of not less than \$10 nor more than \$500, or by such fine and by imprisonment for not more than one year	Class A misd. ?
✓ 134.16	Fraudulently receiving deposits	Imprisoned in the Wisconsin state prisons not more than 10 years nor less than one year or fined not more than \$10,000	Class F
✓ 134.20(1)(intro)	Fraudulent issuance or use of warehouse receipts or bills of lading	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 134.205(4)	Issuance of warehouse receipts without entering item into register with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 134.58	Unauthorized use of armed persons to protect persons or property or to suppress strikes	Fine not more than \$1,000 or imprisoned not less than one year nor more than 3 years or both	Class I
✓ 134.74(7)(b) 100.171(3)(b)	Intentional violation of prize notification laws	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
139.44(1)	Use or manufacturing of counterfeit cigarette stamps	Imprisonment not less than one year nor more than 10 years	Class G (from F)

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: , A-I System
✓ 139.44(1m)	Tampering with cigarette meter	Imprisoned not less than one year nor more than 10 years	Class G (from F) X
✓ 139.44(2)	False or fraudulent report or attempts to evade the cigarette tax	Fine not less than \$1,000 nor more than \$5,000, or imprisoned not less than 90 days nor more than one year , or both	Class A misd. (?) X
✓ 139.44(8)(c)	Unlawful possession of cigarettes if the number exceeds 36,000	Fine not more than \$10,000 or imprisoned not more than 2 years or both	Class I X
✓ 139.95(2)	Possessing a schedule I or II controlled substance not bearing drug tax stamp	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class H X
✓ 139.95(3)	False or fraudulent drug tax stamp	Fine not more than \$10,000 or imprisoned not less than one year nor more than 10 years or both	Class F X
✓ 146.345(3)	Sale of human organs for transplantation prohibited	Fine not more than \$50,000 or imprisoned for not more than 5 years or both	Class H KEEP OLD MAX FINE X
✓ 146.35(5)	Female genital mutilation	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H X
✓ 146.60(9)(am)	Second violation of failing to comply with notice of release of genetically engineered organisms into the environment requirements	Fine not less than \$1,000 nor more than \$50,000 or imprisoned for not more than one year or both	Class A misd. KEEP OLD MAX FINE X
✓ 146.70(10)(a)	Filing of false 9 1 I report	Fine not more than \$10,000 or imprisoned not more than 5 years or both for any other offense committed within 4 years after the first offense	Class H X
✓ 154.15(2)	Falsification or withholding of information related to a declaration to a physician	Fine not more than \$10,000 or imprisoned not more than 10 years or both	Class F X
✓ 154.29(2)	Falsification or withholding of information related to a do-not-resuscitate order	Fine not more than \$10,000 or imprisoned for not more than 10 years or both	Class F X

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 166.20(11)(b)1.	Knowing and willful failure to report release of a hazardous substance, first offense	Fine not less than \$100 nor more than \$25,000 or imprisoned for not more than 2 years or both	Class I KEEP OLD MAX FINE
✓ 166.20(11)(b)2.	Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses	Fine not less than \$200 nor more than \$50,000 or imprisoned for not more than 2 years or both	Class I KEEP OLD MAX FINE
✓ 167.10(9)(g)	Violation of fireworks manufacturing licensure requirement	Fine not more than \$10,000 or imprisoned not more than 10 years or both	Class G (from F)
✓ 175.20(3)	Violation of amusement place licensure requirements	Fine of not less than \$25 and not more than \$1,000, or by imprisonment for not less than 30 days in the county jail and not more than one year in the state prison, or by both such fine and imprisonment	Class A misd. ?
✓ 181.0129(2)	Filing of a false document with DFI, business corporation	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
✓ 181.69 (181.0129(2))	Filing of a false document with DFI, nonstock corporations	Imprisoned in the Wisconsin state prisons not more than 3 years or in the county jail not more than one year or fined not more than \$1,000	Class I
✓ 200.09(2)	Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation	Fine of not less than \$500, or by imprisonment in the state prison not less than one or more than 10 years , or by both fine and imprisonment	Class I (from F)
✓ 185.825	Filing of a false document with DFI, cooperatives	Fine not more than \$1,000 or imprisoned not more than 3 years or both	Class I
✓ 214.93	Filing of a false document with the Division of Savings and Loans	Imprisoned for not more than 20 years	Class F (from D)
✓ 215.02(6)(b)	Illegal disclosure of information by employes of the Division of Savings and Loans	Fine not less than \$100 nor more than \$1,000, or imprisoned not less than 6 months nor more than 2 years or both	Class I



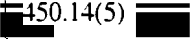
Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 215.12	Falsification of records and dishonest acts, savings and loans	Imprisoned in the Wisconsin state prisons for not to exceed 20 years	Class F (from D)
✓ 215.21(21)	Giving or accepting money for loans, savings and loans	Fine not to exceed \$10,000 or imprisoned in the Wisconsin state prisons not to exceed 2 years or both	Class I
✓ 218.21(7)	False statement related to a motor vehicle salvage dealer license	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
✓ 220.06(2)	Illegal disclosure of information by employes of the Division of Banking	Fine of not less than \$100 nor more than \$1,000, or imprisonment in the Wisconsin state prisons not less than 6 months nor more than 2 years , or both	Class I
✓ 221.0625(2) (intro)	Illegal loans to bank officials	Imprisoned for not more than 10 years	Class F
✓ 221.0636(2)	Theft by bank employe or officer	Imprisoned for not more than 20 years	Class H (from D)
✓ 221.0637(2)	Illegal commission to bank office and employes	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
221.1004(2)	False statements related to records, reports and legal processes. state banks	Fine not less than \$1,000 nor more than \$5,000, or imprisoned not less than one year nor more than 10 years . or both	Class F
✓ 285.87(2)(b)	Intentional violations of air pollution statutes and rules, second and subsequent convictions	Fine not more than \$50,000 per day of violation or imprisonment for not more than 2 years or both	Class I KEEP OLD MAX FINE
✓ 291.97(2)(b)	1. Transportation of hazardous waste to an unlicensed facility or site 2. Storage. treatment. transportation or disposal of any hazardous waste without a license	Fine not less than \$1,000 nor more than \$100,000 or imprisoned not more than 5 years or both	Class H KEEP OLD MAX FINE

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A – I System
✓ 291.97(2)(c)1.	Second or subsequent violation of hazardous waste handling reporting requirements	Fine not less than \$1,000 nor more than \$50,000 or imprisoned not more than one year in state prison or both	Class A misd KEEP OLD MAX FINE
✓ 291.97(2)(c)2.	Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal	Fine not less than \$5,000 nor more than \$150,000 or imprisoned not more than 10 years or both	Class F KEEP OLD MAX FINE
✓ 299.53(4)(c)2.	False statement to DNR related to used oil facilities, second or subsequent violations	Fine not more than \$50,000 or imprisonment for not more than 2 years or both	Class I. KEEP OLD MAX FINE
✓ 302.095(2)	Illegal delivery of articles to inmates by prison or jail employees	Imprisoned for not more than 2 years or fined not more than \$500	Class I
✓ 341.605(3)	Unlawful transfer of license plates, insert tag, decal or other evidence of registration or the transfer of counterfeit, forged or fictitious license plates, insert tag, decal or other evidence of registration.	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
✓ 342.06(2)	False statement in an application for a vehicle title	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 342.065(4)(b)	Failing to obtain title for salvage vehicle, with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 342.155(4)(b)	Violation of mileage disclosure requirements with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 342.156(6)(b)	Transfers of leased vehicles, with intent to defraud	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 342.30(3)(a)	Alteration of vehicle identification number	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H
✓ 342.32(3)	Counterfeiting and unlawful possession of certificate of title	Fine not more than \$5,000 or imprisoned not more than 5 years , or both	Class H

I felony

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 344.48(2)	Forged proof of security for past accidents	Fine not more than \$1,000 or imprisoned not more than one year or both	Class A misd.
✓ 346.17(3)(a)	Fleeing an officer	Fine not less than \$300 nor more than \$10,000 and may be imprisoned not more than 2 years	Class I A new Class A misd. Fleeing is under development.
✓ 346.17(3)(b)	Fleeing an officer resulting in bodily harm, or damage to property	Fine not less than \$500 nor more than \$10,000 and may be imprisoned not more than 2 years	Class H (from I)
✓ 346.17(3)(c)	Fleeing an officer resulting in great bodily harm	Fine not less than \$600 nor more than \$10,000 and may be imprisoned not more than 2 years	Class F (from I)
✓ 346.17(3)(d)	Fleeing an officer resulting in death	Fine not less than \$600 nor more than \$10,000 and may be imprisoned not more than 5 years	Class E (from H)
✓ 346.65(2)(e)	OWI - 5" or subsequent offense	Fine not less than \$600 nor more than \$2000 and imprisoned not less than 6 mos. nor more than 5 years	Class H KEEP MIN. FINE & MIN. MANDATORY 6 MOS. JAIL.
✓ 346.65(5)	Negligent use of a vehicle causing great bodily harm	Fine not less than \$600 nor more than \$2,000 and may be imprisoned not less than 90 days nor more than 18 months	Class I
✓ 346.74(5)(b)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person but the person does not suffer great bodily harm	Fine not less than \$300 nor more than \$5,000 or imprisoned not less than 10 days nor more than one year or both	Class A misd.
✓ 346.74(5)(c)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm	Fine not more than \$10,000 or imprisoned not more than 2 years or both	Class I

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Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 346.74(5)(d)	Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death	Fine no more than \$10,000 or imprisoned not more than 5 years or both	Class H
✓ 350.11(2m)	Causing death or injury by interfering with snowmobile route or trail sign or standard	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class H (from I)
✓ 446.07	Violation of Chiropractic Examining Board statutes	Fine not less than \$100 nor more than \$500 or imprisoned not more than one year or both	Class A misd.
	Violation of Dental Examining Board statutes, second or subsequent offenses	Fine not more than \$2,500 or imprisonment for not more than 2 years or both for the 2nd or subsequent conviction within 5 years	Class I 
✓ 450.11(9)(b)	Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class H
✓  450.14(5)	Illegal delivery of poisons	Fine not less than \$100 nor more than \$1,000 or imprisoned not less than one year nor more than 5 years or both	Class H
✓ 4: 450.15(2)	Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant	Fine not less than \$100 nor more than \$1,000 or imprisoned not less than one year nor more than 5 years or both	Class H
✓ 551.58(1)	Willful violation of securities law	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
✓ 552.19(1)	Willful violation of corporate take-over laws	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
✓ 553.52(1)	Willful violation of fraudulent and prohibited practices statutes under state franchise investment law	Fine not more than \$5,000 or imprisoned for not more than 5 years or both	Class G

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 553.52(2)	Fraud in connection with the offer or sale of any franchise	Fine not more than \$5,000 or imprisoned for not more than 5 years or both	Class G
✓ 562.13(3)	Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class I
✓ 562.13(4)	Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H
✓ 565.50(2)	Forged or altered lottery ticket	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class I (from H)
✓ 565.50(3)	Possession of forged or altered lottery ticket	Fine not more than \$10,000 or imprisoned for not more than 2 years or both	Class A misd (from I)
✓ 601.64(4)	Intentional violation of any insurance statute or rule	Fine not more than \$5,000 or imprisoned for not to exceed 3 years or both	Class I
✓ 641.19(4)(a)	Willful violation or failure to comply with statutes or false statements related to employe welfare funds and plans	Fine not more than \$5,000 or imprisoned not more than 5 years or both	Class H
✓ 641.19(4)(b)	Willful and unlawful use of employe welfare funds	Fine not more than \$10,000 or imprisoned not more than 5 years or both	Class I
✓ 765.30(1)(intro)	Marriage outside state to circumvent state law	Fine not less than \$200 nor more than \$1,000, or imprisoned not more than one year, or both	Class A mi
✓ 765.30(2)(intro)	False marriage license statement; unlawful issuance of marriage license; false solemnization of marriage	Fine not less than \$100 nor more than \$1,000, or imprisoned not more than one year, or both	Class A misd.
✓ 768.07	Violation of actions abolished statutes	Fine not less than \$100 nor more than \$1,000 or imprisoned for not more than one year , or both	Class A misd.

Statute	Offense	Current Penalty (prior to 1997 Act 283)	Proposed Class: A - I System
✓ 783.07	Failure or neglect to respond to a writ of mandamus	Fine not more than \$5,000 per officer or imprisonment for a term not exceeding 5 years	Class H
✓ 946.85(1)	Engaging in a continuing criminal enterprise	Imprisoned not less than 10 years nor more than 20 years , and fined not more than \$10,000	Class E (from D)
✓ 968.31(1)(intro)	Illegal interception and disclosure of wire, electronic or oral communications	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class H
✓ 968.34(3)	Illegal use of pen register or trap and trace device	Fine not more than \$10,000 or imprisoned not more than one year or both	Class A misd.
✓ 968.43(3) [formerly 756.13(3). affected by Supreme Court Order 98-08]	Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury	Imprisoned for not more than 5 years	Class H
✓ 977.06(2)(b)	False statement to qualify for assignment of a Public Defender	Fine not more than \$10,000 or imprisoned for not more than 5 years or both	Class I (from H)



State of Wisconsin
1999 - 2000 LEGISLATURE -

LRB-3266/P1
JEO&MGD: /.....
Wlj

D-Note
By Webs
7/28
if possible

PRELIMINARY **DRAFT - NOT READY FOR INTRODUCTION**

Gen Cat

1 **AN ACT** ...; relating to: classification 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.

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

2 **SECTION 1. 6.18**¹ of the statutes is amended to read:

3 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
4 which the elector has moved, any former qualified Wisconsin elector may vote an
5 absentee ballot in the ward of the elector's prior residence in any presidential election
6 occurring within 24 months after leaving Wisconsin by requesting an application
7 form and returning it, properly executed, to the municipal clerk of the elector's prior
8 Wisconsin residence. When requesting an application form for an absentee ballot,
9 the applicant shall specify the applicant's eligibility for only the presidential ballot.
10 The application form shall require the following information and be in substantially
11 the following form:

1 This blank shall be returned to the municipal clerk's office. Application must
2 be received in sufficient time for ballots to be mailed and returned prior to any
3 presidential election at which applicant wishes to vote. Complete all statements in
4 full.

5 APPLICATION FOR PRESIDENTIAL
6 ELECTORS ABSENT BALLOT.

7 (To be voted at the Presidential Election
8 on November (year)

9 I, hereby swear or affirm that I am a citizen of the United States, formerly
10 residing at in the ward aldermanic district (city, town, village) of County
11 of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or
12 affirm that I do not qualify to register or vote under the laws of the State of. . . (State
13 you now reside in) where I am presently residing. A citizen must be a resident of:
14 State . . . (Insert time) County . . . (Insert time) City, Town or Village . . . (Insert time),
15 in order to be eligible to register or vote therein. I further swear or affirm that my
16 legal residence was established in the State of . . . (the State where you now reside)
17 on Month Day Year.

18 Signed

19 Address . . . (Present address)

20 . . . (City) . . . (State)

21 Subscribed and sworn to before me this day of (year)

22 . . . (Notary Public, or other officer authorized to administer oaths.)

23 . . . (County)

24 My Commission expires

25 MAIL BALLOT TO:

1 NAME
2 ADDRESS
3 CITY STATE ZIP CODE

4 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
5 under this section may be fined not more than \$1,000 or imprisoned for not more than
6 6 months, or both. Whoever intentionally votes more than once in an election may
7 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
8 or both.

9(Municipal Clerk)
10(Municipality)

History: 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9.66 (3); 1991 a. 316; 1997 a. 250.

11 **SECTION 2. 11.61 (1) (a)** of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 **11.61 (1) (a)** ~~Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07~~
14 ~~(1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000~~
15 ~~or imprisoned not more than 3 years or both.~~

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

16 **(a)** ~~Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5),~~
17 ~~11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000 or~~
18 ~~imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449; 1979 c. 328; 1983 a 484; 1985 a 303; 1997 a. 283.

19 **SECTION 3. 11.61 (1) (b)** of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 **11.61 (1) (b)** ~~Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)~~
22 ~~or 11.38 where the intentional violation does not involve a specific figure, or where~~
23 ~~the intentional violation concerns a figure which exceeds \$100 in amount or value~~
24 ~~may be fined not more than \$10,000 or imprisoned not more than 3 years or both.~~

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

2 ~~(b)~~ ^{no 9} Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38
3 where is aultp of a Class I felony if the intentional violation does not involve a
4 specific figure or ~~where if~~ the intentional violation concerns a figure which exceeds
5 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
6 ~~more than 4 years and 6 months or both.~~

7 History: 1973 c. 334; 1975 c. 93 ss. 117,119 (1); 1977 c. 449; 1979 c. 328; 1983 a. 484; 1985 a. 303; 1997 a. 283.

SECTION 4. 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,

8 is amended to read:

9 12.60 (1) (a) ~~Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),~~
10 ~~(j), (k), (L), (m), (y) or (z) may be fined not more than \$10,000 or imprisoned not more~~
11 ~~than 3 years in the Wisconsin state prisons or both.~~

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

12 (a) ~~Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f), (j), (k), (L),~~
13 ~~(m), (y) or (z) may be fined not more than \$10,000 or imprisoned for not more than~~
14 ~~4 years and 6 months or both~~ is guilty of a Class I felony.

15 History: 1973 c. 334; 1975 c. 85; 1977 c. 418 s. 924 (18) (e); 1977 c. 427; 1979 c. 249, 311, 328; 1983 a. 484; 1985 a. 304; 1997 a. 283.

SECTION 5. 13.05 of the statutes, as affected by 1997 Wisconsin Act 283, is

16 amended to read:

17 **13.05 Logrolling prohibited.** ~~Any member of the legislature who gives,~~
18 ~~offers or promises to give his or her vote or influence in favor of or against any~~
19 ~~measure or proposition pending or proposed to be introduced, in the legislature in~~
20 ~~consideration or upon condition that any other person elected to the same legislature~~
21 ~~will give or will promise or agree to give his or her vote or influence in favor of or~~
22 ~~against any other measure or proposition pending or proposed to be introduced in~~
23 ~~such legislature, or who gives, offers or promises to give his or her vote or influence~~
24 ~~for or against any measure on condition that any other member will give his or her~~

1 ~~vote or influence in favor of any change in any other bill pending or proposed to be~~
2 ~~introduced in the legislature may be fined not less than \$500 nor more than \$1,000~~
3 ~~or imprisoned not less than one year nor more than 3 years or both.~~

NOTE: NOTE: This section is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

4 **13.05 Logrolling prohibited.**

Any member of the legislature who gives, offers or
5 promises to give his or her vote or influence in favor of or against any measure or
6 proposition pending or proposed to be introduced, in the legislature in consideration
7 or upon condition that any other person elected to the same legislature will give or
8 will promise or agree to give his or her vote or influence in favor of or against any
9 other measure or proposition pending or proposed to be introduced in such
10 legislature, or who gives, offers or promises to give his or her vote or influence for or
11 against any measure on condition that any other member will give his or her vote or
12 influence in favor of any change in any other bill pending or proposed to be introduced
13 in the legislature ~~may be fined not less than \$500 nor more than \$1,000 or imprisoned~~
14 ~~for not less than one year nor more than 4 years and 6 months or both,~~ is guilty of
15 a Class I felony.

History: 1991 a. 316; 1997 a. 283.

16 **SECTION 6.** 13.06 of the statutes, as affected by 1997 Wisconsin Act 283, is

17 amended to read:

18 **13.06 Executive favor.**

19 ~~Any member of the legislature who gives, offers or~~
20 ~~promises to give his or her vote or influence in favor of or against any measure or~~
21 ~~proposition pending or proposed to be introduced in the legislature, or that has~~
22 ~~already been passed by either house of the legislature, in consideration of or on~~
23 ~~condition that the governor approve, disapprove, veto or sign, or agree to approve,~~
24 ~~disapprove, veto or sign, any other measure or proposition pending or proposed to be~~
~~introduced in the legislature or that has already been passed by the legislature, or~~

SECTION 6

1 either house thereof, or in consideration or upon condition that the governor
 2 nominate for appointment or appoint or remove any person to or from any office or
 3 position under the laws of this state, may be fined not less than \$500 nor more than
 4 \$1,000 or imprisoned not less than one year nor more than 2 years or both.

NOTE: NOTE: This section is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

5 **13.06 Executive favor.** Any member of the legislature who gives, offers or
 6 promises to give his or her vote or influence in favor of or against any measure or
 7 proposition pending or proposed to be introduced in the legislature, or that has
 8 already been passed by either house of the legislature, in consideration of or on
 9 condition that the governor approve, disapprove, veto or sign, or agree to approve,
 10 disapprove, veto or sign, any other measure or proposition pending or proposed to be
 11 introduced in the legislature or that has already been passed by the legislature, or
 12 either house thereof, or in consideration or upon condition that the governor
 13 nominate for appointment or appoint or remove any person to or from any office or
 14 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
 15 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
 16 of a Class I felony.

History: 1991 a. 316; 1997 a. 35, 283.

17 **SECTION 7.** 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,
 18 is amended to read:

19 **13.69 (6m)** Any principal, lobbyist or other individual acting on behalf of a
 20 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
 21 he or she does not believe to be true may be fined not more than \$10,000 or
 22 imprisoned for not more than 5 years or both.

NOTE: NOTE: Sub. (6m) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

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Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which he or she does not believe to be true ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

History: 1977 c. 278; 1985 a. 332 s. 2.51 (1); 1989 a. 338,359; 1997 . 186,283.

SECTION 8. 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

~~23.33(13) (cg) Penalties related to causing death br injury; interference with signs and standards. A person who violates sub. (8) (f) 1. shall be fined not more than \$10,000 or imprisoned for not more than 2 years or both if the violation cause the death or injury, as defined in s. 30.67 (3) (b), of another person.~~

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

(cg) *Penalties related to causing death or injury; interference with signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another person.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31 275,359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351.9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283.

SECTION 9. 26.14 (8) ↓ of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

~~26.14 (8) Any person who intentionally sets fire to the land of another or to a marsh shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.~~

NOTE: NOTE: Sub. (8) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

(8) Any person who intentionally sets fire to the land of another or to a marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

History: 1973 c. 336; 1975 c. 365; 1977 c. 449; 1979 c. 110 s. 60 (13); 1979 c. 323; 1983 a. 36, 422; 1989 a. 56, 79; 1995 a. 291; 1997 a. 283.

1 **SECTION 10.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 29.971 (1) (c) ~~For having fish in his or her possession in violation of this chapter~~
4 ~~and the value of the fish under par. (d) exceeds \$1,000, by a fine of not more than~~
5 ~~\$10,000 or imprisonment for not more than 2 years or both.~~

NOTE: NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 and merged by the revisor under s. 13.93 (2) (c) to read: NOTE:

6 (c) For A person having fish in his or her possession in violation of this chapter
7 and is guilty of a Class I felony if the value of the fish under par. (d) exceeds \$1,000,
8 ~~by a fine of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; s. 13.93 (2) (c).

9 **SECTION 11.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 29.971 (1m) (c) ~~For possessing clams in violation of s. 29.537, if the value of the~~
12 ~~clams under par. (d) exceeds \$1,000, by a fine of not more than \$10,000 or~~
13 ~~imprisonment for not more than 2 years or both.~~

NOTE: NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 and merged by the revisor under s. 13.93 (2) (c) to read: NOTE:

14 (c) For A person possessing clams in violation of s. 29.537, is guilty of a Class
15 I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine of not more~~
16 ~~than \$10,000 or imprisonment for not more than 3 years or both.~~

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; s. 13.93 (2) (c).

17 **SECTION 12.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 29.971 (11m) (a) ~~For shooting, shooting at, killing, taking, catching or~~
20 ~~possessing a bear without a valid Class A bear license, or for possessing a bear which~~
21 ~~does not have a carcass tag attached or possessing a bear during the closed season,~~
22 ~~by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not~~

1 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
2 or imprisonment for not more than one year or both for any subsequent violation,
3 and, in addition, the court shall revoke all hunting approvals issued to the person
4 under this chapter and shall prohibit the issuance of any new hunting approval
5 under this chapter to the person for 3 years.

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

6 (a) For shooting, shooting at, killing, taking, catching or possessing a bear
7 without a valid Class A bear license, or for possessing a bear which does not have a
8 carcass tag attached or possessing a bear during the closed season, by a fine of not
9 less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 6
10 months or both for the first violation, or by a fine of not more than ~~\$5,000~~ \$10,000
11 or imprisonment for not more than ~~2 years~~ 9 months or both for any subsequent
12 violation, and, in addition, the court shall revoke all hunting approvals issued to the
13 person under this chapter and shall prohibit the issuance of any new hunting
14 approval under this chapter to the person for 3 years.

History: 1975 c. 365 ss. 45.50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190.336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59.79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; s. 13.93 (2) (c).

15 **SECTION 13. 29.971 (11p) (a)** of the statutes, as affected by 1997 Wisconsin Act,
16 283, is amended to read:

17 **29.971 (11p) (a)** For entering the den of a hibernating black bear and harming
18 the bear, by a fine of not more than \$10,000 or imprisonment for not more than one
19 year or both.

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

20 (a) For entering the den of a hibernating black bear and harming the bear, by
21 a fine of not more than \$10,000 or imprisonment for not more than ~~2 years~~ 9 months
22 or both.

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190.336; 1991 a. 39.269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; s. 13.93 (2) (c).

1 SECTION 14. 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 30.80 (2g) (b) ~~Shall be fined not less than \$300 nor more than \$5,000 or~~
4 ~~imprisoned not more than one year or both if the accident involved injury to a person~~
5 ~~but the person did not suffer great bodily harm.~~

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

6 (b) Shall be fined not ~~less than \$300 nor~~ more than ~~\$5,000~~ \$10,000 or
7 imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved injury
8 to a person but the person did not suffer great bodily harm.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243,331; 1985 a. 332 s. 251 (1); 1989 a. 31,145; 1995 a. 448; 1997 a. 198,283.

9 SECTION 15. 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned not more than~~
12 ~~2 years or both if the accident involved injury to a person and the person suffered~~
13 ~~great bodily harm.~~

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

14 (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more than 3 years~~
15 ~~or both~~ Is guilty of a Class I felony if the accident involved injury to a person and the
16 person suffered great bodily harm.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243,331; 1985 a. 332 s. 251 (1); 1989 a. 31,145; 1995 a. 448; 1997 a. 198,283.

17 SECTION 16. 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned not more than~~
20 ~~5 years or both if the accident involved death to a person.~~

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

1 ~~no 9~~ ~~(d)~~ Shall be fined not more than \$10,000 or imprisoned for not more than 7
 2 years and 6 months or both **is guilty of a Class H felony if the accident involved death**
 3 **to a person.**

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1, 3; 1985 a. 243,331; 1985 a. 332s. 251 (1); 1989 a. 31,145; 1995 a. 198,283.

4 **SECTION 17. 30.80 (3m)** ~~of the statutes, as affected by 1997 Wisconsin 448; Act 283,~~

5 is amended to read:

6 **30.80 (3m)** ~~Any person violating S. 30.547 (l), (3) or (4) shall be fined not more~~
 7 ~~than \$5,000 or imprisoned not more than 5 years or both.~~

NOTE: NOTE: Sub. (3m) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

8 **(3m)** Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more than~~
 9 ~~\$5,000 or imprisoned not more than 7~~ **ars and 6 months or both is guilty of a Class**
 10 **H felony.**

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1, 3; 1985 a. 243,331; 1985 a. 332s. 251 (1); 1989 a. 31,145; 1995 a. 198,283.

11 **SECTION 18. 36.25 (6) (d)** ~~of the statutes, as affected by 1997 Wisconsin 448; Act 283,~~

12 is amended to read:

13 **36.25 (6) (d)** ~~Any officer, agent, clerk or employe of the survey or department~~
 14 ~~of revenue who makes known to any person except the officers of the survey or~~
 15 ~~department of revenue, in any manner, any information given to such person in the~~
 16 ~~discharge of such person's duties under par. (c), which information was given to such~~
 17 ~~person with the request that it not be made known, upon conviction thereof, shall be~~
 18 ~~finned not less than \$50 nor more than \$500, or imprisoned in the county jail for not~~
 19 ~~less than one month nor more than 6 months, or imprisoned in the Wisconsin state~~
 20 ~~prisons for not more than 2 years. This paragraph shall not prevent the use for~~
 21 ~~assessment purposes of any information obtained under this subsection.~~

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

22 **(d)** Any officer, agent, clerk or employe of the survey or department of revenue
 23 who makes known-to any person except the officers of the survey or department of

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1 revenue, in any manner, any information given to such person in the discharge of
2 such person's duties under par. (c), which information was given to such person with
3 the request that it not be made known, ~~upon conviction the [redacted] be fined not less~~
4 ~~than \$50 nor more than \$500 or imprisoned for not less than one month nor more~~
5 ~~than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent the use
6 for assessment purposes of any information obtained under this subsection.

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422;
1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s 57; 1985 a. 332
s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 3 5, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5),
9126 (19), 9145 (1); 1995 8.54, 101, 216, 225, 227, 378, 404, 417; 1 97 a. 27, 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283.

7 **SECTION 19.** 47.03 (3) (d) **3** of the statutes, as affected by 1997 Wisconsin Act **283**,
8 is amended to read:

9 47.03 (3) (d) ~~Any person who violates this subsection shall be fined not more-~~
10 ~~than \$1,000 or imprisoned not more than one year or both.~~

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

11 (d) Any person who violates this subsection shall be fined not more than \$1,000
12 \$10,000 or imprisoned for not more than 2 years 9 months or both.

History: 1983 a. 435; 1985 a. 29, 266; 1987 a. 27; 1989 a. 31; 1991 a. 39, 178; 1993 a. 16; 1995 a. 27; 1997 a. 27, 36, 112, 283.

13 **SECTION 20.** 49.127 (8) (a) **2.** of the statutes, as affected by 1997 Wisconsin Act
14 **283**, is amended to read:

15 49.127 (8) (a) **2.** ~~If the value of the food coupons exceeds \$100, but is less than~~
16 ~~\$5,000, a person who violates this section may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Subd. 2. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

18 **2.** If the value of the food coupons exceeds \$100, but is less than \$5,000, a person
19 who violates this section ~~may be fined not n [redacted] han \$10,000 or imprisoned for not~~
20 ~~more than 7 years and 6 m [redacted] ths or both~~ is guilty of a Class I felony.

History: 1987 a. 27, 399; 1997 a. 27, 283.

21 **SECTION 21.** 49.127 (8) (b) **2.** of the statutes, as affected by 1997 Wisconsin Act
22 **283**, is amended to read:

1 49.127 (8) (b) 2. ~~If the value of the food coupons exceeds \$100, but is less than~~
2 ~~\$5,000, a person who violates this section may be fined not more than \$10,000 or~~
3 ~~imprisoned for not more than 5 years or both.~~

~~NOTE:NOTE: Subd. 2. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:~~

4 2. If the value of the food coupons exceeds \$100, but is less than \$5,000, a person
5 who violates this section may be fined not more than \$10,000 or imprisoned for not
6 more than 7 years and 6 months or both is guilty of a Class H felony.

History: 1987 a. 21,399; 1997 a. 27,283.

7 **SECTION 22.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 49.127 (8) (c) ~~For any offense under this section, if the value of the food coupons~~
10 ~~is \$5,000 or more, a person who violates this section may be fined not more than~~
11 ~~\$250,000 or imprisoned for not more than 20 years or both.~~

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

12 (c) For any offense under this section, if the value of the food coupons is \$5,000
13 or more, a person who violates this section may be fined not more than \$250,000 or
14 imprisoned ~~for not more than 20 years or both~~ is guilty of a Class G felony.

History: 1987 a. 27,399; 1997 a. 21,283.

15 **SECTION 23.** 49.141 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 49.141 (7) (a) ~~A person who is convicted of violating sub. (6) in connection with~~
18 ~~the furnishing by that person of items or services for which payment is or may be~~
19 ~~made under Wisconsin works may be fined not more than \$25,000 or imprisoned for~~
20 ~~not more than 5 years or both.~~

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

21 (a) A person who is convicted of violating sub. (6) in connection with the
22 furnishing by that person of items or services for which payment is or may be made

1 under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for not~~
2 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony

History: 1995 a. 289; 1997 a. 27, 41, 283.

3 SECTION 24. 49.141 (7) (b)¹ of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 49.141 (7) (b) ~~A person, other than a person under par. (a), who is convicted of~~
6 ~~violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than~~
7 ~~one year or both.~~

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

8 (b) A person, other than a person under par. (a), who is convicted of violating
9 sub. (6) may be fined not more than \$10,000 or imprisoned for not more than 2 years
10 9 months or both.

History: 1995 a. 289; 1997 a. 27, 41, 283.

11 SECTION 25. 49.141 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 49.141 (9) (a) ~~Whoever solicits or receives any remuneration in cash or in-kind,~~
14 ~~in return for referring an individual to a person for the furnishing or arranging for~~
15 ~~the furnishing of any item or service for which payment may be made in whole or in~~
16 ~~part under Wisconsin works, or in return for purchasing, leasing, ordering, or~~
17 ~~arranging for or recommending purchasing, leasing, or ordering any good, facility,~~
18 ~~service, or item for which payment may be made in whole or in part under Wisconsin~~
19 ~~works, may be fined not more than \$25,000 or imprisoned for not more than 5 years~~
20 ~~or both.~~

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

21 (a) Whoever solicits or receives any remuneration in cash or in-kind, in return
22 for referring an individual to a person for the furnishing or arranging for the
23 furnishing of any item or service for which payment may be made in whole or in part

1 under Wisconsin works, or in return for purchasing, leasing, ordering, or arranging
 2 for or recommending purchasing, leasing, or ordering any good, facility, service, or
 3 item for which payment may be made in whole or in part under Wisconsin works, is
 4 guilty of a Class H felony, except that, notwithstanding the maximum fine specified
 5 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~
 6 ~~not more than 7 years and 6 months or both~~

History: 1995 a. 289; 1997 a. 27, 41, 283.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

7 **SECTION 26.** 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
 8 283, is amended to read:

9 49.141 (9) (b) ~~Whoever offers or pays any remuneration in cash or in-kind to~~
 10 ~~any person to induce the person to refer an individual to a person for the furnishing~~
 11 ~~or arranging for the furnishing of any item or service for which payment may be made~~
 12 ~~in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange~~
 13 ~~for or recommend purchasing, leasing, or ordering any good, facility, service or item~~
 14 ~~for which payment may be made in whole or in part under any provision of Wisconsin~~
 15 ~~works, may be fined not more than \$25,000 or imprisoned for not more than 5 years~~
 16 ~~or both.~~

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

17 (b) Whoever offers or pays any remuneration in cash or in-kind to any person
 18 to induce the person to refer an individual to a person for the furnishing or arranging
 19 for the furnishing of any item or service for which payment may be made in whole
 20 or in part under Wisconsin works, or to purchase, lease, order, or arrange for or
 21 recommend purchasing, leasing, or ordering any good, facility, service or item for
 22 which payment may be made in whole or in part under any provision of Wisconsin
 23 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine

1 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
 2 ~~imprisoned for not more than 7 years and 6 months or both.~~

***NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

3 History: 1995 a. ~~SECTION 273.~~ 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
 4 283, is amended to read:

5 49.141 (10) (b) ~~A person who violates this subsection may be fined not more~~
 6 ~~than \$25,000 or imprisoned for not more than 5 years or both.~~

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

7 (b) A person who violates this subsection is guilty of a Class H felony, except
 8 that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may
 9 be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
 10 nr.

***NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1995 a. 289; 1997 a. 27, 41, 283.

11 **SECTION 28.** 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
 12 283, is amended to read:

13 49.49 (1) (b) 1. ~~In the case of such a statement, representation, concealment,~~
 14 ~~failure, or conversion by any person in connection with the furnishing by that person~~
 15 ~~of items or services for which medical assistance is or may be made, a person~~
 16 ~~convicted of violating this subsection may be fined not more than \$25,000 or~~
 17 ~~imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Subd. 1. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

18 1. In the case of such a statement, representation, concealment, failure, or
 19 conversion by any person in connection with the furnishing by that person of items
 20 or services for which medical assistance is or may be made, a person ~~convicted of~~
 21 violating this subsection is guilty of a Class H felony, except that, notwithstanding

1 the maximum fine specified in s. 939.50 (3)(h), the person may be fined not more than
2 \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

***NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23, 31; 1995 a. 27; 1997 a. 283.

3 SECTION 29. 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 49.49 (2) (a) ~~Solicitation or receipt of remuneration. Any person who solicits~~
6 ~~or receives any remuneration, including any kickback, bribe, or rebate, directly or~~
7 ~~indirectly, overtly or covertly, in cash or in kind, in return for referring an individual~~
8 ~~to a person for the furnishing or arranging for the furnishing of any item or service~~
9 ~~for which payment may be made in whole or in part under a medical assistance~~
10 ~~program, or in return for purchasing, leasing, ordering, or arranging for or~~
11 ~~recommending purchasing, leasing, or ordering any good, facility, service, or item for~~
12 ~~which payment may be made in whole or in part under a medical assistance program,~~
13 ~~may be fined not more than \$25,000 or imprisoned for not more than 5 years or both.~~

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

14 (a) Solicitation or receipt of remuneration. Any person who solicits or receives
15 any remuneration, including any kickback, bribe, or rebate, directly or indirectly,
16 overtly or covertly, in cash or in kind, in return for referring an individual to a person
17 for the furnishing or arranging for the furnishing of any item or service for which
18 payment may be made in whole or in part under a medical assistance program, or
19 in return for purchasing, leasing, ordering, or arranging for or recommending
20 purchasing, leasing, or ordering any good, facility, service, or item for which payment
21 may be made in whole or in part under a medical assistance program, is guilty of a
22 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50

1 (3)(h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~
2 ~~than 7 years and 6 months or both.~~

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 320²(23); 1985 a. 269; 1989 a. 23, 31; 1995a. 27; 1997 a. 283.

3 SECTION 30. 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 49.49 (2) (b) ~~Offer or payment of remuneration. Whoever offers or pays any~~
6 ~~remuneration including any kickback, bribe, or rebate directly or indirectly, overtly~~
7 ~~or covertly, in cash or in kind to any person to induce such person to refer an~~
8 ~~individual to a person for the furnishing or arranging for the furnishing of any item~~
9 ~~or service for which payment may be made in whole or in part under a medical~~
10 ~~assistance program, or to purchase, lease, order, or arrange for or recommend~~
11 ~~purchasing, leasing, or ordering any good, facility, service or item for which payment~~
12 ~~may be made in whole or in part under a medical assistance program, may be fined~~
13 ~~not more than \$25,000 or imprisoned for not more than 5 years or both.~~

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

14 (b) Offer or payment of remuneration. Whoever offers or pays any
15 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
16 or covertly, in cash or in kind to any person to induce such person to refer an
17 individual to a person for the furnishing or arranging for the furnishing of any item
18 or service for which payment may be made in whole or in part under a medical
19 assistance program, or to purchase, lease, order, or arrange for or recommend
20 purchasing, leasing, or ordering any good, facility, service or item for which payment
21 may be made in whole or in part under a medical assistance program, is guilty of a
22 Class H felony. except that, notwithstanding the maximum fine specified in s. 939.50

1 (3)(h) the person may be fined not more than \$25,000 or imprisoned for not more
2 than 7 years and 6 months or both.

***NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. c. (23); 1985 a. 269; 1989 a. 23.31; 1995 a. 27; 1997 a. 283.

3 SECTION 31. 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
6 and wilfully make or cause to be made, or induce or seek to induce the making of, any
7 false statement or representation of a material fact with respect to the conditions or
8 operation of any institution or facility in order that such institution or facility may
9 qualify either upon initial certification or upon recertification as a hospital, skilled
10 nursing facility, intermediate care facility, or home health agency. Violators of this
11 subsection may be fined not more than \$25,000 or imprisoned for not more than 5
12 years or both.

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

13 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly and
14 wilfully make or cause to be made, or induce or seek to induce the making of, any false
15 statement or representation of a material fact with respect to the conditions or
16 operation of any institution or facility in order that such institution or facility may
17 qualify either upon initial certification or upon recertification as a hospital, skilled
18 nursing facility, intermediate care facility, or home health agency. Violators of A
19 person who violates this subsection is guilty of a Class H felony, except that,
20 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
21 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months
22 or both.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23.31; 1995 a. 27; 1997 a. 283.

SECTION 32. 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

49.49 (3m) (b) ~~A person who violates this subsection may be fined not more than \$25,000 or imprisoned not more than 5 years or both.~~

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

(b) A person who violates this subsection is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (3); 1985 a. 269; 1989 a. 23.31; 1995 a. 27; 1997 a. 283.

SECTION 33. 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

49.49 (4) (b) ~~A person who violates this subsection may be fined not more than \$25,000 or imprisoned not more than 5 years or both.~~

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

(b) A person who violates this subsection is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months or both.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23.31; 1995 a. 27; 1997 a. 283.

SECTION 34. 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283, is renumbered 49.95 (1) (intro.) and amended to read:

1 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
 2 this chapter, whether for himself or herself or for some other person, wilfully makes
 3 any false representations may, if the value of the assistance so secured does not
 4 exceed \$300, be required to forfeit not more than \$1,000; if the value of the assistance
 5 exceeds \$300 but does not exceed \$1,000, be fined not more than \$250 or imprisoned
 6 for not more than 6 months or both; if the value of the assistance exceeds \$1,000 but
 7 does not exceed \$2,500, be fined not more than \$500 or imprisoned for not more than
 8 5 years or both; and if the value of the assistance exceeds \$2,500, be punished as
 9 prescribed under s. 943.20 (3) (c).

NOTE: NOTE: Sub. (1) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

10 (1) Any person who, with intent to secure public assistance under this chapter,
 11 whether for himself or herself or for some other person, wilfully makes any false
 12 representations ~~may, if~~ is subject to the following penalties:

13 (a) If the value of the assistance so secured does not exceed \$300, the person
 14 may be required to forfeit not more than \$1,000; if,

15 (b) the value of the assistance exceeds \$300 but does not exceed \$1,000, the
 16 person may be fined not more than \$250 or imprisoned for not more than 6 months
 17 or both; if,

18 (c) the value of the assistance exceeds \$1,000 but does not exceed \$2,500, be
 19 fined not more than \$500 or imprisoned for not more than 7 years and 6 months or
 20 both; and if the person is guilty of a Class H felony.

21 (d) the value of the assistance exceeds \$2,500, be punished as prescribed
 22 under s. 943.20 (3) (e) the person is guilty of a Class ?? felony.

History: 1971 c. 182; 1977 c. 303; 1981 c. 20; 1981 c. 79 s. 17; 1981 c. 390 s. 252; 1983 a. 368; 1985 a. 29 ss. 1002 to 1004, 3200 (23); 1987 a. 27,403; 1991 a. 39,316, 322; 1995 a. 27 ss. 2771 to 2179, 2781 to 2784, 3220; Stats. 1995 s. 49.95; 1995 a. 289; 1997 a. 283.

√ ***NOTE: The penalty for an offense involving more than \$2,500 is still under review by the subcommittee.

1 SECTION 35. 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 51.15 (12) ~~PENALTY. Whoever signs a statement under sub. (4), (5) or (10)~~
4 ~~knowing the information contained therein to be false may be fined not more than~~
5 ~~\$5,000 or imprisoned not more than 5 years, or both.~~

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

6 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10) knowing
7 the information contained therein to be false ~~may be fined not more than \$5,000 or~~
8 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
9 felony.

History: 1975 c. 430; 1977 c. 29.428; 1979 c. 175, 300, 336, 355; 1985 s. 176; 1987 a. 366, 394; 1989 a. 56 s. 259; 1993 a. 451; 1995 a. 77, 175, 292; 1997 a. 35, 283.

10 SECTION 36. 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 55.06 (11) (am) ~~Whoever signs a statement under par. (a) knowing the~~
13 ~~information contained therein to be false may be fined not more than \$5,000 or~~
14 ~~imprisoned not more than 5 years, or both.~~

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

15 (am) Whoever signs a statement under par. (a) knowing the information
16 contained therein to be false ~~may be fined not more than \$5,000 or imprisoned for not ..~~
17 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

History: 1973 c. 284; 1975 c. 41; 1975 c. 94 s. 3; 1975 c. 189 s. 99 (2); 1975 c. 393, 421, 422; 1975 c. 430 ss. 67 to 71.80; 1977 c. 26, 299, 428; 1977 c. 449 s. 497; 1979 c. 32 s. 92 (1); 1979 c. 110 s. 60 (1); 1979 c. 221; 1981 c. 314 s. 146; 1981 c. 379; 1983 a. 27; 1983 a. 189 s. 329 (19); 1983 a. 219; 1985 ss. 9, 1143.3202 (23); 1987a366; 1989 a. 31, 359; 1991 a. 269; 1993 a. 187, 451; 1995 a. 27, 92; 1997 a. 23, 233.

18 SECTION 37. 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 66.4025 (1) (b) ~~Any person who secures or assists in securing dwelling~~
21 ~~accommodations under s. 66.402 by intentionally making false representations in~~
22 ~~order to receive at least \$2,500 but not more than \$25,000 in financial assistance for~~

1 ~~which the person would not otherwise be entitled shall be fined not more than~~
2 ~~\$10,000 or imprisoned for not more than 2 years or both.~~

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

3 (b) Any person who secures or assists in securing dwelling accommodations
4 under s. 66.402 by intentionally making false representations in order to receive at
5 least \$2,500 but not more than \$25,000 in financial assistance for which the person
6 would not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned~~
7 ~~for not more than 3 years or both~~ is guilty of a Class I felony.

History: 1987 a. 173,403; 1995 a. 225; 1997 a. 283.

8 SECTION 38. 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 66.4025 (1) (c) ~~Any person who secures or assists in securing dwelling~~
11 ~~accommodations under s. 66.402 by intentionally making false representations in~~
12 ~~order to receive more than \$25,000 in financial assistance for which the person would~~
13 ~~not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not~~
14 ~~more than 5 years or both.~~

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

15 (c) Any person who secures or assists in securing dwelling accommodations
16 under s. 66.402 by intentionally making false representations in order to receive
17 more than \$25,000 in financial assistance for which the person would not otherwise
18 be entitled ~~shall be fined not more than \$10,000 or imprisoned for not more than 7~~
19 ~~years and 6 months or both~~ is guilty of a Class H felony.

History: 1987 a. 173,403; 1995 a. 225; 1997 a. 283.

20 SECTION 39. 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 69.24 (1) (intro.) Any person who does any of the following shall be fined not
23 ~~more than \$10,000 or imprisoned not more than 2 years or both:~~

NOTE: NOTE: NOTE: Sub. (1) (intro.) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

Any person who does any of the following shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony:

History: 1985 a. 315; 1987 a. 247; 1987 a. 403 s. 256; 1997 a. 210.283

SECTION 40. 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

70.47 (18) (a) Whoever with intent to injure or defraud alters, damages, removes or conceals any of the items specified under subs. (8) (f) and (17) may be fined not more than \$1,000 or imprisoned not more than 2 years or both.

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

(a) Whoever with intent to injure or defraud alters, damages, removes or conceals any of the items specified under subs. (8) (f) and (17) may be fined not more than \$1,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

History: 1973 c. 90; 1975 c. 151, 199.427; 1977 c. 29 ss. 755, 1647 (8); 1977 c. 273; 1977 c. 300 ss. 2, 8; 1977 c. 414; 1979 c. 34 ss. 878 to 880, 2102 (46) (b); 1979 c. 95, 110, 355; 1981 c. 20, 289; 1983 a. 192, 219, 432; 1985 a. 39; 1985 a. 120 ss. 155, 3202 (46); 1985 a. 188 s. 16; 1987 a. 27, 139, 254, 378, 399; 1989 a. 31; 1991 a. 39, 156, 218, 315, 316; 1993 a. 82, 307; 1997 a. 237, 252, 283.

SECTION 41. 71.83 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

71.83 (2) (b) 1. 'False income tax return; fraud.' Any person, other than a corporation or limited liability company, who renders a false or fraudulent income tax return with intent to defeat or evade any assessment required by this chapter shall be guilty of a felony and may be fined not to exceed \$10,000 or imprisoned for not to exceed 5 years or both, together with the cost of prosecution. In this subdivision, "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is filed under s. 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by the spouses with respect to a taxable year for which a separate return is filed under s. 71.03 (2) (m) after the filing of that joint return.

1 2. 'Officer of a corporation; false franchise or income tax return.' Any officer
2 of a corporation or manager of a limited liability company required by law to make,
3 render, sign or verify any franchise or income tax return, who makes any false or
4 fraudulent franchise or income tax return, with intent to defeat or evade any
5 assessment required by this chapter shall be guilty of a felony and may be fined not
6 to exceed \$10,000 or imprisoned for not to exceed 5 years or both, together with the
7 cost of prosecution.

8 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,
9 depositing or concealing any property upon which a levy is authorized with intent
10 to evade or defeat the assessment or collection of any tax administered by the
11 department may be fined not more than \$5,000 or imprisoned for not more than 3
12 years or both, together with the costs of prosecution.

13 4. 'Fraudulent claim for credit.' The claimant who filed a claim for credit under
14 s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was filed
15 with fraudulent intent and any person who assisted in the preparation or filing of the
16 false or excessive claim or supplied information upon which the false or excessive
17 claim was prepared, with fraudulent intent, may be fined not to exceed \$10,000 or
18 imprisoned for not to exceed 5 years or both, together with the cost of prosecution.

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

19 (b) *Felony.* 1. 'False income tax return; fraud.' Any person, other than a
20 corporation or limited liability company, who renders a false or fraudulent income
21 tax return with intent to defeat or evade any assessment required by this chapter
22 shall be is guilty of a Class H felony and may be fined ~~not more than \$10,000 or~~
23 ~~imprisoned for not more than 7 years and 6 months or both, together with~~
24 the cost of prosecution. In this subdivision, "return" includes a separate return filed

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1 by a spouse with respect to a taxable year for which a joint return is filed under s.
2 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
3 the spouses with respect to a taxable year for which a separate return is filed under
4 s. 71.03 (2) (m) after the filing of that joint return.

5 2. 'Officer of a corporation; false franchise or income tax return.' Any officer
6 of a corporation or manager of a limited liability company required by law to make,
7 render, sign or verify any franchise or income tax return, who makes any false or
8 fraudulent franchise or income tax return, with intent to defeat or evade any
9 assessment required by this chapter ~~shall be~~ is guilty of a Class H felony and may
10 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
11 ~~or both, together with~~ assessed the cost of prosecution.

12 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,
13 depositing or concealing any property upon which a levy is authorized with intent
14 to evade or defeat the assessment or collection of any tax administered by the
15 department is guilty of a Class I felony and may be ~~fined not more than \$5,000 or~~
16 ~~imprisoned for not more than 4 years and 6 months or both, together with~~ assessed
17 the ~~costs~~ cost of prosecution.

18 4. 'Fraudulent claim for credit.' ~~The~~ A claimant who ~~filed~~ files a claim for credit
19 under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and ~~was~~
20 filed with fraudulent intent and any person who ~~assisted,~~ with fraudulent intent,
21 assists in the preparation or filing of the false or excessive claim or supplied
22 information upon which the false or excessive claim was prepared-
23 ~~intent,~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or~~

1 ~~imprisoned for not more than 7 years and 6 months or both, together with~~ assessed
2 the cost of prosecution.

History: 1987 a. 312; 1989 a. 31.90; 1991 a. 39, 190, 269, 315; 1993 a. 16, 112, 213; 1995 a. 428, 453; 1997 a. 27, 237, 283, 323.

3 **SECTION 42.** 86.192 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 86.192 (4) ~~Any person who violates this section shall be fined up to \$10,000 or~~
6 ~~imprisoned not more than 2 years, or both fined and imprisoned, if the injury,~~
7 ~~defacement or removal causes the death of a person.~~

NOTE: NOTE: Sub. (4) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

8 (4) Any person who violates this section ~~shall be fined not more than \$10,000~~
9 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony if the
10 injury, defacement or removal causes the death of a person.

History: 1975 c. 169.421; 1997 a. 283.

11 **SECTION 43.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 97.43 (4) ~~Whoever violates this section may be fined not less than \$500 nor~~
14 ~~more than \$5,000 or imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Sub. (4) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

15 (4) Whoever violates this section ~~may be fined not less than \$500 nor more than~~
16 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is auilty of a
17 Class H felony.

History: 1971 c. 40 s. 93; 1979 c. 129 s. 6; Stats. 1979 s. 97.43; 1981 c. 66; 1985 a. 229; 1997 a. 283.

18 **SECTION 44.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is amended to read:

20 97.45 (2) ~~Whoever violates this section may be fined not less than \$500 nor~~
21 ~~more than \$5,000 or imprisoned for not more than 5 years, or both.~~

NOTE: NOTE: Sub. (2) is amended eff. U-31-99 by 1997 Wis. Act 283 to read:NOTE:

1 ~~(1)~~ ~~(1)~~ ~~(1)~~ Whoever violates this section ~~may be fined not less than \$500 nor more than~~
 2 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
 3 Class H felony.

History: 1977 c. 216 s. 4; Stats. 1977 s. 91.45; 1985 a. 229; 1997 a. 283

4 SECTION 45. 100.171 (7) (b) of the statutes is amended to read:

5 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
 6 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
 7 I felony. A person intentionally violates this section if the violation occurs after the
 8 department or a district attorney has notified the person by certified mail that the
 9 person is in violation of this section.

History: 1991 a. 269,315; 1995 a. 27; 1997 a. 111 s. 28; Stats. 1997 s. 100.171; 1997 a. 283.

10 SECTION 46. 100.2095 (6) (d) of the statutes is amended to read:

11 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) ~~may be fined not less~~
 12 ~~than \$100 nor more than \$1,000 or imprisoned for not more than one year or both~~ is
 13 guilty of a Class I felony. Each day of violation constitutes a separate offense.

NOTE: Note: This section was created as 100.209 by 1997 Wis. Act 260 and renumbered by the revisor under s. 13.93 (1) (b). NOTE:

History: 1997 a. 260; s. 13.93 (1) (b).

14 SECTION 47. 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
 15 is amended to read:

16 100.26 (2) ~~Any person violating s. 100.02 shall be guilty of a felony and upon~~
 17 ~~conviction shall be fined not less than \$50 nor more than \$3,000 or imprisoned for~~
 18 ~~not less than 30 days nor more than 3 years, or both.~~

NOTE: Note: Sub. (2) is affected by two acts of the 1997 legislature eff. 12-31-99 and is merged by the revisor under s. 13.93 (2) (c) to read as shown below. The bracketed language was inserted by 1997 Wis. Act 253 but rendered without effect by 1997 Wis. Act 283. Corrective legislation is pending. NOTE:

19 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor more than~~
 20 ~~\$3,000 or imprisoned for not less than 30 days nor more than 4 years and 6 months~~
 21 or both is guilty of a Class I felony.

History: 1975 c. 39; 1979 c. 327; 1981 c. 90; 1981 c. 124 s. 9; 1983 a. 500; 1985 a. 288; 1989 a. 31; 1993 a. 414; 1995 a. 27; 1997 a. 55, 111, 201, 253, 283; s. 13.93 (2) (c).

1 **SECTION 48.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 100.26 (5) ~~Any person violating s. 100.06 or any order or regulation of the~~
4 ~~department thereunder, or s. 100.18 (9), shall be fined not less than \$100 nor more~~
5 ~~than \$1,000 or imprisoned for not more than one year or both. Each day of violation~~
6 ~~constitutes a separate offense.~~

NOTE: Note: Sub. (5) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

7 (5) Any person violating s. 100.06 or any order or regulation of the department
8 thereunder, or s. 100.18 (9), shall may be fined not ~~less than \$100 nor~~ more than
9 ~~\$1,000~~ \$10,000 or ~~imprisoned for not more than 2 years 9 months or both.~~ y
10 of violation constitutes a separate offense.

History: 1975 c. 39; 1979 c. 327; 1981 c. 90; 1981 c. 124 s. 9; 1983 a. 500; 1985 a. 288; 1989 a. 31; 1993 a. 414; 1995 a. 27; 1997 a. 55, 111, 201, 253, 283; s. 13.93 (2) (c).

11 **SECTION 49.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 100.26 (7) ~~Any person violating s. 100.182 shall be fined not less than \$500 nor~~
14 ~~more than \$5,000 or imprisoned not more than one year or both for each offense.~~
15 ~~Each unlawful advertisement published, printed or mailed on separate days or in~~
16 ~~separate publications, hand bills or direct mailings is a separate violation of this~~
17 ~~section.~~

NOTE: Note: Sub. (7) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

18 (7) Any person violating s. 100.182 shall may be fined not ~~less than \$500 nor~~
19 ~~more than \$5,000~~ \$10,000 or ~~imprisoned for not more than 2 years 9 months or both~~
20 ~~for each offense. Each unlawful advertisement published, printed or mailed on~~
21 ~~separate days or in separate publications, hand bills or direct mailings is a separate~~
22 ~~violation of this section.~~

History: 1975 c. 39; 1979 c. 327; 1981 c. 90; 1981 c. 124 s. 9; 1983 a. 500; 1985 a. 288; 1989 a. 31; 1993 a. 414; 1995 a. 27; 1997 a. 55, 111, 201, 253, 283; s. 13.93 (2) (c).

1 SECTION 50. 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 101.143 (10) (b) ~~Any owner or operator, person owning a home oil tank system
4 or service provider who intentionally destroys a document that is relevant to a claim
5 for reimbursement under this section may be fined not more than \$10,000 or
6 imprisoned for not more than 10 years or both.~~

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

7 (b) Any owner or operator, person owning a home oil tank system or service
8 provider who intentionally destroys a document that is relevant to a claim for
9 reimbursement under this section ~~may be fined not more than \$10,000 or imprisoned
10 for not more than 15 years or both~~ is guilty of a Class G felony.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283.

11 SECTION 51. 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 101.94 (8) (b) ~~Any individual or a director, officer or agent of a corporation who
14 knowingly and wilfully violates this subchapter in a manner which threatens the
15 health or safety of a purchaser shall be fined not more than \$1,000 or imprisoned not
16 more than one year or both.~~

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

17 (b) Any individual or a director, officer or agent of a corporation who knowingly
18 and wilfully violates this subchapter in a manner which threatens the health or
19 safety of a purchaser ~~shall~~ may be fined not more than ~~\$1,000~~ \$10,000 or imprisoned
20 for not more than ~~2 years~~ 9 months or both.

History: 1973 c. 116; 1977 c. 29; 1979 c. 221 ss. 552 to 556, 2202 (25); 1983 a. 27 ss. 1375r to 1375s, 2200 (25); 1989 a. 31; 1995 a. 27 s 9126 (19); 1997 a. 283.

21 SECTION 52. 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

1 102.835 (11) ~~EVASION. Any person who removes, deposits or conceals or aids in~~
2 ~~removing, depositing or concealing any property upon which a levy is authorized~~
3 ~~under this section with intent to evade or defeat the assessment or collection of any~~
4 ~~debt may be fined not more than \$5,000 or imprisoned for not more than 3 years or~~
5 ~~both, and shall be liable to the state for the costs of prosecution.~~

NOTE: NOTE: Sub. (11) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

6 (11) EVASION. Any person who removes, deposits or conceals or aids in
7 removing, depositing or concealing any property upon which a levy is authorized
8 under this section with intent to evade or defeat the assessment or collection of any
9 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
10 ~~6 months or both,~~ is guilty of a Class I felony and shall be liable to the state for the
11 costs of prosecution.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283.

12 SECTION 53. 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 102.835 (18) ~~RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No~~
15 ~~employer may discharge or otherwise discriminate with respect to the terms and~~
16 ~~conditions of employment against any employe by reason of the fact that his or her~~
17 ~~earnings have been subject to levy for any one levy or because of compliance with any~~
18 ~~provision of this section. Whoever wilfully violates this subsection may be fined not~~
19 ~~more than \$1,000 or imprisoned for not more than one year or both.~~

NOTE: NOTE: Sub. (18) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

20 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No employer
21 may discharge or otherwise discriminate with respect to the terms and conditions of
22 employment against any employe by reason of the fact that his or her earnings have
23 been subject to levy for any one levy or because of compliance with any provision of

1 this section. Whoever wilfully violates this subsection may be fined not more than
2 ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187,283.

3 **SECTION 54.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 102.85 (3) ~~An employer who violates an order to cease operations under s.~~
6 ~~102.28 (4) may be fined not more than \$10,000 or imprisoned for not more than 2~~
7 ~~years or both.~~

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

8 (3) ~~An employer who violates an order to cease operations under s. 102.28 (4)~~
9 ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~
10 ~~is guilty of a Class I felony.~~

History: 1989 a. 64; 1993 a. 81; 1995 a. 201; 1997 a. 283.

11 **SECTION 55.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 108.225 (11) ~~EVASION. Any person who removes, deposits or conceals or aids in~~
14 ~~removing, depositing or concealing any property upon which a levy is authorized~~
15 ~~under this section with intent to evade or defeat the assessment or collection of any~~
16 ~~debt may be fined not more than \$5,000 or imprisoned for not more than 3 years or~~
17 ~~both, and shall be liable to the state for the costs of prosecution.~~

NOTE: NOTE: Sub. (11) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

18 (11) ~~EVASION. Any person who removes, deposits or conceals or aids in~~
19 ~~removing, depositing or concealing any property upon which a levy is authorized~~
20 ~~under this section with intent to evade or defeat the assessment or collection of any~~
21 ~~debt may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
22 ~~6 months or both, is guilty of a Class I felony and shall be liable to the state for the~~
23 ~~costs of prosecution.~~

History: 1989 a. 77; 1997 a. 187,283.

1 **SECTION 56.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 **108.225 (18)** ~~RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No~~
4 ~~employer may discharge or otherwise discriminate with respect to the terms and~~
5 ~~conditions of employment against any employe by reason of the fact that his or her~~
6 ~~earnings have been subject to levy for any one levy or because of compliance with any~~
7 ~~provision of this section. Whoever wilfully violates this subsection may be fined not~~
8 ~~more than \$1,000 or imprisoned for not more than one year or both.~~

NOTE: NOTE: Sub. (18) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

9 **(18)** ~~RESTRICTION ON EMPLOYMENT PENALTIES~~ BY REASON OF LEVY. No employer
10 may discharge or otherwise discriminate with respect to the terms and conditions of
11 employment against any employe by reason of the fact that his or her earnings have
12 been subject to levy for any one levy or because of compliance with any provision of
13 this section. Whoever wilfully violates this subsection may be fined not more than
14 ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

History: 1989a. 71; 1997a. 187. 283.

15 **SECTION 57.** 114.20 (18) (c)[√] of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 **114.20 (18) (c)** ~~Any person who knowingly makes a false statement in any~~
18 ~~application or in any other document required to be filed with the department,~~
19 ~~foregoes the submission of any application, document, or any registration certificate~~
20 ~~or transfer shall be fined not more than \$5,000 or imprisoned not more than 5 years~~
21 ~~or both.~~

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

22 **(c)** Any person who knowingly makes a false statement in any application or
23 in any other document required to be filed with the department, or who knowingly

1 foregoes the submission of any application, document, or any registration certificate
2 or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more than 7~~
3 ~~years and 6 months or both~~ is guilty of a Class H felony.

History: 1977 c. 29 ss. 1061, 1062, 1654 (5); 197 c. 273; 1981 c. 0; 1981 c. 347 s. 80 (4); 1981 c. 391; 1983 a. 27,151; 1985 a. 29 s. 3202 (51); 1985 a. 182 s. 57; 1989 a. 31, 56, 359; 1991 a. 315; 1993 a. 16; 1995 a. 113; 1997 a. 35,2;

4 **SECTION 58.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is renumbered 125.075 (2) (a) and amended to read:

6 125.075 (2) (a) ~~Whoever violates sub. (1) may be fined not more than \$10,000~~
7 ~~or imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

8 (2) ~~Whoever violates sub. (1) may be fined not more than \$10,000 or imprisoned~~
9 ~~for not more than 7 years and 6 months or both~~ is guilty of a Class H felony if the
10 ~~underage person suffers great bodily harm, as defined in s. 939.22 (14).~~

History: 1987 a. 335; 1989 a. 253; 1997 a. 283.

11 **SECTION 59.** 125.075 (2) (b) of the statutes is created to read:

12 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
13 underage person dies.

14 **SECTION 60.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 125.085 (3) (a) 2. ~~Any person who violates subd. 1. for money or other~~
17 ~~consideration may be fined not more than \$10,000 or imprisoned for not more than~~
18 ~~2 years or both.~~

NOTE: NOTE: Subd. 2. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

19 2. Any person who violates subd. 1. for money or other consideration may be
20 fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty
21 of a Class I felony.

History: 1989 a. 31, 253, 336; 1991 a. 39; 1995 a. 77; 1997 a. 27, 35, 205, 283.

22 **SECTION 61.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

1 125.105 (2) (b) ~~Whoever violates sub. (1) to commit, or abet the commission of,~~
2 ~~a crime may be fined not more than \$10,000 or imprisoned for not more than 5 years~~
3 ~~or both.~~

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

4 (b) ~~Whoever violates sub. (1) to commit, or abet the commission of, a crime may~~
5 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
6 ~~or both~~ is guilty of a Class H felony.

History: 1989 a. 253; 1997 a. 283.

7 **SECTION 62.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 125.66 (3) ~~Any person manufacturing or rectifying intoxicating liquor without~~
10 ~~holding appropriate permits under this chapter, or any person who sells such liquor,~~
11 ~~shall be fined not more than \$10,000 or imprisoned for not more than 10 years or~~
12 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
13 ~~imprisonment.~~

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

14 (3) ~~Any person manufacturing or rectifying intoxicating liquor without holding~~
15 ~~appropriate permits under this chapter, or any person who sells such liquor, shall be~~
16 ~~fined not more than \$10,000 or imprisoned for not more than 15 years or both. Second~~
17 ~~or subsequent convictions shall be punished by both the fine and imprisonment is~~
18 guilty of a Class F felony.

History: 1981 c. 79, 1989 a. 253; 1995 a. 27; 1997 a. 283.

19 **SECTION 63.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act
20 **283,** is amended to read:

21 125.68 (12) (b) ~~Whoever violates par. (a) shall be fined not less than \$1,000 nor~~
22 ~~more than \$5,000 or imprisoned not less than one year nor more than 10 years or~~
23 ~~both.~~

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

Whoever violates par. (a) shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more than 15 years or both is guilty of a Class F felony.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283.

SECTION 64. 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act

283, is amended to read:

~~125.68 (12) (c) Any person causing the death of another human being through the selling or otherwise disposing of, for beverage purposes, either denatured alcohol or alcohol or alcoholic liquid redistilled from denatured alcohol, shall be imprisoned for not more than 10 years.~~

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

(c) Any person causing the death of another human being through the selling or otherwise disposing of, for beverage purposes, either denatured alcohol or alcohol or alcoholic liquid redistilled from denatured alcohol & all be imprisoned for not more than 15 years is guilty of a Class E felony.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283.

SECTION 65. 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,

is amended to read:

~~132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic in this state in a counterfeit mark or in any goods or service bearing or provided under a counterfeit mark shall, if the person is an individual, be fined not more than \$250,000 or imprisoned for not more than 5 years or both, or, if the person is not an individual, be fined not more than \$1,000,000.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

(2) Any person who, with intent to deceive, traffics or attempts to traffic in this state in a counterfeit mark or in any goods or service bearing or provided under a

1 counterfeit mark ~~shall~~ is guilty of a Class H felony. except that. notwithstanding the
2 maximum fine snecified in s. 939.50 (3) (h), if the person is an individual, he or she
3 may be fined not more than \$250,000 ~~or imprisoned for not more than 7 years and~~
4 ~~6 months or both, or, and~~ if the person is not an individual, the person may be fined
5 not more than \$1,000,000.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 198.5 a. 181; 1997 a. 283.

6 **SECTION 66.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 133.03 (1) ~~Every contract, combination in the form of trust or otherwise, or~~
9 ~~conspiracy, in restraint of trade or commerce is illegal. Every person who makes any~~
10 ~~contract or engages in any combination or conspiracy in restraint of trade or~~
11 ~~commerce may be fined not more than \$100,000 if a corporation, or, if any other~~
12 ~~person, \$50,000, or be imprisoned for not more than 5 years, or both.~~

NOTE: NOTE: Sub. (1) is amended off. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

13 (1) Every contract, combination in the form of trust or otherwise, or conspiracy,
14 in restraint of trade or commerce is illegal. Every person who makes any contract
15 or engages in any combination or conspiracy in restraint of trade or commerce is
16 guilty of a Class H felony. except that. notwithstanding the maximum fine snecified
17 in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if a corporation,
18 or, if any other person, may be fined not more than \$50,000 ~~or imprisoned for not~~
19 ~~more than 7 years and 6 months or both.~~

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1979 c. 209; 1991 a. 39; 1995 a. 201; 1997 a. 283.

20 **SECTION 67.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

1 133.03 (2) ~~Every person who monopolizes, or attempts to monopolize, or~~
 2 ~~combines or conspires with any other person or persons to monopolize any part of~~
 3 ~~trade or commerce may be fined not more than \$100,000 if a corporation, or, if any~~
 4 ~~other person, \$50,000, or be imprisoned for not more than 5 years, or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

5 (2) Every person who monopolizes, or attempts to monopolize, or combines or
 6 conspires with any other person or persons to monopolize any part of trade or
 7 commerce is guilty of a Class H felony. except that. notwithstanding the maximum
 8 fine specified in s. 939.50 (3) (h), the person may be fined not, more than \$100,000 if
 9 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
 10 ~~imprisoned for not more than 7 years and 6 months or both.~~

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

11 History: 1979 c. 201, 1991 a. 201; 1997 a. 283. [↓]
 SECTION 68. 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
 12 is amended to read:

13 134.05 (4) ~~Whoever violates sub. (1), (2) or (3) shall be punished by a fine of not~~
 14 ~~less than \$10 nor more than \$500, or by such fine and by imprisonment for not more~~
 15 ~~than one year.~~

NOTE: NOTE: Sub. (4) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

16 (4) ~~Whoever violates sub. (1), (2) or (3) shall be punished by a fine of not less~~
 17 ~~than \$10 nor more than \$500 or by such fine and by imprisonment for not more than~~
 18 2 years may be fined not more than \$10,000 or imprisoned for not, more than 9 months
 19 or both.

History: 1993 a. 482; 1997 a. 283.

20 SECTION 69. 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is
 21 amended to read:

1 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
2 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
3 brokerage or deposit company, corporation or institution, or of any person, company
4 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
5 business in any way, or any person engaged in such business in whole or in part who
6 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
7 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
8 bills of exchange, bank checks or other commercial paper for safekeeping or for
9 collection, when he or she knows or has good reason to know that such bank, company
10 or corporation or that such person is unsafe or insolvent shall be imprisoned in the
11 Wisconsin state prisons not more than 10 years nor less than one year or fined not
12 more than \$10,000.

NOTE: NOTE: This section is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

13 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
14 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
15 brokerage or deposit company, corporation or institution, or of any person, company
16 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
17 business in any way, or any person engaged in such business in whole or in part, who
18 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
19 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
20 bills of exchange, bank checks or other commercial paper for safekeeping or for
21 collection, when he or she knows or has good reason to know that such bank, company
22 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned~~ in the

1 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
2 ~~not more than \$10,000 is guilty of a Class F felony.~~

History: 1977 c. 418; 1997 a. 283.

3 **SECTION 70.** 134.20 (1) (intro.)[✓] of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 134.20 (1) (intro.) ~~Whoever, with intent to defraud, does any of the following~~
6 ~~shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both:~~

NOTE: NOTE: Sub. (1) (intro.) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

7 (1) ~~Whoever, with intent to defraud, does any of the following shall be fined not~~
8 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
9 ~~guilty of a Class H felony:~~

History: 1983 a. 500 s. 43; 1993 a. 482; 1995 a. 225; 1997 a. 2

10 **SECTION 71.** 134.205 (4)[✓] of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 134.205 (4) ~~Whoever, with intent to defraud, issues a warehouse receipt~~
13 ~~without entering the same in a register as required by this section shall be fined not~~
14 ~~more than \$5,000 or imprisoned not more than 5 years, or both.~~

NOTE: NOTE: Sub. (4) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

15 (4) ~~Whoever, with intent to defraud, issues a warehouse receipt without~~
16 ~~entering the same in a register as required by this section shall be fined not more~~
17 ~~than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty~~
18 ~~of a Class H felony.~~

History: 1983 a. 500 s. 43; 1993 a. 482; 1997 a. 283.

19 **SECTION 72.** 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is
20 amended to read:

21 **134.58 Use of unauthorized persons as officers.** ~~Any person who,~~
22 ~~individually, in concert with another or as agent or officer of any firm, joint stock~~
23 ~~company or corporation, uses, employs, aids or assists in employing any body of~~

1 armed persons to act as militia, police or peace officers for the protection of persons
 2 or property or for the suppression of strikes, not being authorized by the laws of this
 3 state to so act, shall be fined not more than \$1,000 or imprisoned not less than one
 4 year nor more than 3 years or both.

NOTE: NOTE: This section is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

(no 91)

5 ~~134.58 Use of unauthorized persons as officers.~~ Any person who, individually,
 6 in concert with another or as agent or officer of any firm, joint-stock company or
 7 corporation, uses, employs, aids or assists in employing any body of armed persons
 8 to act as militia, police or peace officers for the protection of persons or property or
 9 for the suppression of strikes, not being authorized by the laws of this state to so act,
 10 ~~shall be fined not more than \$1,000 or imprisoned for not less than one year nor more~~
 11 ~~than 4 years and 6 months or both~~ is guilty of a Class I felony.

History: 1975 c. 94; 1997 a. 283.

12 **SECTION 73.** 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
 13 is amended to read:

14 139.44 (1) ~~Any person who falsely or fraudulently makes, alters or counterfeits~~
 15 ~~any stamp or procures or causes the same to be done, or who knowingly utters,~~
 16 ~~publishes, passes or tenders as true any false, altered or counterfeit stamp, or who~~
 17 ~~affixes the same to any package or container of cigarettes, or who possesses with the~~
 18 ~~intent to sell any cigarettes in containers to which false, altered or counterfeit stamps~~
 19 ~~have been affixed, shall be imprisoned for not less than one year nor more than 10~~
 20 ~~years.~~

NOTE: NOTE: Sub. (1) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

21 (1) Any person who falsely or fraudulently makes, alters or counterfeits any
 22 stamp or procures or causes the same to be done, or who knowingly utters, publishes,
 23 passes or tenders as true any false, altered or counterfeit stamp, or who affixes the

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1 same to any package or container of cigarettes, or who possesses with the intent to
2 sell any cigarettes in containers to which false, altered or counterfeit stamps have
3 been affixed ~~shall be imprisoned for not less than one year nor more than 15 years~~
4 is nuiltv of a Class G felony.

History: 1981 c. 20; 1983 a. 63; 1985 a. 302; 1987 a. 399; 1989 a. 31; 1993 a. 16; 1997 a. 27,283.

5 SECTION 74. 139.44 (1m) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 139.44 (1m) ~~Any person who falsely or fraudulently tampers with a cigarette~~
8 ~~meter in order to evade the tax under s. 139.31 shall be imprisoned for not less than~~
9 ~~one year nor more than 10 years.~~

NOTE: NOTE: Sub. (1m) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

10 (1m) Any person who falsely or fraudulently tampers with a cigarette meter
11 i n o r d e r t o e v a d e t h e t a x u n d e r s . 1 3 9 . 3 1 1
12 ~~nor more than 15 years~~ is guilty of a Class G felony.

History: 1981 c. 20; 1983 a. 63; 1985 a. 302; 1987 a. 399; 1989 a. 31; 1993 a. 16; 1997 a. 27,283.

13 SECTION 75. 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is amended to read:

15 139.44 (2) ~~Any person who makes or signs any false or fraudulent report or who~~
16 ~~attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the~~
17 ~~evasion or attempted evasion of that tax shall be fined not less than \$1,000 nor more~~
18 ~~than \$5,000 or imprisoned not less than 90 days nor more than one year or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

19 (2) Any person who makes or signs any false or fraudulent report or who
20 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
21 evasion or attempted evasion of that tax ~~shall~~ may be fined not ~~less than \$1,000 nor~~

1 more than ~~\$5,000~~ \$10,000 or imprisoned for not less than 90 days ~~nor~~ more than 2
2 years 9 months or both.

History: 1981 c. 20; 1983 a. 63; 1985 a. 302; 1987 a. 399; 1989 a. 1; 1993 a. 16; 1997 a. 27,283.

3 **SECTION 76.** 139.44 (8)(c) ~~of the statutes,~~ as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 139.44 (8) (c) ~~If the number of cigarettes exceeds 36,000, a fine of not more than~~
6 ~~\$10,000 or imprisonment for not more than 2 years or both.~~

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

7 (c) ~~If the number of cigarettes exceeds 36,000, a fine of not more than \$10,000~~
8 ~~or imprisonment for not more than 3 years or both~~ the person is guilty of a Class I
9 felony.

History: 1981 c. 20; 1983 a. 63; 1985 a. 302; 1987 a. 399; 1989 a. 31; 1993 a. 16; 1997 a. 27,283.

10 **SECTION 77.** 139.95 (2) ~~of the statutes,~~ as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 139.95 (2) ~~A dealer who possesses a schedule I controlled substance or schedule~~
13 ~~II controlled substance that does not bear evidence that the tax under s. 139.88 has~~
14 ~~been paid may be fined not more than \$10,000 or imprisoned for not more than 5~~
15 ~~years or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

16 (2) ~~A dealer who possesses a schedule I controlled substance or schedule II~~
17 ~~controlled substance that does not bear evidence that the tax under s. 139.88 has~~
18 ~~been paid may be fined not more than \$10,000 or imprisoned for not more than 7~~
19 ~~years and 6 months or both~~ is guilty of a Class H felony.

History: 1989 a. 122; 1991 a. 39; 1997 a. 27,283.

20 **SECTION 78.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 139.95 (3) ~~Any person who falsely or fraudulently makes, alters or counterfeits~~
23 ~~any stamp or procures or causes the same to be done or who knowingly utters,~~

1 ~~publishes, passes or tenders as true any false, altered or counterfeit stamp or who~~
 2 ~~affixes a counterfeit stamp to a schedule I controlled substance or schedule II~~
 3 ~~controlled substance or who possesses a schedule I controlled substance or schedule~~
 4 ~~II controlled substance to which a false, altered or counterfeit stamp is affixed may~~
 5 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~
 6 ~~than 10 years or both.~~

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

7 **(3)** Any person who falsely or fraudulently makes, alters or counterfeits any
 8 stamp or procures or causes the same to be done or who knowingly utters, publishes,
 9 passes or tenders as true any false, altered or counterfeit stamp or who affixes a
 10 counterfeit stamp to a schedule I controlled substance or schedule II controlled
 11 substance or who possesses a schedule I controlled substance or schedule II
 12 controlled substance to which a false, altered or counterfeit stamp is affixed ~~may be~~
 13 ~~fined not more than \$10,000 or imprisoned for not less than one year nor more than~~
 14 ~~15 years or both~~ is guilty of a Class F felony.

History: 1989 n. 122; 1991 a. 39; 1997 a. 27, 283.

15 **SECTION 79.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
 16 is amended to read:

17 146.345 (3) ~~Any person who violates this section may be fined not more than~~
 18 ~~\$50,000 or imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

19 **(3)** Any person who violates this section is guilty of a Class H felony except
 20 that, notwithstanding the maximum fine specified ins. 939.50 (3) (h),^v the person may
 21 be fined not more than \$50,000 or imprisoned for not more than 7 years and 6 months
 22 or both.

****NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

History: 1987 a. 97; 1997 a. 283.

1 **SECTION 80.** 146.35 (5)[✓] of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 146.35 (5) ~~Whoever violates sub. (2) may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 5 years or both.~~

NOTE: NOTE: Sub. (5) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

5 (5) Whoever violates sub. (2) may be fined not more than \$10,000 or imprisoned
6 for not more than 7 years and 6 months or both is guilty of a Class H felony.

History: 1995 a. 365; 1997 a. 283.

7 **SECTION 81.** 146.60 (9) (am)[✓] of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 146.60 (9) (am) ~~For a 2nd or subsequent violation under par. (ag), a person shall~~
10 ~~be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than~~
11 ~~one year or both.~~

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

12 (am) For a 2nd or subsequent violation under par. (ag), a person shall may be
13 fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than
14 2 years 9 months or both.

History: 1989 a. 15; 1993 a. 213; 1995 a. 27 s. 9126 (19); 1997 a. 283.

15 **SECTION 82.** 146.70 (10) (a)[✓] of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 146.70 (10) (a) ~~Any person who intentionally dials the telephone number "911"~~
18 ~~to report an emergency, knowing that the fact situation which he or she reports does~~
19 ~~not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more~~
20 ~~than 90 days or both for the first offense and shall be fined not more than \$10,000~~
21 ~~or imprisoned not more than 5 years or both for any other offense committed within~~
22 ~~4 years after the first offense.~~

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

① (no P)

Any person who intentionally dials the telephone number "911" to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more than 90 days or both for the first offense and ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony for any other offense committed within 4 years after the first offense.

History: 1977 c. 392; 1979 c. 34,361; 1981 c. 20 s. 2202 (1) (b); 1981 c. 383; 1983 a. 27; 1983 a. 53 s. 114; 1983 a. 189 s. 329 (31); 1985 a. 29,120; 1985 a. 297 ss. 12, 76; 1985 a. 332; 1987 a. 27,403; 1989 a. 31; 1991 a. 39,267; 1993 a. 388,496; 1997 a. 218,283.

SECTION 83. 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,

is amended to read:

154.15 (2) ~~Any person who, with the intent to cause a withholding or withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of the declarant, illegally falsifies or forges the declaration of another or conceals a declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally withholds actual knowledge of a revocation under s. 154.05 shall be fined not more than \$10,000 or imprisoned not more than 10 years or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

(2) Any person who, with the intent to cause a withholding or withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of the declarant, illegally falsifies or forges the declaration of another or conceals a declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

History: 1983 a. 202; 1985 a. 199; 1991 a. 84; 1995 a. 168; 1999 a. 283.

SECTION 84. 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,

is amended to read:

1 154.29 (2) ~~Any person who, with the intent to cause the withholding or~~
 2 ~~withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or~~
 3 ~~transfers a do-not-resuscitate bracelet to that patient or conceals the revocation~~
 4 ~~under s. 154.21 of a do-not-resuscitate order or any responsible person who~~
 5 ~~withholds personal knowledge of a revocation under s. 154.21 shall be fined not more~~
 6 ~~than \$10,000 or imprisoned for not more than 10 years or both.~~

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

7 (2) Any person who, with the intent to cause the withholding or withdrawal
 8 of resuscitation contrary to the wishes of any patient, falsifies, forges or transfers a
 9 do-no&resuscitate bracelet to that patient or conceals the revocation under s. 154.21
 10 of a do-not-resuscitate order or any responsible person who withholds personal
 11 knowledge of a revocation under s. 154.21 ~~shall be fined not more than \$10,000 or~~
 12 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class F felony

History: 1995 a. 200; 1997 a. 283.

13 SECTION 85. 166.20 (11) (b) of the statutes, as affected by 1997 Wisconsin Act
 14 283, is amended to read:

15 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
 16 release of a hazardous substance covered under 42 USC 11004 as required under sub.
 17 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. shall be subject to the following
 18 penalties:

19 1. For the first offense, be fined not less than \$100 nor more than \$25,000 or
 20 imprisoned for not more than 2 years or both.

NOTE: NOTE: Subd. 1. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

21 1. For the first offense, the person is guilty of a Class I felony, except that,
 22 notwithstanding the maximum fine specified in s. 939.50 (3) (i). the person may be

1 fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3
2 years or both.

3 2. For the 2nd and subsequent offenses, he fined not less than \$200 nor more
4 than \$50,000 or imprisoned for not more than 2 years or both.

NOTE: NOTE: Subd. 2. is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

5 2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony,
6 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the
7 person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not
8 more than 3 years or both.

****NOTE: Section 939.50 (3) (i) is created in LRB-0590, with which this draft will
'eventually be compiled. Double-check the cross-reference in the first compile.

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283.

9 SECTION 86. 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 167.10 (9) (g) ~~Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated~~
12 ~~under sub. (6m) (e) may be fined not more than \$10,000 or imprisoned not more than~~
13 ~~10 years or both.~~

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

14 (g) ~~Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated under sub.~~
15 ~~(6m) (e) may be fined not more than \$10,000 or imprisoned for not more than 15 years~~
16 ~~or both is guilty of a Class G felony.~~

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 37; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27ss. 4464 to 4469 and
9116 (5); 1995 a. 330; 1997 a. 3, 35, 283.

17 SECTION 87. 175.20 (3) ⁷⁷ of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 175.20 (3) ~~Any person who shall violate any of the provisions of this section~~
20 ~~shall be punished by a fine of not less than \$25 and not more than \$1,000, or by~~
21 ~~imprisonment for not less than 30 days in the county jail and not more than one year~~
22 ~~in the state prison, or by both such fine and imprisonment, and as an additional~~

1 penalty thereto the court may revoke the license or licenses of the person or persons
2 convicted.

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

3 (3) Any person who violates any of the provisions of this section shall may be
4 fined not less than \$25 nor more than \$1,000 and \$10,000 or may be imprisoned for
5 not less than 30 days nor more than 2 years 9 months or both. In addition, the court
6 may revoke the license or licenses of the person or persons convicted.

History: 1977 c. 64; 1987 a. 332; 1989 a. 336; 1993 a. 246; 1995 a. 201; 1997 a. 283.

7 SECTION 88. 180.0129 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 180.0129 (2) Whoever violates this section may be fined not more than \$10,000
10 or imprisoned for not more than 2 years or both.

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

11 (2) Whoever violates this section may be fined not more than \$10,000 or
1 2 imprisoned for not more than 3 years or both is guilty of a Class I felony.

History: 1989 a. 303; 1995 a. 27; 1997 a. 283.

13 SECTION 89. 181.0129 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is amended to read:

15 181.0129 (2) PENALTY Whoever violates this section may be fined not more
16 than \$10,000 or imprisoned for not more than 2 years or both.

NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

17 (2) PENALTY. Whoever violates this section may be fined not more than \$10,000
18 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

History: 1997 a. 79, 283.

19 SECTION 90. 185.825 of the statutes, as affected by 1997 Wisconsin Act 283, is
20 amended to read:

1 **185.825 Penalty for false document.** ~~Whoever causes a document to be~~
 2 ~~filed, knowing it to be false in any material respect, may be fined not more than~~
 3 ~~\$1,000 or imprisoned not more than 3 years or both.~~

NOTE: NOTE: This section is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:

4 **185.825 Penalty for false document.** Whoever causes a document to be filed,
 5 knowing it to be false in any material respect, ~~may be fined not more than \$1,000 or~~
 6 ~~imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

History: 1981 c. 337; 1997 a. 283.

7 **SECTION 91.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
 8 is amended to read:

9 **200.09 (2)** ~~Every director, president, secretary or other official or agent of any~~
 10 ~~public service corporation, who shall practice fraud or knowingly make any false~~
 11 ~~statement to secure a certificate of authority to issue any security, or issue under a~~
 12 ~~certificate so obtained and with knowledge of such fraud, or false statement, or~~
 13 ~~negotiate, or cause to be negotiated, any security, in violation of this chapter, shall~~
 14 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
 15 ~~10 years or both.~~

NOTE: NOTE: Sub. (2) is affected eff. 12-31-99 by three acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c) to read: NOTE:

16 **(2)** Every director, president, secretary or other official or agent of any public
 17 service corporation, who shall practice fraud or knowingly make any false statement
 18 to secure a certificate of authority to issue any security, or issue under a certificate
 19 so obtained and with knowledge of such fraud, or false statement, or negotiate, or
 20 cause to be negotiated, any security, in violation of this chapter, ~~shall be fined not less~~
 21 ~~than \$500 or imprisoned for not less than one year nor more than 15 years or both~~
 22 is guilty of a Class I felony.

History: 1997 a. 140 s. 13; Stats. 1997 s. 200.09; 1997 a. 254, 283; s. 13.93 (2) (c).