

## 1999 ASSEMBLY BILL 899

March 20, 2000 – Introduced by Representatives KESTELL, SUDER, OTT, LEIBHAM, MUSSER, PORTER, ALBERS, URBAN, STONE, GOETSCH, VRAKAS, HAHN, SYKORA and JOHNSRUD, cosponsored by Senators BAUMGART, ROESSLER, HUELSMAN, SCHULTZ and A. LASEE. Referred to Committee on Criminal Justice.

1     **AN ACT** *to amend* 946.82 (4) of the statutes; **relating to:** unauthorized release  
2           of animals, racketeering activity and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Current law prohibits the unauthorized release of animals. A person engages in the unauthorized release of animals if, without the consent of the owner or custodian of the animal, he or she intentionally releases an animal that is lawfully confined for scientific, farming, recreation, restocking, research, exhibition, commercial, educational, companionship or protection purposes. A person who violates the prohibition against the unauthorized release of animals is generally guilty of a misdemeanor and may be fined or imprisoned in a county jail or both. However, a person who commits a third or subsequent violation of the prohibition is guilty of a felony and may be fined or imprisoned in a state prison or both.

In addition, Wisconsin currently has an organized crime control law, which provides criminal and civil penalties for engaging in racketeering activity and continuing criminal enterprises. Specifically, this law prohibits a person who is employed by or associated with an enterprise from conducting or participating in the enterprise through a pattern of racketeering activity. The enterprises covered by the law may be illicit or licit and include sole proprietorships, partnerships, corporations and associations or groups of individuals associated in fact although not a legal entity. Current law defines “pattern of racketeering activity” to mean engaging in at least three incidents of racketeering activity within a seven-year period that have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated. “Racketeering activity” is an attempt or conspiracy to

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commit, or the actual commission of, certain specified felonies, including felonies relating to homicide, battery, theft, burglary and robbery.

This bill expands the list of felonies considered to be “racketeering activity” to include felony violations of the current prohibition against the unauthorized release of animals.

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

1           **SECTION 1.** 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is  
2 amended to read:

3           **946.82 (4)** “Racketeering activity” means any activity specified in 18 USC 1961  
4 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
6 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
8 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
9 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,  
10 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),  
11 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,  
12 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
13 (b) and (c), 943.60, 943.70, 943.75, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2),  
14 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13,  
15 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,  
16 948.05, 948.08, 948.12 and 948.30.

17           **SECTION 2. Initial applicability.**

