

ASSEMBLY BILL 3

1 **SECTION 311.** 940.07 of the statutes is amended to read:

2 **940.07 Homicide resulting from negligent control of vicious animal.**

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

7 **SECTION 312.** 940.08 (1) of the statutes is amended to read:

8 940.08 (1) Whoever causes the death of another human being by the negligent
9 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
10 D G felony.

11 **SECTION 313.** 940.08 (2) of the statutes is amended to read:

12 940.08 (2) Whoever causes the death of an unborn child by the negligent
13 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class D
14 G felony.

15 **SECTION 314.** 940.09 (1) (intro.) of the statutes is amended to read:

16 940.09 (1) (intro.) Any person who does any of the following is ~~guilty of a Class~~
17 B felony may be penalized as provided in sub. (1c):

18 **SECTION 315.** 940.09 (1b) of the statutes is repealed.

19 **SECTION 316.** 940.09 (1c) of the statutes is created to read:

20 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
21 guilty of a Class D felony.

22 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
23 one or more prior convictions, suspensions, or revocations, as counted under s.
24 343.307 (2).

25 **SECTION 317.** 940.10 (1) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 317**

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

3 **SECTION 318.** 940.10 (2) of the statutes is amended to read:

4 940.10 (2) Whoever causes the death of an unborn child by the negligent
5 operation or handling of a vehicle is guilty of a Class E G felony.

6 **SECTION 319.** 940.11 (1) of the statutes is amended to read:

7 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
8 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
9 guilty of a Class C F felony.

10 **SECTION 320.** 940.11 (2) of the statutes is amended to read:

11 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
12 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class D G
13 felony.

14 **SECTION 321.** 940.12 of the statutes is amended to read:

15 **940.12 Assisting suicide.** Whoever with intent that another take his or her
16 own life assists such person to commit suicide is guilty of a Class D H felony.

17 **SECTION 322.** 940.15 (2) of the statutes is amended to read:

18 940.15 (2) Whoever intentionally performs an abortion after the fetus or
19 unborn child reaches viability, as determined by reasonable medical judgment of the
20 woman's attending physician, is guilty of a Class E I felony.

21 **SECTION 323.** 940.15 (5) of the statutes is amended to read:

22 940.15 (5) Whoever intentionally performs an abortion and who is not a
23 physician is guilty of a Class E I felony.

24 **SECTION 324.** 940.15 (6) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.15 (6) Any physician who intentionally performs an abortion under sub.
2 (3) shall use that method of abortion which, of those he or she knows to be available,
3 is in his or her medical judgment most likely to preserve the life and health of the
4 fetus or unborn child. Nothing in this subsection requires a physician performing
5 an abortion to employ a method of abortion which, in his or her medical judgment
6 based on the particular facts of the case before him or her, would increase the risk
7 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

8 **SECTION 325.** 940.19 (2) of the statutes is amended to read:

9 940.19 (2) Whoever causes substantial bodily harm to another by an act done
10 with intent to cause bodily harm to that person or another is guilty of a Class E I
11 felony.

12 **SECTION 326.** 940.19 (3) of the statutes is repealed.

13 **SECTION 327.** 940.19 (4) of the statutes is amended to read:

14 940.19 (4) Whoever causes great bodily harm to another by an act done with
15 intent to cause bodily harm to that person or another is guilty of a Class D H felony.

16 **SECTION 328.** 940.19 (5) of the statutes is amended to read:

17 940.19 (5) Whoever causes great bodily harm to another by an act done with
18 intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person
19 or another is guilty of a Class C E felony.

20 **SECTION 329.** 940.19 (6) (intro.) of the statutes is amended to read:

21 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
22 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
23 felony. A rebuttable presumption of conduct creating a substantial risk of great
24 bodily harm arises:

25 **SECTION 330.** 940.195 (2) of the statutes is amended to read:

ASSEMBLY BILL 3

SECTION 330

1 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
2 act done with intent to cause bodily harm to that unborn child, to the woman who is
3 pregnant with that unborn child or another is guilty of a Class E I felony.

4 SECTION 331. 940.195 (3) of the statutes is repealed.

5 SECTION 332. 940.195 (4) of the statutes is amended to read:

6 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
7 done with intent to cause bodily harm to that unborn child, to the woman who is
8 pregnant with that unborn child or another is guilty of a Class D H felony.

9 SECTION 333. 940.195 (5) of the statutes is amended to read:

10 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
11 done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that
12 unborn child, to the woman who is pregnant with that unborn child or another is
13 guilty of a Class C E felony.

14 SECTION 334. 940.195 (6) of the statutes is ~~amended to read~~ ^{repealed.}

15 940.195 (6) Whoever intentionally causes bodily harm to an unborn child by
16 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
17 felony.

18 SECTION 335. 940.20 (1) of the statutes is amended to read:

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

23 SECTION 336. 940.20 (1m) of the statutes is amended to read:

24 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
25 person who is subject to an injunction under s. 813.12 or a tribal injunction filed

Fix
amend

repealed.

ASSEMBLY BILL 3

1 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
2 sought the injunction by an act done without the consent of the petitioner is guilty
3 of a Class E I felony.

4 (b) Any person who is subject to an injunction under s. 813.125 and who
5 intentionally causes bodily harm to the petitioner who sought the injunction by an
6 act done without the consent of the petitioner is guilty of a Class E I felony.

7 **SECTION 337.** 940.20 (2) of the statutes is amended to read:

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

14 **SECTION 338.** 940.20 (2m) (b) of the statutes is amended to read:

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

20 **SECTION 339.** 940.20 (3) of the statutes is amended to read:

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

25 **SECTION 340.** 940.20 (4) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily
2 harm to a public officer in order to influence the action of such officer or as a result
3 of any action taken within an official capacity, without the consent of the person
4 injured, is guilty of a Class E I felony.

5 **SECTION 341.** 940.20 (5) (b) of the statutes is amended to read:

6 940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college
7 district or school district officer or employee acting in that capacity, and the person
8 knows or has reason to know that the victim is a technical college district or school
9 district officer or employee, without the consent of the person so injured, is guilty of
10 a Class E I felony.

11 **SECTION 342.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

12 940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another
13 under any of the following circumstances is guilty of a Class E I felony:

14 **SECTION 343.** 940.20 (7) (b) of the statutes is amended to read:

15 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency
16 department worker, an emergency medical technician, a first responder or an
17 ambulance driver who is acting in an official capacity and who the person knows or
18 has reason to know is an emergency department worker, an emergency medical
19 technician, a first responder or an ambulance driver, by an act done without the
20 consent of the person so injured, is guilty of a Class D H felony.

21 **SECTION 344.** 940.201 (2) (intro.) of the statutes is amended to read:

22 940.201 (2) (intro.) Whoever does any of the following is guilty of a Class D H
23 felony:

24 **SECTION 345.** 940.203 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
2 cause bodily harm to the person or family member of any judge under all of the
3 following circumstances is guilty of a Class D H felony:

4 **SECTION 346.** 940.205 (2) (intro.) of the statutes is amended to read:

5 940.205 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
6 cause bodily harm to the person or family member of any department of revenue
7 official, employee or agent under all of the following circumstances is guilty of a Class
8 D H felony:

9 **SECTION 347.** 940.207 (2) (intro.) of the statutes is amended to read:

10 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
11 cause bodily harm to the person or family member of any department of commerce
12 or department of workforce development official, employee or agent under all of the
13 following circumstances is guilty of a Class D H felony:

14 **SECTION 348.** 940.21 of the statutes is amended to read:

15 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
16 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
17 guilty of a Class B C felony.

18 **SECTION 349.** 940.22 (2) of the statutes is amended to read:

19 940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
20 or herself out to be a therapist and who intentionally has sexual contact with a
21 patient or client during any ongoing therapist-patient or therapist-client
22 relationship, regardless of whether it occurs during any treatment, consultation,
23 interview or examination, is guilty of a Class C F felony. Consent is not an issue in
24 an action under this subsection.

25 **SECTION 350.** 940.225 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 350**

1 940.225 (2) SECOND DEGREE SEXUAL ASSAULT. (intro.) Whoever does any of the
2 following is guilty of a Class ~~B~~ C felony:

3 **SECTION 351.** 940.225 (3) of the statutes is amended to read:

4 940.225 (3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse
5 with a person without the consent of that person is guilty of a Class ~~D~~ G felony.
6 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
7 without the consent of that person is guilty of a Class ~~D~~ G felony.

8 **SECTION 352.** 940.23 (1) (a) of the statutes is amended to read:

9 940.23 (1) (a) Whoever recklessly causes great bodily harm to another human
10 being under circumstances which show utter disregard for human life is guilty of a
11 Class ~~C~~ D felony.

12 **SECTION 353.** 940.23 (1) (b) of the statutes is amended to read:

13 940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child
14 under circumstances that show utter disregard for the life of that unborn child, the
15 woman who is pregnant with that unborn child or another is guilty of a Class ~~C~~ D
16 felony.

17 **SECTION 354.** 940.23 (2) (a) of the statutes is amended to read:

18 940.23 (2) (a) Whoever recklessly causes great bodily harm to another human
19 being is guilty of a Class ~~D~~ F felony.

20 **SECTION 355.** 940.23 (2) (b) of the statutes is amended to read:

21 940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child
22 is guilty of a Class ~~D~~ F felony.

23 **SECTION 356.** 940.24 (1) of the statutes is amended to read:

24 940.24 (1) Whoever causes bodily harm to another by the negligent operation
25 or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

ASSEMBLY BILL 3

1 **SECTION 357.** 940.24 (2) of the statutes is amended to read:

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

5 **SECTION 358.** 940.25 (1) (intro.) of the statutes is amended to read:

6 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
7 D F felony:

8 **SECTION 359.** 940.25 (1b) of the statutes is repealed.

9 **SECTION 360.** 940.285 (2) (b) 1g. of the statutes is amended to read:

10 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
11 that cause death is guilty of a Class B C felony. Any person violating par. (a) 3. under
12 circumstances that cause death is guilty of a Class D felony.

13 **SECTION 361.** 940.285 (2) (b) 1m. of the statutes is amended to read:

14 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
15 cause great bodily harm is guilty of a Class C F felony.

16 **SECTION 362.** 940.285 (2) (b) 1r. of the statutes is amended to read:

17 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
18 likely to cause great bodily harm is guilty of a Class D G felony. Any person violating
19 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
20 guilty of a Class I felony.

21 **SECTION 363.** 940.285 (2) (b) 2. of the statutes is amended to read:

22 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
23 cause ~~or are likely to cause~~ bodily harm is guilty of a Class E H felony. Any person
24 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
25 of a Class I felony.

ASSEMBLY BILL 3

SECTION 364

1 **SECTION 364.** 940.285 (2) (b) 3. of the statutes is repealed.

2 **SECTION 365.** 940.29 of the statutes is amended to read:

3 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
4 employed in a penal or correctional institution or other place of confinement who
5 abuses, neglects or ill-treats any person confined in or a resident of any such
6 institution or place or who knowingly permits another person to do so is guilty of a
7 Class E I felony.

8 **SECTION 366.** 940.295 (3) (b) 1g. of the statutes is amended to read:

9 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
10 that cause death to a vulnerable person is guilty of a Class B C felony. Any person
11 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
12 guilty of a Class D felony.

13 **SECTION 367.** 940.295 (3) (b) 1m. of the statutes is amended to read:

14 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
15 cause great bodily harm to a vulnerable person is guilty of a Class C E felony.

16 **SECTION 368.** 940.295 (3) (b) 1r. of the statutes is amended to read:

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

21 **SECTION 369.** 940.295 (3) (b) 2. of the statutes is amended to read:

22 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
23 cause ~~or are likely to cause~~ bodily harm is guilty of a Class E H felony. Any person
24 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
25 of a Class I felony.

ASSEMBLY BILL 3

1 **SECTION 370.** 940.295 (3) (b) 3. of the statutes is amended to read:

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

6 **SECTION 371.** 940.30 of the statutes is amended to read:

7 **940.30 False imprisonment.** Whoever intentionally confines or restrains
8 another without the person's consent and with knowledge that he or she has no
9 lawful authority to do so is guilty of a Class ~~E H~~ felony.

10 **SECTION 372.** 940.305 (1) of the statutes is amended to read:

11 940.305 (1) Except as provided in sub. (2), whoever by force or threat of
12 imminent force seizes, confines or restrains a person without the person's consent
13 and with the intent to use the person as a hostage in order to influence a person to
14 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
15 B felony.

16 **SECTION 373.** 940.305 (2) of the statutes is amended to read:

17 940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of
18 a Class ~~B C~~ felony if, before the time of the actor's arrest, each person who is held as
19 a hostage is released without bodily harm.

20 **SECTION 374.** 940.31 (1) (intro.) of the statutes is amended to read:

21 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B C~~
22 felony:

23 **SECTION 375.** 940.31 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 375**

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

4 **SECTION 376.** 940.31 (2) (b) of the statutes is amended to read:

5 940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer
6 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
7 the victim is released without permanent physical injury prior to the time the first
8 witness is sworn at the trial.

9 **SECTION 377.** 940.32 (2) (intro.) of the statutes is amended to read:

10 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
11 ~~A misdemeanor~~ I felony:

12 **SECTION 378.** 940.32 (2m) of the statutes is amended to read:

13 940.32 (2m) Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
14 intentionally gains access to a record in electronic format that contains personally
15 identifiable information regarding the victim in order to facilitate the violation
16 under sub. (2).

17 **SECTION 379.** 940.32 (3) (intro.) of the statutes is amended to read:

18 940.32 (3) (intro.) Whoever violates sub. (2) under any of the following
19 circumstances is guilty of a Class ~~E~~ H felony:

20 **SECTION 380.** 940.32 (3m) (intro.) of the statutes is amended to read:

21 940.32 (3m) (intro.) Whoever violates sub. (3) under all of the following
22 circumstances is guilty of a Class ~~D~~ G felony:

23 **SECTION 381.** 940.43 (intro.) of the statutes is amended to read:

24 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
25 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

ASSEMBLY BILL 3

1 **SECTION 382.** 940.45 (intro.) of the statutes is amended to read:

2 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
3 under any of the following circumstances is guilty of a Class D G felony:

4 **SECTION 383.** 941.11 (intro.) of the statutes is amended to read:

5 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
6 following is guilty of a Class D H felony:

7 **SECTION 384.** 941.12 (1) of the statutes is amended to read:

8 **941.12 (1)** Whoever intentionally interferes with the proper functioning of a
9 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
10 a Class E I felony.

11 **SECTION 385.** 941.20 (2) (intro.) of the statutes is amended to read:

12 **941.20 (2)** (intro.) Whoever does any of the following is guilty of a Class E G
13 felony:

14 **SECTION 386.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

15 **941.20 (3) (a)** (intro.) Whoever intentionally discharges a firearm from a
16 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot
17 that is open to the public under any of the following circumstances is guilty of a Class
18 C F felony:

19 **SECTION 387.** 941.21 of the statutes is amended to read:

20 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
21 officer who is acting in his or her official capacity by taking a dangerous weapon or
22 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer
23 without his or her consent is guilty of a Class E H felony. This section applies to any
24 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)

ASSEMBLY BILL 3**SECTION 387**

1 (a) that the officer is carrying or that is in an area within the officer's immediate
2 presence.

3 **SECTION 388.** 941.235 (1) of the statutes is amended to read:

4 941.235 (1) Any person who goes armed with a firearm in any building owned
5 or leased by the state or any political subdivision of the state is guilty of a Class **B**
6 A misdemeanor.

7 **SECTION 389.** 941.26 (2) (a) of the statutes is amended to read:

8 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class **E H** felony.

9 **SECTION 390.** 941.26 (2) (b) of the statutes is amended to read:

10 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class **C F** felony.

11 **SECTION 391.** 941.26 (2) (e) of the statutes is amended to read:

12 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
13 commercial transportation of the bomb, grenade, projectile, shell or container under
14 sub. (1) (b) is guilty of a Class **E H** felony.

15 **SECTION 392.** 941.26 (2) (f) of the statutes is amended to read:

16 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
17 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily
18 discomfort to a person who the actor knows, or has reason to know, is a peace officer
19 who is acting in an official capacity is guilty of a Class **D H** felony.

20 **SECTION 393.** 941.26 (2) (g) of the statutes is amended to read:

21 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
22 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
23 of another crime to cause bodily harm or bodily discomfort to another or who
24 threatens to use the bomb, grenade, projectile, shell or container during his or her

ASSEMBLY BILL 3

1 commission of another crime to incapacitate another person is guilty of a Class ~~E~~ H
2 felony.

3 **SECTION 394.** 941.26 (4) (d) of the statutes is amended to read:

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

8 **SECTION 395.** 941.26 (4) (e) of the statutes is amended to read:

9 941.26 (4) (e) Whoever uses a device or container described under par. (a)
10 during his or her commission of another crime to cause bodily harm or bodily
11 discomfort to another or who threatens to use the device or container during his or
12 her commission of another crime to incapacitate another person is guilty of a Class
13 ~~E~~ H felony.

14 **SECTION 396.** 941.28 (3) of the statutes is amended to read:

15 941.28 (3) Any person violating this section is guilty of a Class ~~E~~ H felony.

16 **SECTION 397.** 941.29 (2) (intro.) of the statutes is amended to read:

17 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class ~~E~~ G felony
18 if he or she possesses a firearm under any of the following circumstances:

19 **SECTION 398.** 941.29 (2m) of the statutes is repealed.

20 **SECTION 399.** 941.295 (1) of the statutes is amended to read:

21 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed
22 with any electric weapon is guilty of a Class ~~E~~ H felony.

23 **SECTION 400.** 941.296 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 400**

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

4 **SECTION 401.** 941.296 (3) of the statutes is repealed.

5 **SECTION 402.** 941.298 (2) of the statutes is amended to read:

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

8 **SECTION 403.** 941.30 (1) of the statutes is amended to read:

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

12 **SECTION 404.** 941.30 (2) of the statutes is amended to read:

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

15 **SECTION 405.** 941.31 (1) of the statutes is amended to read:

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

20 **SECTION 406.** 941.31 (2) (b) of the statutes is amended to read:

21 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
22 transfers any improvised explosive device, or possesses materials or components
23 with intent to assemble any improvised explosive device, is guilty of a Class E H
24 felony.

25 **SECTION 407.** 941.315 (3) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 941.315 (3) (intro.) Whoever does any of the following is guilty of a Class D H
2 felony:

3 **SECTION 408.** 941.32 of the statutes is amended to read:

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

8 **SECTION 409.** 941.325 of the statutes is amended to read:

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

12 **SECTION 410.** 941.327 (2) (b) 1. of the statutes is amended to read:

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

15 **SECTION 411.** 941.327 (2) (b) 2. of the statutes is amended to read:

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

18 **SECTION 412.** 941.327 (2) (b) 3. of the statutes is amended to read:

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

21 **SECTION 413.** 941.327 (2) (b) 4. of the statutes is amended to read:

22 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
23 guilty of a Class ~~A~~ C felony.

24 **SECTION 414.** 941.327 (3) of the statutes is amended to read:

ASSEMBLY BILL 3

1 941.327 (3) Whoever intentionally imparts or conveys false information,
2 knowing the information to be false, concerning an act or attempted act which, if
3 true, would constitute a violation of sub. (2) is guilty of a Class E I felony.

4 **SECTION 415.** 941.37 (3) of the statutes is amended to read:

5 941.37 (3) Any person who intentionally interferes with any emergency
6 medical personnel in the performance of duties relating to an emergency or rescue
7 and who has reasonable grounds to believe that the interference may endanger
8 another's safety is guilty of a Class E I felony.

9 **SECTION 416.** 941.37 (4) of the statutes is amended to read:

10 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
11 death of another is guilty of a Class C E felony.

12 **SECTION 417.** 941.38 (1) (b) 4. of the statutes is amended to read:

13 941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
14 prohibited in s. 940.19 or 940.195.

15 **SECTION 418.** 941.38 (2) of the statutes is amended to read:

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

18 **SECTION 419.** 943.01 (2) (intro.) of the statutes is amended to read:

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

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(21) ~~**SECTION 420.** 943.01 (2g) of the statutes is amended to read:~~

22 ~~943.01 (2g) (intro.) Any person violating sub. (1) under all of the following~~
23 ~~circumstances is guilty of a Class E I felony:~~

24 **SECTION 421.** 943.011 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class D I
2 felony:

3 SECTION 422. 943.012 (intro.) of the statutes is amended to read:

4 **943.012 Criminal damage to or graffiti on religious and other property.**
5 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
6 writes with ink or another substance on or intentionally etches into any physical
7 property of another, without the person's consent and with knowledge of the
8 character of the property, is guilty of a Class E I felony if the property consists of one
9 or more of the following:

10 SECTION 423. 943.013 (2) (intro.) of the statutes is amended to read:

11 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
12 to any physical property that belongs to a judge or his or her family member under
13 all of the following circumstances is guilty of a Class D I felony:

14 SECTION 424. 943.014 (2) of the statutes is amended to read:

15 943.014 (2) Whoever intentionally demolishes a historic building without a
16 permit issued by a city, village, town or county or without an order issued under s.
17 66.0413 shall be fined an amount equal to 2 times the fair market value of the historic
18 building and the land upon which the building is located immediately prior to
19 demolition and may be imprisoned for not more than 9 months is guilty of a Class A
20 misdemeanor.

21 SECTION 425. 943.015 (2) (intro.) of the statutes is amended to read:

22 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
23 to any physical property which belongs to a department of revenue official, employee
24 or agent or his or her family member under all of the following circumstances is guilty
25 of a Class D I felony:

ASSEMBLY BILL 3

SECTION 426. 943.017 (2) (intro.) of the statutes is amended to read:

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

SECTION 427. 943.017 (2m) (b) (intro.) of the statutes is amended to read:

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

SECTION 428. 943.02 (1) (intro.) of the statutes is amended to read:

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

SECTION 429. 943.03 of the statutes is amended to read:

943.03 Arson of property other than building. Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E I felony.

SECTION 430. 943.04 of the statutes is amended to read:

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

SECTION 431. 943.06 (2) of the statutes is amended to read:

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

SECTION 432. 943.07 (1) of the statutes is amended to read:

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120/3

ASSEMBLY BILL 3

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

5 SECTION 433. 943.07 (2) of the statutes is amended to read:

6 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
7 train, car, caboose or engine is guilty of a Class A ~~misdemeanor~~ I felony.

8 SECTION 434. 943.10 (1) (intro.) of the statutes is amended to read:

9 943.10 (1) (intro.) Whoever intentionally enters any of the following places
10 without the consent of the person in lawful possession and with intent to steal or
11 commit a felony in such place is guilty of a Class C F felony:

12 SECTION 435. 943.10 (2) (intro.) of the statutes is amended to read:

13 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
14 circumstances is guilty of a Class B E felony:

15 SECTION 436. 943.12 of the statutes is amended to read:

16 **943.12 Possession of burglarious tools.** Whoever has in personal
17 possession any device or instrumentality intended, designed or adapted for use in
18 breaking into any depository designed for the safekeeping of any valuables or into
19 any building or room, with intent to use such device or instrumentality to break into
20 a depository, building or room, and to steal therefrom, is guilty of a Class E I felony.

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21 SECTION 437. 943.20 (3) (b) of the statutes is amended to read:

22 943.20 (3) (b) If the value of the property exceeds \$1,000 but ~~does not~~ \$2,500
23 exceed \$5,000, is guilty of a Class E I felony.

24 SECTION 438. 943.20 (3) (bm) of the statutes is created to read:

ASSEMBLY BILL 3

1 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
2 \$10,000, is guilty of a Class H felony.

3 **SECTION 439.** 943.20 (3) (c) of the statutes is amended to read:

4 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
5 a Class ~~C~~ G felony.

6 **SECTION 440.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

7 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
8 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

9 **SECTION 441.** 943.20 (3) (d) 1. of the statutes is amended to read:

10 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

11 **SECTION 442.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
12 amended to read:

13 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
14 a corpse; ~~or,~~ is guilty of a Class G felony.

15 **SECTION 443.** 943.20 (3) (d) 3. of the statutes is amended to read:

16 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
17 or left unoccupied because of physical disaster, riot, bombing or the proximity of
18 battle; ~~or,~~

19 **SECTION 444.** 943.20 (3) (d) 4. of the statutes is amended to read:

20 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
21 the proximity of battle has necessitated its removal from a building; ~~or,~~

22 **SECTION 445.** 943.201 (2) of the statutes is amended to read:

23 943.201 (2) Whoever intentionally uses or attempts to use any personal
24 identifying information or personal identification document of an individual to
25 obtain credit, money, goods, services or anything else of value without the

ASSEMBLY BILL 3

1 authorization or consent of the individual and by representing that he or she is the
2 individual or is acting with the authorization or consent of the individual is guilty
3 of a Class D H felony.

4 **SECTION 446.** 943.205 (3) of the statutes is amended to read:

5 943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

6 **SECTION 447.** 943.207 (3m) (b) (intro.) of the statutes is amended to read:

7 943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class D I
8 felony under any of the following circumstances:

9 **SECTION 448.** 943.207 (3m) (c) (intro.) of the statutes is amended to read:

10 943.207 (3m) (c) (intro.) Whoever violates this section is guilty of a Class C H
11 felony under any of the following circumstances:

12 **SECTION 449.** 943.208 (2) (b) of the statutes is amended to read:

13 943.208 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
14 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
15 fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual
16 recordings in violation of sub. (1) during a 180-day period, and the value of the
17 recordings exceeds \$2,500.

18 **SECTION 450.** 943.208 (2) (c) of the statutes is amended to read:

19 943.208 (2) (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
20 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
21 at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in
22 violation of sub. (1) during a 180-day period or if the violation occurs after the person
23 has been convicted under this section.

24 **SECTION 451.** 943.209 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 3

1 943.209 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
2 person advertises, offers for sale or rent, sells, rents, transports or possesses fewer
3 than 100 recordings in violation of sub. (1) during a 180-day period, and the value
4 of the recordings exceeds \$2,500.

5 **SECTION 452.** 943.209 (2) (c) of the statutes is amended to read:

6 943.209 (2) (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
7 person advertises, offers for sale or rent, sells, rents, transports or possesses at least
8 100 recordings in violation of sub. (1) during a 180-day period or if the violation
9 occurs after the person has been convicted under this section.

10 **SECTION 453.** 943.21 (3) (b) of the statutes is amended to read:

11 943.21 (3) (b) Is guilty of a Class E I felony when the value of any beverage,
12 food, lodging, accommodation, transportation or other service exceeds \$1,000.

13 **SECTION 454.** 943.23 (1g) of the statutes is amended to read:

14 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
15 or the threat of the use of, force or the weapon against another, intentionally takes
16 any vehicle without the consent of the owner is guilty of a Class B C felony.

17 **SECTION 455.** 943.23 (1m) of the statutes is repealed.

18 **SECTION 456.** 943.23 (1r) of the statutes is repealed.

19 **SECTION 457.** 943.23 (2) of the statutes is amended to read:

20 943.23 (2) Whoever Except as provided in sub. (3m), whoever intentionally
21 takes and drives any vehicle without the consent of the owner is guilty of a Class D
22 H felony.

23 **SECTION 458.** 943.23 (3) of the statutes is amended to read:

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ASSEMBLY BILL 3

1 943.23 (3) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
2 drives or operates any vehicle without the consent of the owner is guilty of a Class
3 E I felony.

4 **SECTION 459.** 943.23 (3m) of the statutes is created to read:

5 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
6 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
7 after the vehicle was taken from the possession of the owner. An affirmative defense
8 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
9 who raises this affirmative defense has the burden of proving the defense by a
10 preponderance of the evidence.

11 **SECTION 460.** 943.23 (4m) of the statutes is amended to read:

12 943.23 (4m) Whoever knows that the owner does not consent to the driving or
13 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
14 a person while he or she violates sub. (1g), ~~(1m), (1r),~~ (2) or, (3), or (3m) is guilty of
15 a Class A misdemeanor.

16 **SECTION 461.** 943.23 (5) of the statutes is amended to read:

17 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
18 consent of the owner is guilty of a Class E I felony. Whoever intentionally removes
19 any other part or component of a vehicle without the consent of the owner is guilty
20 of a Class A misdemeanor.

21 **SECTION 462.** 943.24 (2) of the statutes is amended to read:

22 943.24 (2) Whoever issues any single check or other order for the payment of
23 more than ~~\$1,000~~^{\$2,000} or whoever within a 15-day period issues more than one check or
24 other order amounting in the aggregate to more than ~~\$1,000~~^{\$2,000} which, at the time of
25 issuance, the person intends shall not be paid is guilty of a Class E I felony.

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ASSEMBLY BILL 3

1 **SECTION 463.** 943.25 (1) of the statutes is amended to read:

2 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
3 she knows is encumbered, without informing the grantee of the existence of the
4 encumbrance is guilty of a Class E I felony.

5 **SECTION 464.** 943.25 (2) (intro.) of the statutes is amended to read:

6 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
7 is guilty of a Class E I felony:

8 **SECTION 465.** 943.26 (2) of the statutes is amended to read: ✓ \$2,000

9 943.26 (2) If the security is impaired by more than ~~\$1,000~~, the mortgagor or
10 vendee is guilty of a Class E I felony.

11 **SECTION 466.** 943.27 of the statutes is amended to read:

12 **943.27 Possession of records of certain usurious loans.** Any person who
13 knowingly possesses any writing representing or constituting a record of a charge of,
14 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
15 upon \$100 for one year computed upon the declining principal balance of the loan,
16 use or forbearance of money, goods or things in action or upon the loan, use or sale
17 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
18 E I felony.

19 **SECTION 467.** 943.28 (2) of the statutes is amended to read:

20 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
21 do so, if one or more of the parties to the conspiracy does an act to effect its object,
22 is guilty of a Class C F felony.

23 **SECTION 468.** 943.28 (3) of the statutes is amended to read:

24 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
25 as an investment, pursuant to a partnership or profit-sharing agreement, or

ASSEMBLY BILL 3

1 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
2 Class C F felony.

3 **SECTION 469.** 943.28 (4) of the statutes is amended to read:

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

7 **SECTION 470.** 943.30 (1) of the statutes is amended to read:

8 943.30 (1) Whoever, either verbally or by any written or printed
9 communication, maliciously threatens to accuse or accuses another of any crime or
10 offense, or threatens or commits any injury to the person, property, business,
11 profession, calling or trade, or the profits and income of any business, profession,
12 calling or trade of another, with intent thereby to extort money or any pecuniary
13 advantage whatever, or with intent to compel the person so threatened to do any act
14 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

15 **SECTION 471.** 943.30 (2) of the statutes is amended to read:

16 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
17 commerce or business or the movement of any article or commodity in commerce or
18 business is guilty of a Class D H felony.

19 **SECTION 472.** 943.30 (3) of the statutes is amended to read:

20 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
21 grand juror, in the performance of his or her functions as such, is guilty of a Class D
22 H felony.

23 **SECTION 473.** 943.30 (4) of the statutes is amended to read:

24 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
25 action of any public officer is guilty of a Class D H felony.

ASSEMBLY BILL 3**SECTION 474**

1 **SECTION 474.** 943.30 (5) (b) of the statutes is amended to read:

2 943.30 (5) (b) Whoever, orally or by any written or printed communication,
3 maliciously uses, or threatens to use, the patient health care records of another
4 person, with intent thereby to extort money or any pecuniary advantage, or with
5 intent to compel the person so threatened to do any act against the person's will or
6 omit to do any lawful act, is guilty of a Class **D H** felony.

7 **SECTION 475.** 943.31 of the statutes is amended to read:

8 **943.31 Threats to communicate derogatory information.** Whoever
9 threatens to communicate to anyone information, whether true or false, which would
10 injure the reputation of the threatened person or another unless the threatened
11 person transfers property to a person known not to be entitled to it is guilty of a Class
12 **E I** felony.

13 **SECTION 476.** 943.32 (1) (intro.) of the statutes is amended to read:

14 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
15 or presence of the owner by either of the following means is guilty of a Class **C E**
16 felony:

17 **SECTION 477.** 943.32 (2) of the statutes is amended to read:

18 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
19 weapon, a device or container described under s. 941.26 (4) (a) or any article used or
20 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
21 weapon or such a device or container is guilty of a Class **B C** felony.

22 **SECTION 478.** 943.34 (1) (b) of the statutes is amended to read:

23 943.34 (1) (b) A Class **E I** felony if the value of the property exceeds \$1,000 but
24 does not more than \$2,500 exceed \$5,000.

25 **SECTION 479.** 943.34 (1) (bm) of the statutes is created to read:

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128/21

ASSEMBLY BILL 3

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

3 **SECTION 480.** 943.34 (1) (c) of the statutes is amended to read:

4 943.34 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
5 \$10,000.

6 **SECTION 481.** 943.38 (1) (intro.) of the statutes is amended to read:

7 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
8 writing or object of any of the following kinds so that it purports to have been made
9 by another, or at another time, or with different provisions, or by authority of one who
10 did not give such authority, is guilty of a Class C H felony:

11 **SECTION 482.** 943.38 (2) of the statutes is amended to read:

12 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
13 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
14 been thus falsely made or altered, is guilty of a Class C H felony.

15 **SECTION 483.** 943.39 (intro.) of the statutes is amended to read:

✓ 16 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
17 defraud, does any of the following is guilty of a Class D H felony:

18 ~~**SECTION 484.** 943.395 (2) (b) of the statutes is amended to read:~~
19 ~~943.395 (2) (b) Is guilty of a Class E I felony if the value of the claim or benefit~~
20 ~~exceeds \$1,000.~~

21 **SECTION 485.** 943.40 (intro.) of the statutes is amended to read:

22 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
23 intent to defraud does either of the following is guilty of a Class D H felony:

24 **SECTION 486.** 943.41 (8) (b) of the statutes is amended to read:

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ASSEMBLY BILL 3

1 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
2 or (6m) is guilty of a Class E I felony.

3 SECTION 487. 943.41 (8) (c) of the statutes is amended to read:

4 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
5 if the value of the money, goods, services or property illegally obtained does not
6 exceed ~~\$1,000~~^{\$2,000} is guilty of a Class A misdemeanor; if the value of the money, goods,
7 services or property exceeds ~~\$1,000~~^{\$2,000} but does not exceed \$2,500 ~~\$5,000~~, in a single
8 transaction or in separate transactions within a period not exceeding 6 months, the
9 person is guilty of a Class E I felony; if the value of the money, goods, services, or
10 property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in
11 separate transactions within a period not exceeding 6 months, the person is guilty
12 of a Class H felony; or if the value of the money, goods, services or property exceeds
13 \$2,500 \$10,000, in a single transaction or in separate transactions within a period
14 not exceeding 6 months, the person is guilty of a Class C G felony.

15 SECTION 488. 943.45 (3) (c) of the statutes is amended to read:

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

19 SECTION 489. 943.45 (3) (d) of the statutes is amended to read:

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

23 SECTION 490. 943.455 (4) (c) of the statutes is amended to read:

ASSEMBLY BILL 3

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

4 **SECTION 491.** 943.455 (4) (d) of the statutes is amended to read:

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

8 **SECTION 492.** 943.46 (4) (c) of the statutes is amended to read:

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

12 **SECTION 493.** 943.46 (4) (d) of the statutes is amended to read:

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

16 **SECTION 494.** 943.47 (3) (c) of the statutes is amended to read:

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

20 **SECTION 495.** 943.47 (3) (d) of the statutes is amended to read:

21 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
22 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
23 D I felony.

24 **SECTION 496.** 943.49 (2) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 3

SECTION 496

132/2 ✓

1 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class D I felony if
2 the violation occurs after the person has been convicted under this subsection.

3 **SECTION 497.** 943.50 (4) (b) of the statutes is amended to read:

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

6 **SECTION 498.** 943.50 (4) (bm) of the statutes is created to read:

7 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
8 but does not exceed \$10,000.

9 **SECTION 499.** 943.50 (4) (c) of the statutes is amended to read:

10 943.50 (4) (c) A Class C G felony, if the value of the merchandise exceeds ~~\$2,500~~
11 \$10,000.

12 **SECTION 500.** 943.60 (1) of the statutes is amended to read:

13 943.60 (1) Any person who submits for filing, entering or recording any lien,
14 claim of lien, lis pendens, writ of attachment, financing statement or any other
15 instrument relating to a security interest in or title to real or personal property, and
16 who knows or should have known that the contents or any part of the contents of the
17 instrument are false, a sham or frivolous, is guilty of a Class D H felony.

18 **SECTION 501.** 943.61 (5) (b) of the statutes is amended to read:

19 943.61 (5) (b) A Class E I felony, if the value of the library materials exceeds
20 \$1,000 but does not exceed \$2,500.

21 **SECTION 502.** 943.61 (5) (c) of the statutes is amended to read:

22 943.61 (5) (c) A Class C H felony, if the value of the library materials exceeds
23 \$2,500.

24 **SECTION 503.** 943.62 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 3

1 943.62 (4) (b) A Class E I felony, if the value of the advance payment or required
2 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

3 **SECTION 504.** 943.62 (4) (c) of the statutes is amended to read:

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

6 **SECTION 505.** 943.70 (2) (b) 2. of the statutes is amended to read:

7 943.70 (2) (b) 2. A Class E I felony if the offense is committed to defraud or to
8 obtain property.

9 **SECTION 506.** 943.70 (2) (b) 3. of the statutes is amended to read:

\$5,000

10 943.70 (2) (b) 3. A Class D H felony if the damage is greater than ~~\$2,500~~ or if
11 it causes an interruption or impairment of governmental operations or public
12 communication, of transportation or of a supply of water, gas or other public service.

13 **SECTION 507.** 943.70 (2) (b) 4. of the statutes is amended to read:

14 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
15 unreasonable risk of death or great bodily harm to another.

16 **SECTION 508.** 943.70 (3) (b) 2. of the statutes is amended to read:

17 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
18 obtain property.

19 **SECTION 509.** 943.70 (3) (b) 3. of the statutes is amended to read:

20 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
21 system, computer network, equipment or supplies is greater than ~~\$2,500~~ \$5,000

22 **SECTION 510.** 943.70 (3) (b) 4. of the statutes is amended to read:

23 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
24 unreasonable risk of death or great bodily harm to another.

25 **SECTION 511.** 943.75 (2) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 511**

1 **943.75 (2)** Whoever intentionally releases an animal that is lawfully confined
2 for companionship or protection of persons or property, recreation, exhibition, or
3 educational purposes, acting without the consent of the owner or custodian of the
4 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
5 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
6 by a person is a Class E I felony.

7 **SECTION 512.** 943.75 (2m) of the statutes is amended to read:

8 **943.75 (2m)** Whoever intentionally releases an animal that is lawfully
9 confined for scientific, farming, restocking, research or commercial purposes, acting
10 without the consent of the owner or custodian of the animal, is guilty of a Class C H
11 felony.

12 **SECTION 513.** 944.05 (1) (intro.) of the statutes is amended to read:

13 **944.05 (1) (intro.)** Whoever does any of the following is guilty of a Class E I
14 felony:

15 **SECTION 514.** 944.06 of the statutes is amended to read:

16 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
17 a person he or she knows is a blood relative and such relative is in fact related in a
18 degree within which the marriage of the parties is prohibited by the law of this state
19 is guilty of a Class C F felony.

20 **SECTION 515.** 944.15 (title) of the statutes is repealed and recreated to read:

21 **944.15 (title) Public fornication.**

22 **SECTION 516.** 944.16 (intro.) of the statutes is amended to read:

23 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
24 Class E I felony:

25 **SECTION 517.** 944.205 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class E I
2 felony:

3 **SECTION 518.** 944.21 (5) (c) of the statutes is amended to read:

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

6 **SECTION 519.** 944.21 (5) (e) of the statutes is amended to read:

7 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
8 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
9 the person is guilty of a Class D H felony.

10 **SECTION 520.** 944.32 of the statutes is amended to read:

11 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
12 intentionally solicits or causes any person to practice prostitution or establishes any
13 person in a place of prostitution is guilty of a Class D H felony.

14 **SECTION 521.** 944.33 (2) of the statutes is amended to read:

15 944.33 (2) If the person received compensation from the earnings of the
16 prostitute, such person is guilty of a Class C F felony.

17 **SECTION 522.** 944.34 (intro.) of the statutes is amended to read:

18 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
19 any of the following is guilty of a Class D H felony:

20 **SECTION 523.** 945.03 (1m) (intro.) of the statutes is amended to read:

21 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
22 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
23 I felony:

24 **SECTION 524.** 945.05 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 524**

1 945.05 (1) (intro.) Except as provided in subs. (1e) and (1m), whoever
2 manufactures, transfers commercially or possesses with intent to transfer
3 commercially either of the following is guilty of a Class E I felony:

4 **SECTION 525.** 945.08 (1) of the statutes is amended to read:

5 945.08 (1) Any person who, with intent to influence any participant to refrain
6 from exerting full skill, speed, strength or endurance, transfers or promises any
7 property or any personal advantage to or on behalf of any participant in a contest of
8 skill, speed, strength or endurance is guilty of a Class D H felony.

9 **SECTION 526.** 946.02 (1) (intro.) of the statutes is amended to read:

10 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
11 felony:

12 **SECTION 527.** 946.03 (1) (intro.) of the statutes is amended to read:

13 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
14 felony:

15 **SECTION 528.** 946.03 (2) of the statutes is amended to read:

16 946.03 (2) Whoever permits any premises under his or her care, control or
17 supervision to be used by an assembly with knowledge that the purpose of the
18 assembly is to advocate or teach the duty, necessity, desirability or propriety of
19 overthrowing the government of the United States or this state by the use or threat
20 of physical violence with intent that such government be overthrown or, after
21 learning that the premises are being so used, permits such use to be continued is
22 guilty of a Class E I felony.

23 **SECTION 529.** 946.05 (1) of the statutes is amended to read:

24 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
25 contempt upon the flag is guilty of a Class E I felony.

ASSEMBLY BILL 3

1 **SECTION 530.** 946.10 (intro.) of the statutes is amended to read:

2 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
3 either of the following is guilty of a Class D H felony:

4 **SECTION 531.** 946.11 (1) (intro.) of the statutes is amended to read:

5 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

6 **SECTION 532.** 946.12 (intro.) of the statutes is amended to read:

7 **946.12 Misconduct in public office.** (intro.) Any public officer or public
8 employee who does any of the following is guilty of a Class E I felony:

9 **SECTION 533.** 946.13 (1) (intro.) of the statutes is amended to read:

10 946.13 (1) (intro.) Any public officer or public employee who does any of the
11 following is guilty of a Class E I felony:

12 **SECTION 534.** 946.14 of the statutes is amended to read:

13 **946.14 Purchasing claims at less than full value.** Any public officer or
14 public employee who in a private capacity directly or indirectly intentionally
15 purchases for less than full value or discounts any claim held by another against the
16 state or a political subdivision thereof or against any public fund is guilty of a Class
17 E I felony.

18 **SECTION 535.** 946.15 (1) of the statutes is amended to read:

19 946.15 (1) Any employer, or any agent or employee of an employer, who induces
20 any person who seeks to be or is employed pursuant to a public contract as defined
21 in s. 66.0903 (1) (c) or who seeks to be or is employed on a project on which a prevailing
22 wage rate determination has been issued by the department of workforce
23 development under s. 66.293 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
24 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
25 waive or return any part of the compensation to which that person is entitled under

ASSEMBLY BILL 3**SECTION 535**

1 his or her contract of employment or under the prevailing wage rate determination
2 issued by the department or local governmental unit, or who reduces the hourly basic
3 rate of pay normally paid to an employee for work on a project on which a prevailing
4 wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or
5 103.50 (3) during a week in which the employee works both on a project on which a
6 prevailing wage rate determination has been issued and on a project on which a
7 prevailing wage rate determination has not been issued, is guilty of a Class E I felony.

8 **SECTION 536.** 946.15 (3) of the statutes is amended to read:

9 946.15 (3) Any employer or labor organization, or any agent or employee of an
10 employer or labor organization, who induces any person who seeks to be or is
11 employed on a project on which a prevailing wage rate determination has been issued
12 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
13 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
14 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
15 under the prevailing wage rate determination issued by the department or local
16 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,
17 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
18 is working on a project that is subject to 40 USC 276c.

19 **SECTION 537.** 946.31 (1) (intro.) of the statutes is amended to read:

20 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
21 material statement which the person does not believe to be true, in any matter, cause,
22 action or proceeding, before any of the following, whether legally constituted or
23 exercising powers as if legally constituted, is guilty of a Class D H felony:

24 **SECTION 538.** 946.32 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

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

3 **SECTION 539.** 946.41 (2m) (intro.) of the statutes is amended to read:

4 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
5 circumstances is guilty of a Class D H felony:

6 **SECTION 540.** 946.415 (2) (intro.) of the statutes is amended to read:

7 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
8 a Class ~~E~~ I felony:

9 **SECTION 541.** 946.42 (3) (intro.) of the statutes is amended to read:

10 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
11 under any of the following circumstances is guilty of a Class D H felony:

12 **SECTION 542.** 946.42 (4) of the statutes is repealed.

13 **SECTION 543.** 946.425 (1) of the statutes is amended to read:

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

17 **SECTION 544.** 946.425 (1m) (b) of the statutes is amended to read:

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

22 **SECTION 545.** 946.425 (1r) (b) of the statutes is amended to read:

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

ASSEMBLY BILL 3**SECTION 545**

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

3 **SECTION 546.** 946.425 (2) of the statutes is repealed.

4 **SECTION 547.** 946.43 (1m) (intro.) of the statutes is amended to read:

5 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
6 county or municipal detention facility who intentionally does any of the following is
7 guilty of a Class C F felony:

8 **SECTION 548.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

9 946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state,
10 county or municipal detention facility who throws or expels blood, semen, vomit,
11 saliva, urine, feces or other bodily substance at or toward an officer, employee or
12 visitor of the prison or facility or another prisoner of the prison or facility under all
13 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
14 ~~not more than 2 years or both~~ is guilty of a Class I felony:

15 **SECTION 549.** 946.44 (1) (intro.) of the statutes is amended to read:

16 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

17 **SECTION 550.** 946.44 (1g) of the statutes is amended to read:

18 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
19 is guilty of a Class C F felony.

20 **SECTION 551.** 946.44 (1m) of the statutes is amended to read:

21 946.44 (1m) Whoever intentionally introduces into an institution where
22 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
23 unloaded, or any article used or fashioned in a manner to lead another person to
24 believe it is a firearm, is guilty of a Class C F felony.

25 **SECTION 552.** 946.47 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

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

3 **SECTION 553.** 946.48 (1) of the statutes is amended to read:

4 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
5 written or oral communication with intent to induce a false belief that the sender has
6 knowledge of the whereabouts, physical condition, or terms imposed upon the return
7 of a kidnapped or missing person is guilty of a Class D H felony.

8 **SECTION 554.** 946.49 (1) (b) of the statutes is amended to read:

9 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
10 of a Class D H felony.

11 **SECTION 555.** 946.49 (2) of the statutes is amended to read:

12 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
13 guilty of a Class E I felony for failure to appear as provided.

14 **SECTION 556.** 946.50 (5d) of the statutes is created to read:

15 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
16 committing an act that would be a Class F felony if committed by an adult.

17 **SECTION 557.** 946.50 (5h) of the statutes is created to read:

18 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
19 committing an act that would be a Class G felony if committed by an adult.

20 **SECTION 558.** 946.50 (5p) of the statutes is created to read:

21 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
22 committing an act that would be a Class H felony if committed by an adult.

23 **SECTION 559.** 946.50 (5t) of the statutes is created to read:

24 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
25 committing an act that would be a Class I felony if committed by an adult.

ASSEMBLY BILL 3

1 **SECTION 560.** 946.60 (1) of the statutes is amended to read:

2 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
3 removes, withholds or transfers possession of a document, knowing that the
4 document has been subpoenaed by a court or by or at the request of a district attorney
5 or the attorney general, is guilty of a Class E I felony.

6 **SECTION 561.** 946.60 (2) of the statutes is amended to read:

7 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
8 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
9 withhold or transfer possession of a subpoenaed document, knowing that the
10 document has been subpoenaed by a court or by or at the request of a district attorney
11 or the attorney general, is guilty of a Class E I felony.

12 **SECTION 562.** 946.61 (1) (intro.) of the statutes is amended to read:

13 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H
14 felony:

15 **SECTION 563.** 946.64 of the statutes is amended to read:

16 **946.64 Communicating with jurors.** Whoever, with intent to influence any
17 person, summoned or serving as a juror, in relation to any matter which is before that
18 person or which may be brought before that person, communicates with him or her
19 otherwise than in the regular course of proceedings in the trial or hearing of that
20 matter is guilty of a Class E I felony.

21 **SECTION 564.** 946.65 (1) of the statutes is amended to read:

22 946.65 (1) Whoever for a consideration knowingly gives false information to
23 any officer of any court with intent to influence the officer in the performance of
24 official functions is guilty of a Class E I felony.

25 **SECTION 565.** 946.68 (1r) (a) of the statutes is amended to read:

ASSEMBLY BILL 3

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

3 **SECTION 566.** 946.68 (1r) (b) of the statutes is amended to read:

4 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
5 to induce payment of a claim, the person is guilty of a Class D H felony.

6 **SECTION 567.** 946.68 (1r) (c) of the statutes is amended to read:

7 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
8 the person is guilty of a Class D H felony.

9 **SECTION 568.** 946.69 (2) (intro.) of the statutes is amended to read:

10 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
11 felony: -

12 **SECTION 569.** 946.70 (2) of the statutes is amended to read:

13 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
14 the commission of a crime other than the crime under this section is guilty of a Class
15 D H felony.

16 **SECTION 570.** 946.72 (1) of the statutes is amended to read:

17 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
18 removes or conceals any public record is guilty of a Class D H felony.

19 **SECTION 571.** 946.74 (2) of the statutes is amended to read:

20 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
21 sexual morality with or upon the inmate of the institution is guilty of a Class D H
22 felony.

23 **SECTION 572.** 946.76 of the statutes is amended to read:

ASSEMBLY BILL 3

SECTION 572

1 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
2 to its execution that a search warrant has been applied for or issued, except so far
3 as may be necessary to its execution, is guilty of a Class E I felony.

4 **SECTION 573.** 946.82 (4) of the statutes is amended to read:

5 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
6 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
7 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
8 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
9 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
10 940.19 (3) (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
11 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) [✓] or (2g), 943.011,
12 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d)
13 (e), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
14 943.30, 943.32, 943.34 (1) (b), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
15 (c), 943.50 (4) (b), (bm), and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
16 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
17 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
18 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

19 **SECTION 574.** 946.84 (1) of the statutes is amended to read:

20 946.84 (1) Any person convicted of engaging in racketeering activity in
21 violation of s. 946.83 is guilty of a Class C E felony.

22 **SECTION 575.** 946.85 (1) of the statutes is amended to read:

23 946.85 (1) Any person who engages in a continuing criminal enterprise shall
24 be imprisoned for not less than 10 years nor more than 30 years, and fined not more
25 than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than

ASSEMBLY BILL 3

1 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
2 ~~record is guilty of a Class E felony.~~

3 **SECTION 576.** 947.013 (1t) of the statutes is amended to read:

4 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
5 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
6 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
7 occurs within 7 years of the prior conviction.

8 **SECTION 577.** 947.013 (1v) of the statutes is amended to read:

9 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
10 she intentionally gains access to a record in electronic format that contains
11 personally identifiable information regarding the victim in order to facilitate the
12 violation under sub. (1r).

13 **SECTION 578.** 947.013 (1x) (intro.) of the statutes is amended to read:

14 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
15 circumstances is guilty of a Class D H felony:

16 **SECTION 579.** 947.015 of the statutes is amended to read:

17 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
18 conveyed any threat or false information, knowing such to be false, concerning an
19 attempt or alleged attempt being made or to be made to destroy any property by the
20 means of explosives is guilty of a Class E I felony.

21 **SECTION 580.** 948.02 (2) of the statutes is amended to read:

22 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT** Whoever has sexual contact or
23 sexual intercourse with a person who has not attained the age of 16 years is guilty
24 of a Class BC C felony.

25 **SECTION 581.** 948.02 (3) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 581**

1 948.02 (3) FAILURE TO ACT. A person responsible for the welfare of a child who
2 has not attained the age of 16 years is guilty of a Class C F felony if that person has
3 knowledge that another person intends to have, is having or has had sexual
4 intercourse or sexual contact with the child, is physically and emotionally capable
5 of taking action which will prevent the intercourse or contact from taking place or
6 being repeated, fails to take that action and the failure to act exposes the child to an
7 unreasonable risk that intercourse or contact may occur between the child and the
8 other person or facilitates the intercourse or contact that does occur between the
9 child and the other person.

10 **SECTION 582.** 948.02 (3m) of the statutes is repealed.

11 **SECTION 583.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
12 amended to read:

13 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
14 or (2) within a specified period of time involving the same child is guilty of a:

15 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

16 **SECTION 584.** 948.025 (1) (b) of the statutes is created to read:

17 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
18 of s. 948.02 (1).

19 **SECTION 585.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
20 amended to read:

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

ASSEMBLY BILL 3

1 number and need not agree on whether a particular violation was a violation of s.
2 948.02 (1) or (2).

3 **SECTION 586.** 948.025 (2) (a) of the statutes is created to read:

4 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
5 the defendant guilty the members of the jury must unanimously agree that at least
6 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
7 agree on which acts constitute the requisite number.

8 **SECTION 587.** 948.025 (2m) of the statutes is repealed.

9 **SECTION 588.** 948.03 (2) (a) of the statutes is amended to read:

10 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
11 guilty of a Class C E felony.

12 **SECTION 589.** 948.03 (2) (b) of the statutes is amended to read:

13 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
14 a Class D H felony.

15 **SECTION 590.** 948.03 (2) (c) of the statutes is amended to read:

16 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
17 which creates a high probability of great bodily harm is guilty of a Class C F felony.

18 **SECTION 591.** 948.03 (3) (a) of the statutes is amended to read:

19 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
20 of a Class D G felony.

21 **SECTION 592.** 948.03 (3) (b) of the statutes is amended to read:

22 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
23 Class E I felony.

24 **SECTION 593.** 948.03 (3) (c) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 593**

1 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
2 which creates a high probability of great bodily harm is guilty of a Class D H felony.

3 **SECTION 594.** 948.03 (4) (a) of the statutes is amended to read:

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

11 **SECTION 595.** 948.03 (4) (b) of the statutes is amended to read:

12 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
13 D H felony if that person has knowledge that another person intends to cause, is
14 causing or has intentionally or recklessly caused bodily harm to the child and is
15 physically and emotionally capable of taking action which will prevent the bodily
16 harm from occurring or being repeated, fails to take that action and the failure to act
17 exposes the child to an unreasonable risk of bodily harm by the other person or
18 facilitates the bodily harm to the child that is caused by the other person.

19 **SECTION 596.** 948.03 (5) of the statutes is repealed.

20 **SECTION 597.** 948.04 (1) of the statutes is amended to read:

21 948.04 (1) Whoever is exercising temporary or permanent control of a child and
22 causes mental harm to that child by conduct which demonstrates substantial
23 disregard for the mental well-being of the child is guilty of a Class C F felony.

24 **SECTION 598.** 948.04 (2) of the statutes is amended to read:

ASSEMBLY BILL 3

1 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
2 felony if that person has knowledge that another person has caused, is causing or will
3 cause mental harm to that child, is physically and emotionally capable of taking
4 action which will prevent the harm, fails to take that action and the failure to act
5 exposes the child to an unreasonable risk of mental harm by the other person or
6 facilitates the mental harm to the child that is caused by the other person.

7 **SECTION 599.** 948.05 (1) (intro.) of the statutes is amended to read:

8 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
9 character and content of the sexually explicit conduct involving the child is guilty of
10 a Class C F felony:

11 **SECTION 600.** 948.05 (1m) of the statutes is amended to read:

12 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
13 into the state, reproduces, advertises, sells, distributes or possesses with intent to
14 sell or distribute, any undeveloped film, photographic negative, photograph, motion
15 picture, videotape, sound recording or other reproduction of a child engaging in
16 sexually explicit conduct is guilty of a Class C F felony if the person knows the
17 character and content of the sexually explicit conduct involving the child and if the
18 person knows or reasonably should know that the child engaging in the sexually
19 explicit conduct has not attained the age of 18 years.

20 **SECTION 601.** 948.05 (2) of the statutes is amended to read:

21 948.05 (2) A person responsible for a child's welfare who knowingly permits,
22 allows or encourages the child to engage in sexually explicit conduct for a purpose
23 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

24 **SECTION 602.** 948.055 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 602**

1 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
2 years.

3 **SECTION 603.** 948.055 (2) (b) of the statutes is amended to read:

4 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
5 but has not attained the age of 18 years.

6 **SECTION 604.** 948.06 (intro.) of the statutes is amended to read:

7 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
8 guilty of a Class BC C felony:

9 **SECTION 605.** 948.07 (intro.) of the statutes is amended to read:

10 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
11 following acts, causes or attempts to cause any child who has not attained the age
12 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
13 BC D felony:

14 **SECTION 606.** 948.08 of the statutes is amended to read:

15 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
16 or causes any child to practice prostitution or establishes any child in a place of
17 prostitution is guilty of a Class BC D felony.

18 **SECTION 607.** 948.095 (2) (intro.) of the statutes is amended to read:

19 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
20 child who has attained the age of 16 years and who is not the defendant's spouse is
21 guilty of a Class D H felony if all of the following apply:

22 **SECTION 608.** 948.11 (2) (a) of the statutes is amended to read:

23 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
24 rents, exhibits, transfers or loans to a child any harmful material, with or without
25 monetary consideration, is guilty of a Class E I felony.