

ENGROSSED ASSEMBLY BILL 3**SECTION 283**

1 **SECTION 283.** 939.62 (1) (b) of the statutes is amended to read:

2 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
3 more than 10 years may be increased by not more than 2 years if the prior convictions
4 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
5 a felony.

6 **SECTION 284.** 939.62 (1) (c) of the statutes is amended to read:

7 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
8 increased by not more than 2 years if the prior convictions were for misdemeanors
9 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

10 **SECTION 285.** 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

11 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
12 is that is a Class A, B, or C felony or, if the felony was committed before the effective
13 date of this subd. 2m. a. [revisor inserts date], that is or was punishable by a
14 maximum prison term of 30 years or more.

15 **SECTION 286.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

16 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
17 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
18 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
19 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
20 (1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
21 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

22 **SECTION 287.** 939.622 of the statutes is repealed.

23 **SECTION 288.** 939.623 (2) of the statutes is amended to read:

24 939.623 (2) If a person has one or more prior convictions for a serious sex crime
25 and subsequently commits a serious sex crime, the court shall impose a bifurcated

ENGROSSED ASSEMBLY BILL 3

1 sentence ~~the person to~~ under s. 973.01. The term of confinement in prison portion
2 of a bifurcated sentence imposed under this subsection may not be less than 5 years'
3 imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
4 subject to any applicable penalty enhancement. The court ~~shall~~ may not place the
5 defendant on probation.

6 **SECTION 289.** 939.624 (2) of the statutes is amended to read:

7 939.624 (2) If a person has one or more prior convictions for a serious violent
8 crime or a crime punishable by life imprisonment and subsequently commits a
9 serious violent crime, the court shall impose a bifurcated sentence ~~the person to~~
10 under s. 973.01. The term of confinement in prison portion of a bifurcated sentence
11 imposed under this subsection may not be less than 5 years' imprisonment 3 years
12 and 6 months, but otherwise the penalties for the crime apply, subject to any
13 applicable penalty enhancement. The court ~~shall~~ may not place the defendant on
14 probation.

15 **SECTION 290.** 939.625 of the statutes is repealed.

16 **SECTION 291.** 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1)
17 (d), (2) and (3), as renumbered, are amended to read:

18 939.63 (1) (d) The maximum term of imprisonment for a felony not specified
19 in ~~subd. 2. or 3. par (b) or (c)~~ par (b) or (c) may be increased by not more than 3 years.

20 (2) The increased penalty provided in this ~~subsection~~ section does not apply if
21 possessing, using or threatening to use a dangerous weapon is an essential element
22 of the crime charged.

23 (3) This ~~subsection~~ section applies only to crimes specified under chs. 939 to
24 951 and 961.

25 **SECTION 292.** 939.63 (2) of the statutes is repealed.

ENGROSSED ASSEMBLY BILL 3**SECTION 293**

1 **SECTION 293.** 939.632 (1) (e) 1. of the statutes is amended to read:

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

7 **SECTION 294.** 939.632 (2) of the statutes is amended to read:

8 939.632 (2) If a person commits a violent crime in a school zone, the maximum
9 period term of imprisonment is increased as follows:

10 (a) If the violent crime is a felony, the maximum period term of imprisonment
11 is increased by 5 years.

12 (b) If the violent crime is a misdemeanor, the maximum period term of
13 imprisonment is increased by 3 months and the place of imprisonment is the county
14 jail.

15 **SECTION 295.** 939.635 of the statutes is repealed.

16 **SECTION 296.** 939.64 of the statutes is repealed.

17 **SECTION 297.** 939.641 of the statutes is repealed.

18 **SECTION 298.** 939.645 (2) of the statutes is amended to read:

19 939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a
20 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
21 \$10,000 and the revised maximum period term of imprisonment is one year in the
22 county jail.

23 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
24 the penalty increase under this section changes the status of the crime to a felony and

ENGROSSED ASSEMBLY BILL 3

1 the revised maximum fine is \$10,000 and the revised maximum period term of
2 imprisonment is 2 years.

3 (c) If the crime committed under sub. (1) is a felony, the maximum fine
4 prescribed by law for the crime may be increased by not more than \$5,000 and the
5 maximum period term of imprisonment prescribed by law for the crime may be
6 increased by not more than 5 years.

7 **SECTION 299.** 939.646 of the statutes is repealed.

8 **SECTION 300.** 939.647 of the statutes is repealed.

9 **SECTION 301.** 939.648 of the statutes is repealed.

10 **SECTION 302.** 939.72 (1) of the statutes is amended to read:

11 939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
12 party to a crime which is the objective of the solicitation; or

13 **SECTION 303.** 939.75 (1) of the statutes is amended to read:

14 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
15 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
16 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
17 (e) and ~~(1b)~~, “unborn child” means any individual of the human species from
18 fertilization until birth that is gestating inside a woman.

19 **SECTION 304.** 940.02 (2) (intro.) of the statutes is amended to read:

20 940.02 (2) (intro.) Whoever causes the death of another human being under any
21 of the following circumstances is guilty of a Class B C felony:

22 **SECTION 305.** 940.03 of the statutes is amended to read:

23 **940.03 Felony murder.** Whoever causes the death of another human being
24 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
25 (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than

ENGROSSED ASSEMBLY BILL 3

1 ~~20~~ 15 years in excess of the maximum ~~period~~ term of imprisonment provided by law
2 for that crime or attempt.

3 **SECTION 306.** 940.04 (1) of the statutes is amended to read:

4 940.04 (1) Any person, other than the mother, who intentionally destroys the
5 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
6 ~~than 3 years or both~~ is guilty of a Class H felony.

7 **SECTION 307.** 940.04 (2) (intro.) of the statutes is amended to read:

8 940.04 (2) (intro.) Any person, other than the mother, who does either of the
9 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

10 **SECTION 308.** 940.04 (4) of the statutes is amended to read:

11 940.04 (4) Any pregnant woman who intentionally destroys the life of her
12 unborn quick child or who consents to such destruction by another ~~may be~~
13 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

14 **SECTION 309.** 940.06 (1) of the statutes is amended to read:

15 940.06 (1) Whoever recklessly causes the death of another human being is
16 guilty of a Class ~~C~~ D felony.

17 **SECTION 310.** 940.06 (2) of the statutes is amended to read:

18 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
19 a Class ~~C~~ D felony.

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

21 **940.07 Homicide resulting from negligent control of vicious animal.**

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

ENGROSSED ASSEMBLY BILL 3

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

2 940.08 (1) Whoever causes the death of another human being by the negligent
3 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
4 D G felony.

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

6 940.08 (2) Whoever causes the death of an unborn child by the negligent
7 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class D
8 G felony.

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

10 940.09 (1) (intro.) Any person who does any of the following is guilty of a Class
11 B felony may be penalized as provided in sub. (1c):

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

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

14 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
15 guilty of a Class D felony.

16 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
17 one or more prior convictions, suspensions, or revocations, as counted under s.
18 343.307 (2).

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

20 940.10 (1) Whoever causes the death of another human being by the negligent
21 operation or handling of a vehicle is guilty of a Class E G felony.

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

23 940.10 (2) Whoever causes the death of an unborn child by the negligent
24 operation or handling of a vehicle is guilty of a Class E G felony.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 319**

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

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

5 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
6 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class D G
7 felony.

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

9 **940.12 Assisting suicide.** Whoever with intent that another take his or her
10 own life assists such person to commit suicide is guilty of a Class D H felony.

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

12 940.15 (2) Whoever intentionally performs an abortion after the fetus or
13 unborn child reaches viability, as determined by reasonable medical judgment of the
14 woman's attending physician, is guilty of a Class E I felony.

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

16 940.15 (5) Whoever intentionally performs an abortion and who is not a
17 physician is guilty of a Class E I felony.

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

19 940.15 (6) Any physician who intentionally performs an abortion under sub.
20 (3) shall use that method of abortion which, of those he or she knows to be available,
21 is in his or her medical judgment most likely to preserve the life and health of the
22 fetus or unborn child. Nothing in this subsection requires a physician performing
23 an abortion to employ a method of abortion which, in his or her medical judgment
24 based on the particular facts of the case before him or her, would increase the risk
25 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

7 940.19 (4) Whoever causes great bodily harm to another by an act done with
8 intent to cause bodily harm to that person or another is guilty of a Class ~~D~~ H felony.

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

10 940.19 (5) Whoever causes great bodily harm to another by an act done with
11 intent to cause ~~either substantial bodily harm or great bodily harm~~ to that person
12 or another is guilty of a Class ~~C~~ E felony.

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

14 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
15 conduct that creates a substantial risk of great bodily harm is guilty of a Class ~~D~~ H
16 felony. A rebuttable presumption of conduct creating a substantial risk of great
17 bodily harm arises:

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

19 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
20 act done with intent to cause bodily harm to that unborn child, to the woman who is
21 pregnant with that unborn child or another is guilty of a Class ~~E~~ I felony.

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

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

ENGROSSED ASSEMBLY BILL 3**SECTION 332**

1 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
2 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 D H felony.

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

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

9 **SECTION 334.** 940.195 (6) of the statutes is amended to read:

10 940.195 (6) Whoever intentionally causes bodily harm to an unborn child by
11 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
12 felony.

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

14 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
15 other state, county or municipal detention facility who intentionally causes bodily
16 harm to an officer, employee, visitor or another inmate of such prison or institution,
17 without his or her consent, is guilty of a Class D H felony.

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

19 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
20 person who is subject to an injunction under s. 813.12 or a tribal injunction filed
21 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
22 sought the injunction by an act done without the consent of the petitioner is guilty
23 of a Class E I felony.

ENGROSSED ASSEMBLY BILL 3

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

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

5 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS. Whoever
6 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
7 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
8 person knows or has reason to know that the victim is a law enforcement officer or
9 fire fighter, by an act done without the consent of the person so injured, is guilty of
10 a Class ~~D~~ H felony.

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

12 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,
13 extended supervision and parole agent or an aftercare agent, acting in an official
14 capacity and the person knows or has reason to know that the victim is a probation,
15 extended supervision and parole agent or an aftercare agent, by an act done without
16 the consent of the person so injured, is guilty of a Class ~~D~~ H felony.

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

18 940.20 (3) BATTERY TO JURORS. Whoever intentionally causes bodily harm to a
19 person who he or she knows or has reason to know is or was a grand or petit juror,
20 and by reason of any verdict or indictment assented to by the person, without the
21 consent of the person injured, is guilty of a Class ~~D~~ H felony.

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

23 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily
24 harm to a public officer in order to influence the action of such officer or as a result

ENGROSSED ASSEMBLY BILL 3

1 of any action taken within an official capacity, without the consent of the person
2 injured, is guilty of a Class ~~E~~ I felony.

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

4 940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college
5 district or school district officer or employee acting in that capacity, and the person
6 knows or has reason to know that the victim is a technical college district or school
7 district officer or employee, without the consent of the person so injured, is guilty of
8 a Class ~~E~~ I felony.

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

10 940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another
11 under any of the following circumstances is guilty of a Class ~~E~~ I felony:

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

13 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency
14 department worker, an emergency medical technician, a first responder or an
15 ambulance driver who is acting in an official capacity and who the person knows or
16 has reason to know is an emergency department worker, an emergency medical
17 technician, a first responder or an ambulance driver, by an act done without the
18 consent of the person so injured, is guilty of a Class ~~D~~ H felony.

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

20 940.201 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
21 felony:

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

23 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
24 cause bodily harm to the person or family member of any judge under all of the
25 following circumstances is guilty of a Class ~~D~~ H felony:

ENGROSSED ASSEMBLY BILL 3

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

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

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

7 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
8 cause bodily harm to the person or family member of any department of commerce
9 or department of workforce development official, employee or agent under all of the
10 following circumstances is guilty of a Class D H felony:

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

12 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
13 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
14 guilty of a Class B C felony.

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

16 940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
17 or herself out to be a therapist and who intentionally has sexual contact with a
18 patient or client during any ongoing therapist–patient or therapist–client
19 relationship, regardless of whether it occurs during any treatment, consultation,
20 interview or examination, is guilty of a Class C F felony. Consent is not an issue in
21 an action under this subsection.

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

23 940.225 (2) **SECOND DEGREE SEXUAL ASSAULT.** (intro.) Whoever does any of the
24 following is guilty of a Class BC C felony:

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

ENGROSSED ASSEMBLY BILL 3**SECTION 351**

1 940.225 (3) **THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse
2 with a person without the consent of that person is guilty of a Class D G felony.
3 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
4 without the consent of that person is guilty of a Class D G felony.

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

6 940.23 (1) (a) Whoever recklessly causes great bodily harm to another human
7 being under circumstances which show utter disregard for human life is guilty of a
8 Class C D felony.

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

10 940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child
11 under circumstances that show utter disregard for the life of that unborn child, the
12 woman who is pregnant with that unborn child or another is guilty of a Class C D
13 felony.

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

15 940.23 (2) (a) Whoever recklessly causes great bodily harm to another human
16 being is guilty of a Class D F felony.

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

18 940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child
19 is guilty of a Class D F felony.

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

21 940.24 (1) Whoever causes bodily harm to another by the negligent operation
22 or handling of a dangerous weapon, explosives or fire is guilty of a Class E I felony.

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

ENGROSSED ASSEMBLY BILL 3

1 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
2 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~
3 I felony.

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

5 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
6 ~~D F~~ felony:

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

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

9 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
10 that cause death is guilty of a Class ~~B C~~ felony. Any person violating par. (a) 3. under
11 circumstances that cause death is guilty of a Class D felony.

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

13 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
14 cause great bodily harm is guilty of a Class ~~C F~~ felony.

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

16 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
17 likely to cause great bodily harm is guilty of a Class ~~D G~~ felony. Any person violating
18 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
19 guilty of a Class I felony.

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

21 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
22 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E H~~ felony. Any person
23 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
24 of a Class I felony.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 365**

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

2 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
3 employed in a penal or correctional institution or other place of confinement who
4 abuses, neglects or ill-treats any person confined in or a resident of any such
5 institution or place or who knowingly permits another person to do so is guilty of a
6 Class ~~E~~ I felony.

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

8 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
9 that cause death to a vulnerable person is guilty of a Class ~~B~~ C felony. Any person
10 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
11 guilty of a Class D felony.

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

13 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
14 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

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

16 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
17 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
18 of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are
19 likely to cause great bodily harm is guilty of a Class G felony.

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

21 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
22 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ II felony. Any person
23 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
24 of a Class I felony.

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

ENGROSSED ASSEMBLY BILL 3

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

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

6 **940.30 False imprisonment.** Whoever intentionally confines or restrains
7 another without the person's consent and with knowledge that he or she has no
8 lawful authority to do so is guilty of a Class ~~E~~ H felony.

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

10 940.305 (1) Except as provided in sub. (2), whoever by force or threat of
11 imminent force seizes, confines or restrains a person without the person's consent
12 and with the intent to use the person as a hostage in order to influence a person to
13 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
14 B felony.

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

16 940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of
17 a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held as
18 a hostage is released without bodily harm.

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

20 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
21 felony:

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

23 940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with
24 intent to cause another to transfer property in order to obtain the release of the victim
25 is guilty of a Class ~~A~~ B felony.

ENGROSSED ASSEMBLY BILL 3**SECTION 376**

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

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

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

7 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
8 ~~A misdemeanor~~ I felony:

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

10 940.32 (2m) Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
11 intentionally gains access to a record in electronic format that contains personally
12 identifiable information regarding the victim in order to facilitate the violation
13 under sub. (2).

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

15 940.32 (3) (intro.) Whoever violates sub. (2) under any of the following
16 circumstances is guilty of a Class ~~E~~ H felony:

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

18 940.32 (3m) (intro.) Whoever violates sub. (3) under all of the following
19 circumstances is guilty of a Class ~~D~~ G felony:

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

21 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
22 940.42 under any of the following circumstances is guilty of a Class ~~D~~ C felony:

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

24 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
25 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

ENGROSSED ASSEMBLY BILL 3

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

2 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
3 following is guilty of a Class D H felony:

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

5 **941.12 (1)** Whoever intentionally interferes with the proper functioning of a
6 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
7 a Class E I felony.

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

9 **941.20 (2)** (intro.) Whoever does any of the following is guilty of a Class E G
10 felony:

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

12 **941.20 (3) (a)** (intro.) Whoever intentionally discharges a firearm from a
13 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot
14 that is open to the public under any of the following circumstances is guilty of a Class
15 E F felony:

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

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

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

ENGROSSED ASSEMBLY BILL 3**SECTION 388**

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

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

5 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ H felony.

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

7 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class ~~C~~ F felony.

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

9 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
10 commercial transportation of the bomb, grenade, projectile, shell or container under
11 sub. (1) (b) is guilty of a Class ~~E~~ H felony.

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

1 941.26 (4) (d) Whoever intentionally uses a device or container described under
2 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
3 or has reason to know, is a peace officer who is acting in an official capacity is guilty
4 of a Class ~~D~~ H felony.

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

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

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

12 941.28 (3) Any person violating this section is guilty of a Class ~~E~~ H felony.

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

14 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class ~~E~~ G felony
15 if he or she possesses a firearm under any of the following circumstances:

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

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

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

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

21 941.296 (2) (intro.) Whoever uses or possesses a handgun during the
22 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class ~~E~~ H felony
23 under any of the following circumstances.

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

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

ENGROSSED ASSEMBLY BILL 3

1 941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of
2 a Class E H felony.

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

4 941.30 (1) **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly
5 endangers another's safety under circumstances which show utter disregard for
6 human life is guilty of a Class D F felony.

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

8 941.30 (2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever
9 recklessly endangers another's safety is guilty of a Class E G felony.

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

11 941.31 (1) Whoever makes, buys, transports, possesses, or transfers any
12 explosive compound or offers to do the same, either with intent to use such explosive
13 to commit a crime or knowing that another intends to use it to commit a crime, is
14 guilty of a Class C F felony.

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

16 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
17 transfers any improvised explosive device, or possesses materials or components
18 with intent to assemble any improvised explosive device, is guilty of a Class E H
19 felony.

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

21 941.315 (3) (intro.) Whoever does any of the following is guilty of a Class D H
22 felony:

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

24 **941.32 Administering dangerous or stupefying drug.** Whoever
25 administers to another or causes another to take any poisonous, stupefying,

ENGROSSED ASSEMBLY BILL 3

1 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the
2 commission of a crime is guilty of a Class C F felony.

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

4 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
5 or other substances in candy or other liquid or solid edibles with the intent to cause
6 bodily harm to another person is guilty of a Class E I felony.

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

8 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
9 (a) is guilty of a Class E I felony.

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

11 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
12 bodily harm to another, a person violating par. (a) is guilty of a Class D H felony.

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

14 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
15 a person violating par. (a) is guilty of a Class C F felony.

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

17 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
18 guilty of a Class A C felony.

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

20 941.327 (3) Whoever intentionally imparts or conveys false information,
21 knowing the information to be false, concerning an act or attempted act which, if
22 true, would constitute a violation of sub. (2) is guilty of a Class E I felony.

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

24 941.37 (3) Any person who intentionally interferes with any emergency
25 medical personnel in the performance of duties relating to an emergency or rescue

ENGROSSED ASSEMBLY BILL 3**SECTION 415**

1 and who has reasonable grounds to believe that the interference may endanger
2 another's safety is guilty of a Class E I felony.

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

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

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

7 941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
8 prohibited in s. 940.19 or 940.195.

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

10 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
11 activity is guilty of a Class E I felony.

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

13 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
14 circumstances is guilty of a Class D I felony:

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

16 943.01 (2g) (intro.) Any person violating sub. (1) under all of the following
17 circumstances is guilty of a Class E I felony:

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

19 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class D I
20 felony:

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

22 **943.012 Criminal damage to or graffiti on religious and other property.**
23 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
24 writes with ink or another substance on or intentionally etches into any physical
25 property of another, without the person's consent and with knowledge of the

ENGROSSED ASSEMBLY BILL 3

1 character of the property, is guilty of a Class ~~E~~ I felony if the property consists of one
2 or more of the following:

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

4 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
5 to any physical property that belongs to a judge or his or her family member under
6 all of the following circumstances is guilty of a Class ~~D~~ I felony:

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

8 943.014 (2) Whoever intentionally demolishes a historic building without a
9 permit issued by a city, village, town or county or without an order issued under s.
10 66.0413 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
11 ~~building and the land upon which the building is located immediately prior to~~
12 ~~demolition and may be imprisoned for not more than 9 months~~ is guilty of a Class A
13 misdemeanor.

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

15 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
16 to any physical property which belongs to a department of revenue official, employee
17 or agent or his or her family member under all of the following circumstances is guilty
18 of a Class ~~D~~ I felony:

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

20 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
21 circumstances is guilty of a Class ~~D~~ I felony:

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

23 943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class ~~D~~
24 I felony:

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

ENGROSSED ASSEMBLY BILL 3**SECTION 428**

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

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

4 **943.03 Arson of property other than building.** Whoever, by means of fire,
5 intentionally damages any property of another without the person's consent, if the
6 property is not a building and has a value of \$100 or more, is guilty of a Class ~~E~~ I
7 felony.

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

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

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

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

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

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

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

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

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

14 943.20 (3) (b) If the value of the property exceeds \$1,000 but does not \$2,500
15 exceed \$5,000, is guilty of a Class ~~E~~ I felony.

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

17 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
18 \$10,000, is guilty of a Class H felony.

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

20 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
21 a Class ~~C~~ G felony.

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

23 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
24 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

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

ENGROSSED ASSEMBLY BILL 3

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

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

4 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
5 a corpse; ~~or,~~ is guilty of a Class G felony.

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

7 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
8 or left unoccupied because of physical disaster, riot, bombing or the proximity of
9 battle; ~~or,~~

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

11 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
12 the proximity of battle has necessitated its removal from a building; ~~or,~~

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

14 943.201 (2) Whoever intentionally uses or attempts to use any personal
15 identifying information or personal identification document of an individual to
16 obtain credit, money, goods, services or anything else of value without the
17 authorization or consent of the individual and by representing that he or she is the
18 individual or is acting with the authorization or consent of the individual is guilty
19 of a Class D H felony.

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

21 943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

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

23 943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class D I
24 felony under any of the following circumstances:

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

ENGROSSED ASSEMBLY BILL 3

1 943.207 (3m) (c) (intro.) Whoever violates this section is guilty of a Class C H
2 felony under any of the following circumstances:

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

4 943.208 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
5 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
6 fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual
7 recordings in violation of sub. (1) during a 180-day period, and the value of the
8 recordings exceeds \$2,500.

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

10 943.208 (2) (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
11 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
12 at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in
13 violation of sub. (1) during a 180-day period or if the violation occurs after the person
14 has been convicted under this section.

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

16 943.209 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
17 person advertises, offers for sale or rent, sells, rents, transports or possesses fewer
18 than 100 recordings in violation of sub. (1) during a 180-day period, and the value
19 of the recordings exceeds \$2,500.

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

21 943.209 (2) (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
22 person advertises, offers for sale or rent, sells, rents, transports or possesses at least
23 100 recordings in violation of sub. (1) during a 180-day period or if the violation
24 occurs after the person has been convicted under this section.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 453**

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

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

4 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
5 or the threat of the use of, force or the weapon against another, intentionally takes
6 any vehicle without the consent of the owner is guilty of a Class ~~B~~ C felony.

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

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

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

10 943.23 (2) Whoever Except as provided in sub. (3m), whoever intentionally
11 takes and drives any vehicle without the consent of the owner is guilty of a Class ~~D~~
12 H felony.

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

14 943.23 (3) Whoever Except as provided in sub. (3m), whoever intentionally
15 drives or operates any vehicle without the consent of the owner is guilty of a Class
16 ~~E~~ I felony.

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

18 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
19 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
20 after the vehicle was taken from the possession of the owner. An affirmative defense
21 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
22 who raises this affirmative defense has the burden of proving the defense by a
23 preponderance of the evidence.

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

ENGROSSED ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

20 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
21 is guilty of a Class E I felony:

22 **SECTION 465.** 943.26 (2) of the statutes is amended to read:

23 943.26 (2) If the security is impaired by more than \$1,000, the mortgagor or
24 vendee is guilty of a Class E I felony.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 466**

1 **943.27 Possession of records of certain usurious loans.** Any person who
2 knowingly possesses any writing representing or constituting a record of a charge of,
3 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
4 upon \$100 for one year computed upon the declining principal balance of the loan,
5 use or forbearance of money, goods or things in action or upon the loan, use or sale
6 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
7 E I felony.

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

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

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

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

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

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

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

22 **943.30 (1)** Whoever, either verbally or by any written or printed
23 communication, maliciously threatens to accuse or accuses another of any crime or
24 offense, or threatens or commits any injury to the person, property, business,
25 profession, calling or trade, or the profits and income of any business, profession,

ENGROSSED ASSEMBLY BILL 3

1 calling or trade of another, with intent thereby to extort money or any pecuniary
2 advantage whatever, or with intent to compel the person so threatened to do any act
3 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

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

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

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

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

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

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

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

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

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

22 **943.31 Threats to communicate derogatory information.** Whoever
23 threatens to communicate to anyone information, whether true or false, which would
24 injure the reputation of the threatened person or another unless the threatened

ENGROSSED ASSEMBLY BILL 3**SECTION 475**

1 person transfers property to a person known not to be entitled to it is guilty of a Class
2 E I felony.

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

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

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

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

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

13 943.34 (1) (b) A Class E I felony, if the value of the property exceeds \$1,000 but
14 does not more than \$2,500 exceed \$5,000.

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

16 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
17 does not exceed \$10,000.

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

19 943.34 (1) (c) A Class C G felony, if the value of the property exceeds ~~\$2,500~~
20 \$10,000.

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

22 943.38 (1) (intro.) Whocver with intent to defraud falsely makes or alters a
23 writing or object of any of the following kinds so that it purports to have been made
24 by another, or at another time, or with different provisions, or by authority of one who
25 did not give such authority, is guilty of a Class C H felony:

ENGROSSED ASSEMBLY BILL 3

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

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

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

6 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
7 defraud, does any of the following is guilty of a Class D H felony:

8 **SECTION 484.** 943.395 (2) (b) of the statutes is amended to read:

9 943.395 (2) (b) Is guilty of a Class E I felony if the value of the claim or benefit
10 exceeds \$1,000.

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

12 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
13 intent to defraud does either of the following is guilty of a Class D H felony:

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

15 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
16 or (6m) is guilty of a Class E I felony.

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

18 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
19 if the value of the money, goods, services or property illegally obtained does not
20 exceed \$1,000 is guilty of a Class A misdemeanor; if the value of the money, goods,
21 services or property exceeds \$1,000 but does not exceed ~~\$2,500~~ \$5,000, in a single
22 transaction or in separate transactions within a period not exceeding 6 months, the
23 person is guilty of a Class E I felony; if the value of the money, goods, services, or
24 property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in
25 separate transactions within a period not exceeding 6 months, the person is guilty

ENGROSSED ASSEMBLY BILL 3**SECTION 487**

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

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

5 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
6 for direct or indirect commercial advantage or private financial gain is guilty of a
7 Class ~~E~~ A misdemeanor.

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

9 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
10 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
11 ~~D~~ I felony.

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

13 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
14 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
15 of a Class ~~E~~ A misdemeanor.

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

17 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
18 commercial advantage or private financial gain as a 2nd or subsequent offense is
19 guilty of a Class ~~D~~ I felony.

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

21 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
22 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
23 of a Class ~~E~~ A misdemeanor.

24 **SECTION 493.** 943.46 (1) (d) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3

1 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
2 commercial advantage or private financial gain as a 2nd or subsequent offense is
3 guilty of a Class ~~D~~ I felony.

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

5 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
6 for direct or indirect commercial advantage or private financial gain is guilty of a
7 Class ~~E~~ felony A misdemeanor.

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

9 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
10 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
11 ~~D~~ I felony.

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

13 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~ I felony if
14 the violation occurs after the person has been convicted under this subsection.

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

16 943.50 (4) (b) A Class ~~E~~ I felony, if the value of the merchandise exceeds \$1,000
17 but does not ~~\$2,500~~ exceed \$5,000.

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

19 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
20 but does not exceed \$10,000.

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

22 943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds \$2,500
23 \$10,000.

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

ENGROSSED ASSEMBLY BILL 3**SECTION 500**

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

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

7 943.61 (5) (b) A Class E I felony, if the value of the library materials exceeds
8 \$1,000 but does not exceed \$2,500.

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

10 943.61 (5) (c) A Class C H felony, if the value of the library materials exceeds
11 \$2,500.

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

13 943.62 (4) (b) A Class E I felony, if the value of the advance payment or required
14 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

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

16 943.62 (4) (c) A Class C F felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$2,500.

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

19 943.70 (2) (b) 2. A Class E I felony if the offense is committed to defraud or to
20 obtain property.

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

22 943.70 (2) (b) 3. A Class D H felony if the damage is greater than \$2,500 or if
23 it causes an interruption or impairment of governmental operations or public
24 communication, of transportation or of a supply of water, gas or other public service.

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

ENGROSSED ASSEMBLY BILL 3

1 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
2 unreasonable risk of death or great bodily harm to another.

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

4 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
5 obtain property.

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

7 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
8 system, computer network, equipment or supplies is greater than \$2,500.

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

10 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
11 unreasonable risk of death or great bodily harm to another.

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

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

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

20 943.75 (2m) Whoever intentionally releases an animal that is lawfully
21 confined for scientific, farming, restocking, research or commercial purposes, acting
22 without the consent of the owner or custodian of the animal, is guilty of a Class C H
23 felony.

24 **SECTION 513.** 941.05 (1) (intro.) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 3**SECTION 513**

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

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

4 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
5 a person he or she knows is a blood relative and such relative is in fact related in a
6 degree within which the marriage of the parties is prohibited by the law of this state
7 is guilty of a Class C F felony.

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

9 **944.15 (title) Public fornication.**

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

11 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
12 Class E I felony:

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

14 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class E I
15 felony:

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

17 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
18 convictions under this section, the person is guilty of a Class D H felony.

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

20 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
21 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
22 the person is guilty of a Class D H felony.

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

ENGROSSED ASSEMBLY BILL 3

1 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
2 intentionally solicits or causes any person to practice prostitution or establishes any
3 person in a place of prostitution is guilty of a Class **D H** felony.

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

5 944.33 (2) If the person received compensation from the earnings of the
6 prostitute, such person is guilty of a Class **C F** felony.

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

8 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
9 any of the following is guilty of a Class **D H** felony:

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

11 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
12 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class **E**
13 **I** felony:

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

15 945.05 (1) (intro.) Except as provided in subs. (1e) and (1m), whoever
16 manufactures, transfers commercially or possesses with intent to transfer
17 commercially either of the following is guilty of a Class **E I** felony:

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

19 945.08 (1) Any person who, with intent to influence any participant to refrain
20 from exerting full skill, speed, strength or endurance, transfers or promises any
21 property or any personal advantage to or on behalf of any participant in a contest of
22 skill, speed, strength or endurance is guilty of a Class **D H** felony.

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

24 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class **C F**
25 felony:

ENGROSSED ASSEMBLY BILL 3**SECTION 527**

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

2 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ **F**
3 felony:

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

5 946.03 (2) Whoever permits any premises under his or her care, control or
6 supervision to be used by an assembly with knowledge that the purpose of the
7 assembly is to advocate or teach the duty, necessity, desirability or propriety of
8 overthrowing the government of the United States or this state by the use or threat
9 of physical violence with intent that such government be overthrown or, after
10 learning that the premises are being so used, permits such use to be continued is
11 guilty of a Class ~~E~~ **I** felony.

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

13 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
14 contempt upon the flag is guilty of a Class ~~E~~ **I** felony.

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

16 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
17 either of the following is guilty of a Class ~~D~~ **H** felony:

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

19 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ **I** felony:

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

21 **946.12 Misconduct in public office.** (intro.) Any public officer or public
22 employee who does any of the following is guilty of a Class ~~E~~ **I** felony:

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

24 946.13 (1) (intro.) Any public officer or public employee who does any of the
25 following is guilty of a Class ~~E~~ **I** felony:

ENGROSSED ASSEMBLY BILL 3

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

2 **946.14 Purchasing claims at less than full value.** Any public officer or
3 public employee who in a private capacity directly or indirectly intentionally
4 purchases for less than full value or discounts any claim held by another against the
5 state or a political subdivision thereof or against any public fund is guilty of a Class
6 E I felony.

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

8 **946.15 (1)** Any employer, or any agent or employee of an employer, who induces
9 any person who seeks to be or is employed pursuant to a public contract as defined
10 in s. 66.0903 (1) (c) or who seeks to be or is employed on a project on which a prevailing
11 wage rate determination has been issued by the department of workforce
12 development under s. 66.293 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
13 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
14 waive or return any part of the compensation to which that person is entitled under
15 his or her contract of employment or under the prevailing wage rate determination
16 issued by the department or local governmental unit, or who reduces the hourly basic
17 rate of pay normally paid to an employee for work on a project on which a prevailing
18 wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or
19 103.50 (3) during a week in which the employee works both on a project on which a
20 prevailing wage rate determination has been issued and on a project on which a
21 prevailing wage rate determination has not been issued, is guilty of a Class E I felony.

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

23 **946.15 (3)** Any employer or labor organization, or any agent or employee of an
24 employer or labor organization, who induces any person who seeks to be or is
25 employed on a project on which a prevailing wage rate determination has been issued

ENGROSSED ASSEMBLY BILL 3**SECTION 536**

1 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
2 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
3 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
4 under the prevailing wage rate determination issued by the department or local
5 governmental unit to be deducted from the person's pay is guilty of a Class ~~E~~ I felony,
6 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
7 is working on a project that is subject to 40 USC 276c.

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

9 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
10 material statement which the person does not believe to be true, in any matter, cause,
11 action or proceeding, before any of the following, whether legally constituted or
12 exercising powers as if legally constituted, is guilty of a Class ~~D~~ H felony:

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

14 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class ~~D~~
15 H felony:

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

17 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
18 circumstances is guilty of a Class ~~D~~ H felony:

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

20 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
21 a Class ~~E~~ I felony:

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

23 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
24 under any of the following circumstances is guilty of a Class ~~D~~ H felony:

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

ENGROSSED ASSEMBLY BILL 3

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

2 946.425 (1) Any person who is subject to a series of periods of imprisonment
3 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
4 required under the sentence is guilty of a Class D H felony.

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

6 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
7 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
8 intentionally fails to report to the county jail as required under the sentence is guilty
9 of a Class D H felony.

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

11 946.425 (1r) (b) Any person who is subject to a confinement order under s.
12 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
13 report to the county jail or house of correction as required under the order is guilty
14 of a Class D H felony.

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

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

17 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
18 county or municipal detention facility who intentionally does any of the following is
19 guilty of a Class C F felony:

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

21 946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state,
22 county or municipal detention facility who throws or expels blood, semen, vomit,
23 saliva, urine, feces or other bodily substance at or toward an officer, employee or
24 visitor of the prison or facility or another prisoner of the prison or facility under all

ENGROSSED ASSEMBLY BILL 3**SECTION 548**

1 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
2 ~~not more than 2 years or both~~ is guilty of a Class I felony:

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

4 946.44 (1) (intro.) Whoever does the following is guilty of a Class ~~D~~ H felony:

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

6 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
7 is guilty of a Class ~~C~~ F felony.

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

9 946.44 (1m) Whoever intentionally introduces into an institution where
10 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
11 unloaded, or any article used or fashioned in a manner to lead another person to
12 believe it is a firearm, is guilty of a Class ~~C~~ F felony.

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

14 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I
15 felony:

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

17 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
18 written or oral communication with intent to induce a false belief that the sender has
19 knowledge of the whereabouts, physical condition, or terms imposed upon the return
20 of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

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

22 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
23 of a Class ~~D~~ H felony.

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

ENGROSSED ASSEMBLY BILL 3

1 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
2 guilty of a Class ~~E~~ I felony for failure to appear as provided.

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

4 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
5 committing an act that would be a Class F felony if committed by an adult.

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

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

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

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

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

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

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

16 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
17 removes, withholds or transfers possession of a document, knowing that the
18 document has been subpoenaed by a court or by or at the request of a district attorney
19 or the attorney general, is guilty of a Class ~~E~~ I felony.

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

21 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
22 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
23 withhold or transfer possession of a subpoenaed document, knowing that the
24 document has been subpoenaed by a court or by or at the request of a district attorney
25 or the attorney general, is guilty of a Class ~~E~~ I felony.

ENGROSSED ASSEMBLY BILL 3**SECTION 562**

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

2 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
3 felony:

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

5 **946.64 Communicating with jurors.** Whoever, with intent to influence any
6 person, summoned or serving as a juror, in relation to any matter which is before that
7 person or which may be brought before that person, communicates with him or her
8 otherwise than in the regular course of proceedings in the trial or hearing of that
9 matter is guilty of a Class ~~E~~ I felony.

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

11 946.65 (1) Whoever for a consideration knowingly gives false information to
12 any officer of any court with intent to influence the officer in the performance of
13 official functions is guilty of a Class ~~E~~ I felony.

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

15 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
16 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

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

18 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
19 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

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

21 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
22 the person is guilty of a Class ~~D~~ II felony.

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

24 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
25 felony:

ENGROSSED ASSEMBLY BILL 3

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

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

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

6 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
7 removes or conceals any public record is guilty of a Class D H felony.

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

9 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
10 sexual morality with or upon the inmate of the institution is guilty of a Class D H
11 felony.

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

13 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
14 to its execution that a search warrant has been applied for or issued, except so far
15 as may be necessary to its execution, is guilty of a Class E I felony.

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

17 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
18 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
19 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
20 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
21 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
22 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
23 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
24 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d)
25 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,

ENGROSSED ASSEMBLY BILL 3**SECTION 573**

1 943.30, 943.32, 943.34 (1) (b), ~~(bm)~~, and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
2 (c), 943.50 (4) (b), ~~(bm)~~, and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
3 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
4 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
5 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

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

7 946.84 (1) Any person convicted of engaging in racketeering activity in
8 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

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

10 946.85 (1) Any person who engages in a continuing criminal enterprise shall
11 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
12 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
13 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
14 ~~record~~ is guilty of a Class E felony.

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

16 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
17 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
18 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
19 occurs within 7 years of the prior conviction.

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

21 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
22 she intentionally gains access to a record in electronic format that contains
23 personally identifiable information regarding the victim in order to facilitate the
24 violation under sub. (1r).

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

ENGROSSED ASSEMBLY BILL 3

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

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

4 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
5 conveyed any threat or false information, knowing such to be false, concerning an
6 attempt or alleged attempt being made or to be made to destroy any property by the
7 means of explosives is guilty of a Class ~~E~~ I felony.

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

9 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
10 sexual intercourse with a person who has not attained the age of 16 years is guilty
11 of a Class ~~B~~ C felony.

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

13 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who
14 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
15 knowledge that another person intends to have, is having or has had sexual
16 intercourse or sexual contact with the child, is physically and emotionally capable
17 of taking action which will prevent the intercourse or contact from taking place or
18 being repeated, fails to take that action and the failure to act exposes the child to an
19 unreasonable risk that intercourse or contact may occur between the child and the
20 other person or facilitates the intercourse or contact that does occur between the
21 child and the other person.

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

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

ENGROSSED ASSEMBLY BILL 3**SECTION 583**

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

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

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

5 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
6 of s. 948.02 (1).

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

9 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
10 the defendant guilty the members of the jury must unanimously agree that at least
11 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
12 under sub. (1) of time but need not agree on which acts constitute the requisite
13 number and need not agree on whether a particular violation was a violation of s.
14 948.02 (1) or (2).

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

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

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

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

22 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
23 guilty of a Class C E felony.

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

ENGROSSED ASSEMBLY BILL 3

1 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
2 a Class D H felony.

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

4 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
5 which creates a high probability of great bodily harm is guilty of a Class C F felony.

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

7 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
8 of a Class D G felony.

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

10 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
11 Class E I felony.

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

13 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
14 which creates a high probability of great bodily harm is guilty of a Class D H felony.

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

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

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

24 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
25 D H felony if that person has knowledge that another person intends to cause, is

ENGROSSED ASSEMBLY BILL 3**SECTION 595**

1 causing or has intentionally or recklessly caused bodily harm to the child and is
2 physically and emotionally capable of taking action which will prevent the bodily
3 harm from occurring or being repeated, fails to take that action and the failure to act
4 exposes the child to an unreasonable risk of bodily harm by the other person or
5 facilitates the bodily harm to the child that is caused by the other person.

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

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

8 948.04 (1) Whoever is exercising temporary or permanent control of a child and
9 causes mental harm to that child by conduct which demonstrates substantial
10 disregard for the mental well-being of the child is guilty of a Class C F felony.

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

12 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
13 felony if that person has knowledge that another person has caused, is causing or will
14 cause mental harm to that child, is physically and emotionally capable of taking
15 action which will prevent the harm, fails to take that action and the failure to act
16 exposes the child to an unreasonable risk of mental harm by the other person or
17 facilitates the mental harm to the child that is caused by the other person.

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

19 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
20 character and content of the sexually explicit conduct involving the child is guilty of
21 a Class C F felony:

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

23 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
24 into the state, reproduces, advertises, sells, distributes or possesses with intent to
25 sell or distribute, any undeveloped film, photographic negative, photograph, motion

ENGROSSED ASSEMBLY BILL 3

1 picture, videotape, sound recording or other reproduction of a child engaging in
2 sexually explicit conduct is guilty of a Class C F felony if the person knows the
3 character and content of the sexually explicit conduct involving the child and if the
4 person knows or reasonably should know that the child engaging in the sexually
5 explicit conduct has not attained the age of 18 years.

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

7 948.05 (2) A person responsible for a child's welfare who knowingly permits,
8 allows or encourages the child to engage in sexually explicit conduct for a purpose
9 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

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

11 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
12 years.

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

14 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
15 but has not attained the age of 18 years.

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

17 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
18 guilty of a Class BC C felony:

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

20 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
21 following acts, causes or attempts to cause any child who has not attained the age
22 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
23 BC D felony:

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