

1 SECTION 165. 302.113 (9) (f) of the statutes is created to read:

2 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
3 under par. (am) with other proceedings before that reviewing authority under par.
4 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
5 parole or extended supervision of the same person.

6 SECTION 166. 302.113 (9) (g) of the statutes is created to read:

7 302.113 (9) (g) In any case in which there is a hearing before the division of
8 hearings and appeals in the department of administration concerning whether to
9 revoke of a person's extended supervision, the person on extended supervision may
10 seek review of a decision to revoke extended supervision and the department of
11 corrections may seek review of a decision to not revoke extended supervision. Review
12 of a decision under this paragraph may be sought only by an action for certiorari.

13 SECTION 167. 302.113 (9g) of the statutes is created to read:

14 302.113 (9g) (a) In this subsection, ^{1.} "program review committee" means the
15 committee at a correctional institution that reviews the security classifications,
16 institution assignments, and correctional programming assignments of inmates
17 confined in the institution.

✓
NS BM
66-17

18 (b) An inmate who is serving a bifurcated sentence for a crime other than a
19 Class B felony may seek modification of the bifurcated sentence in the manner
20 specified in par. (f) if he or she meets one of the following criteria:

21 1. The inmate is 65 years of age or older and has served at least 5 years of the
22 term of confinement in prison portion of the bifurcated sentence.

23 2. The inmate is 60 years of age or older and has served at least 10 years of the
24 term of confinement in prison portion of the bifurcated sentence.

NS BM ✓
66/24 ✓

ASSEMBLY BILL 3

INS Bm
67/4

1 (c) An inmate who meets the criteria under par. (b) may submit a petition to
2 the program review committee at the correctional institution in which the inmate is
3 confined requesting a modification of the inmate's bifurcated sentence in the manner
4 specified in par. (f). ^{¶(em)} If the program review committee determines that the public
5 interest would be served by a modification of the inmate's bifurcated sentence, ^{, after receiving the petition under par. (c),}
6 in the manner provided under par. (f), the committee shall approve the petition for referral
7 to the sentencing court and notify the department of its approval. The department
8 shall then refer the inmate's petition to the sentencing court and request the court
9 to conduct a hearing on the petition. If the program review committee determines
10 that the public interest would not be served by a modification of the inmate's
11 bifurcated sentence in the manner specified in par. (f), the committee shall deny the
12 inmate's petition.

13 (d) When a court is notified by the department that it is referring to the court
14 an inmate's petition for modification of the inmate's bifurcated sentence, the court
15 shall set a hearing to determine whether the public interest would be served by a
16 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
17 The inmate and the district attorney have the right to be present at the hearing, and
18 any victim of the inmate's crime has the right to be present at the hearing and to
19 provide a statement concerning the modification of the inmate's bifurcated sentence.
20 The court shall order such notice of the hearing date as it considers adequate to be
21 given to the department, the inmate, the attorney representing the inmate, if
22 applicable, and the district attorney. Victim notification shall be provided as
23 specified under par. (g).

24 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
25 by the greater weight of the credible evidence that a modification of the bifurcated

ASSEMBLY BILL 3**SECTION 167**

1 sentence in the manner specified in par. (f) would serve the public interest. If the
2 inmate proves that a modification of the bifurcated sentence in the manner specified
3 in par. (f) would serve the public interest, the court shall modify the inmate's
4 bifurcated sentence in that manner. If the inmate does not prove that a modification
5 of the bifurcated sentence in the manner specified in par. (f) would serve the public
6 interest, the court shall deny the inmate's petition for modification of the bifurcated
7 sentence.

8 (f) A court may modify an inmate's bifurcated sentence under this section only
9 as follows:

10 1. The court shall reduce the term of confinement in prison portion of the
11 inmate's bifurcated sentence in a manner that provides for the release of the inmate
12 to extended supervision within 30 days after the date on which the court issues its
13 order modifying the bifurcated sentence.

14 2. The court shall lengthen the term of extended supervision imposed so that
15 the total length of the bifurcated sentence originally imposed does not change.

16 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

17 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
18 shall send a notice of hearing to the victim of the crime committed by the inmate, if
19 the victim has submitted a card under subd. 3. requesting notification. The notice
20 shall inform the victim that he or she may appear at the hearing scheduled under
21 par. (d) and shall inform the victim of the manner in which he or she may provide a
22 statement concerning the modification of the inmate's bifurcated sentence in the
23 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
24 attempt to send the notice of hearing to the last-known address of the inmate's
25 victim, postmarked at least 10 days before the date of the hearing.

ASSEMBLY BILL 3

1 3. The director of state courts shall design and prepare cards for a victim to send
2 to the clerk of the circuit court for the county in which the inmate was convicted and
3 sentenced. The cards shall have space for a victim to provide his or her name and
4 address, the name of the applicable inmate, and any other information that the
5 director of state courts determines is necessary. The director of state courts shall
6 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
7 shall provide the cards, without charge, to victims. Victims may send completed
8 cards to the clerk of the circuit court for the county in which the inmate was convicted
9 and sentenced. All court records or portions of records that relate to mailing
10 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

11 (h) An inmate may appeal a court's decision to deny the inmate's petition for
12 modification of his or her bifurcated sentence. The state may appeal a court's
13 decision to grant an inmate's petition for a modification of the inmate's bifurcated
14 sentence. In an appeal under this paragraph, the appellate court may reverse a
15 decision granting or denying a petition for modification of a bifurcated sentence only
16 if it determines that the sentencing court erroneously exercised its discretion in
17 granting or denying the petition.

18 (i) If the program review committee denies an inmate's petition under ^mpar. (c),
19 the inmate may not file another petition within one year after the date of the program
20 review committee's denial. If the program review committee approves an inmate's
21 petition for referral to the sentencing court under ^mpar. (c) but the sentencing court
22 denies the petition, the inmate may not file another petition under ^mpar. (c) within one
23 year after the date of the court's decision.

24 (j) An inmate eligible to seek modification of his or her bifurcated sentence
25 under this subsection has a right to be represented by counsel in proceedings under

1 this subsection. An inmate, or the department on the inmate's behalf, may apply to
2 the state public defender for determination of indigency and appointment of counsel
3 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
4 committee under par. (c). If an inmate whose petition has been referred to the court
5 under par. (c) is without counsel, the court shall refer the matter to the state public
6 defender for determination of indigency and appointment of counsel under s. 977.05
7 (4) (jm).

8 **SECTION 168.** 302.114 (4) of the statutes is amended to read:

9 302.114 (4) All consecutive sentences imposed for crimes committed on or after
10 December 31, 1999, shall be computed as one continuous sentence. An inmate
11 subject to this section shall serve any term of extended supervision after serving all
12 terms of confinement in prison.

13 **SECTION 169.** 302.114 (5) (f) of the statutes is amended to read:

14 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
15 release to extended supervision. In an appeal under this paragraph, the appellate
16 court may reverse an order denying a petition for release to extended supervision
17 only if it determines that the sentencing court improperly erroneously exercised its
18 discretion in denying the petition for release to extended supervision.

19 **SECTION 170.** 302.114 (6) (b) of the statutes is amended to read:

20 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) (b) (bm) for
21 release to extended supervision under this section, the clerk of the circuit court in
22 which the petition is filed shall send a copy of the petition and, if a hearing is
23 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
24 the victim has submitted a card under par. (e) requesting notification.

25 **SECTION 171.** 302.114 (6) (c) of the statutes is amended to read:

ASSEMBLY BILL 3

1 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
2 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,
3 and shall inform the victim of the manner in which he or she may provide written
4 statements concerning the inmate's petition for release to extended supervision.

5 **SECTION 172.** 302.114 (8m) of the statutes is created to read:

6 302.114 (8m) (a) Every person released to extended supervision under this
7 section remains in the legal custody of the department. If the department alleges
8 that any condition or rule of extended supervision has been violated by the person,
9 the department may take physical custody of the person for the investigation of the
10 alleged violation.

11 (b) If a person released to extended supervision under this section signs a
12 statement admitting a violation of a condition or rule of extended supervision, the
13 department may, as a sanction for the violation, confine the person for up to 90 days
14 in a regional detention facility or, with the approval of the sheriff, in a county jail.
15 If the department confines the person in a county jail under this paragraph, the
16 department shall reimburse the county for its actual costs in confining the person
17 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
18 the person is not eligible to earn good time credit on any period of confinement
19 imposed under this subsection.

20 **SECTION 173.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and
21 amended to read:

22 302.114 (9) (am) If a person released to extended supervision under this section
23 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
24 ~~the department of administration, upon proper notice and hearing, or the~~
25 ~~department of corrections, if the person on extended supervision waives a hearing,~~

ASSEMBLY BILL 3**SECTION 173**

1 reviewing authority may revoke the extended supervision of the person and return
2 the person to prison. If the extended supervision of the person is revoked, the person
3 shall be returned to the circuit court for the county in which the person was convicted
4 of the offense for which he or she was on extended supervision, and the court shall
5 order the person to be returned to prison, he or she shall be returned to prison for a
6 specified period of time, as provided under par. (b) before he or she is eligible for being
7 released again to extended supervision. The period of time specified under this
8 paragraph may not be less than 5 years and may be extended in accordance with sub.
9 (3).

10 **SECTION 174.** 302.114 (9) (ag) of the statutes is created to read:

11 302.114 (9) (ag) In this subsection "reviewing authority" has the meaning given
12 in s. 302.113 (9) (ag).

13 **SECTION 175.** 302.114 (9) (b) of the statutes is amended to read:

14 302.114 (9) (b) ~~If~~ When a person is returned to prison ~~court~~ under par. (a) ~~(am)~~
15 after revocation of extended supervision, the ~~department of corrections in the case~~
16 ~~of a waiver or the division of hearings and appeals in the department of~~
17 ~~administration in the case of a hearing under par. (a)~~ reviewing authority shall
18 specify a make a recommendation to the court concerning the period of time for which
19 the person shall be incarcerated should be returned to prison before being eligible for
20 release to extended supervision. The period of time specified recommended under
21 this paragraph may not be less than 5 years ~~and may be extended in accordance with~~
22 ~~sub. (3).~~

23 **SECTION 176.** 302.114 (9) (bm) of the statutes is amended to read:

24 302.114 (9) (bm) A person who is returned to prison under par. (a) ~~(am)~~
25 revocation of extended supervision may, upon petition to the sentencing court, be

ASSEMBLY BILL 3

1 released to extended supervision after he or she has served the entire period of time
2 specified ~~in~~ by the court under par. (b) (am), including any periods of extension
3 imposed under sub. (3). A person may not file a petition under this paragraph earlier
4 than 90 days before the date on which he or she is eligible to be released to extended
5 supervision. If a person files a petition for release to extended supervision under this
6 paragraph at any time earlier than 90 days before the date on which he or she is
7 eligible to be released to extended supervision, the court shall deny the petition
8 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
9 filed under this paragraph.

10 **SECTION 177.** 302.114 (9) (c) of the statutes is amended to read:

11 302.114 (9) (c) A person who is subsequently released to extended supervision
12 under par. (b) (bm) is subject to all conditions and rules under sub. (8) until the
13 expiration of the sentence.

14 **SECTION 178.** 302.114 (9) (d) of the statutes is created to read:

15 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
16 hearings and appeals in the department of administration, the hearing examiner
17 may order the taking and allow the use of a videotaped deposition under s. 967.04
18 (7) to (10).

19 **SECTION 179.** 302.114 (9) (e) of the statutes is created to read:

20 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
21 under par. (am) with other proceedings before that reviewing authority under par.
22 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
23 parole or extended supervision of the same person.

24 **SECTION 180.** 302.114 (9) (f) of the statutes is created to read:

ASSEMBLY BILL 3**SECTION 180**

1 302.114 (9) (f) In any case in which there is a hearing before the division of
2 hearings and appeals in the department of administration concerning whether to
3 revoke a person's extended supervision, the person on extended supervision may
4 seek review of a decision to revoke extended supervision and the department of
5 corrections may seek review of a decision to not revoke extended supervision. Review
6 of a decision under this paragraph may be sought only by an action for certiorari.

7 **SECTION 181.** 302.33 (1) of the statutes is amended to read:

8 302.33 (1) The maintenance of persons who have been sentenced to the state
9 penal institutions; persons in the custody of the department, except as provided in
10 sub. (2) and ~~s. ss. 301.048 (7), 302.113 (8m), and 302.114 (8m)~~; persons accused of
11 crime and committed for trial; persons committed for the nonpayment of fines and
12 expenses; and persons sentenced to imprisonment therein, while in the county jail,
13 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
14 keeping or boarding any person in the county jail unless the person was lawfully
15 detained therein.

16 **SECTION 182.** 303.065 (1) (b) 1. of the statutes is amended to read:

17 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
18 specified in subd. 2., may be considered for work release only after he or she has
19 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
20 is applicable, or he or she has reached his or her extended supervision eligibility date
21 under s. 302.114 (9) (b) (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

22 **SECTION 183.** 303.08 (1) (intro.) of the statutes is amended to read:

23 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
24 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under

ASSEMBLY BILL 3

1 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
2 necessary and reasonable hours for any of the following purposes:

3 **SECTION 184.** 303.08 (2) of the statutes is amended to read:

4 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
5 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
6 the department, the prisoner person is sentenced to ordinary confinement. The A
7 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
8 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
9 thereafter, and in the discretion of the court may renew the prisoner's petition. The
10 court may withdraw the privilege at any time by order entered with or without notice.

11 **SECTION 185.** 303.08 (5) (intro.) of the statutes is amended to read:

12 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
13 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
14 wages, salary and unemployment insurance and employment training benefits
15 received by prisoners shall be disbursed by the sheriff for the following purposes, in
16 the order stated:

17 **SECTION 186.** 303.08 (6) of the statutes is amended to read:

18 303.08 (6) The department, for a person subject to a confinement sanction
19 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
20 authorize the sheriff to whom the prisoner is committed to arrange with another
21 sheriff for the employment or employment training of the prisoner in the other's
22 county, and while so employed or trained to be in the other's custody but in other
23 respects to be and continue subject to the commitment.

24 **SECTION 187.** 303.08 (12) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 187**

1 303.08 (12) In counties having a house of correction, any person violating the
2 privilege granted under sub. (1) may be transferred by the county jailer to the house
3 of correction for the remainder of the term of the person's sentence or, if applicable,
4 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
5 (8m).

6 **SECTION 188.** 304.06 (1) (b) of the statutes is amended to read:

7 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
8 302.045 (3), ~~961.49 (2),~~ 973.01 (6) or 973.0135, the parole commission may parole an
9 inmate of the Wisconsin state prisons or any felon or any person serving at least one
10 year or more in a county house of correction or a county reforestation camp organized
11 under s. 303.07, when he or she has served 25% of the sentence imposed for the
12 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
13 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
14 serving a life term when he or she has served 20 years, as modified by the formula
15 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
16 The person serving the life term shall be given credit for time served prior to
17 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
18 may grant special action parole releases under s. 304.02. The department or the
19 parole commission shall not provide any convicted offender or other person
20 sentenced to the department's custody any parole eligibility or evaluation until the
21 person has been confined at least 60 days following sentencing.

22 **SECTION 189.** 304.071 (2) of the statutes is amended to read:

23 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
24 or s. 939.62 (2m) (c), ~~961.49 (2),~~ 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
25 or she is not eligible for parole under this section.

ASSEMBLY BILL 3

1 **SECTION 190.** 304.11 (3) of the statutes is amended to read:

2 304.11 (3) If upon inquiry it further appears to the governor that the convicted
3 person has violated or failed to comply with any of those conditions, the governor may
4 issue his or her warrant remanding the person to the institution from which
5 discharged, and the person shall be confined and treated as though no pardon had
6 been granted, except that the person loses any applicable good time which he or she
7 had earned. If the person is returned to prison, the person is subject to the same
8 limitations as a revoked parolee under s. 302.11 (7). The department shall determine
9 the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines
10 the person has not violated or failed to comply with the conditions, the person shall
11 be discharged subject to the conditional pardon.

12 **SECTION 191.** 341.605 (3) of the statutes is amended to read:

13 341.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
14 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
15 guilty of a Class H felony.

16 **SECTION 192.** 342.06 (2) of the statutes is amended to read:

17 342.06 (2) Any person who knowingly makes a false statement in an
18 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
19 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

20 **SECTION 193.** 342.065 (4) (b) of the statutes is amended to read:

21 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
22 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both is guilty of a Class H felony.~~

24 **SECTION 194.** 342.155 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 194**

1 342.155 (4) (b) Any person who violates this section with intent to defraud may
2 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
3 or both is guilty of Class H felony.

4 **SECTION 195.** 342.156 (6) (b) of the statutes is amended to read:

5 342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~
6 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
7 ~~or both~~ is guilty of a Class H felony.

8 **SECTION 196.** 342.30 (3) (a) of the statutes is amended to read:

9 342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~
10 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
11 Class H felony.

12 **SECTION 197.** 342.32 (3) of the statutes is amended to read:

13 342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
14 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is
15 guilty of a Class H felony.

16 **SECTION 198.** 343.31 (1) (i) of the statutes is amended to read:

17 343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under
18 s. 346.04 (3).

19 **SECTION 199.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

20 343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting
21 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
22 revoked as follows:

23 **SECTION 200.** 344.48 (2) of the statutes is amended to read:

24 344.48 (2) Any person violating this section may be fined not more than \$1,000
25 \$10,000 or imprisoned for not more than 2 years 9 months or both.

ASSEMBLY BILL 3

1 **SECTION 201.** 346.04 (2t) of the statutes is created to read:

2 346.04 (2t) No operator of a vehicle, after having received a visible or audible
3 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
4 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
5 safety reasonably permits.

6 **SECTION 202.** 346.04 (4) of the statutes is created to read:

7 346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may
8 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
9 incident or occurrence.

10 **SECTION 203.** 346.17 (2t) of the statutes is created to read:

11 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
12 \$10,000 or imprisoned for not more than 9 months or both.

13 **SECTION 204.** 346.17 (3) (a) of the statutes is amended to read:

14 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
15 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
16 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

17 **SECTION 205.** 346.17 (3) (b) of the statutes is amended to read:

18 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
19 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
20 the person shall be ~~fined not less than \$1,000 nor more than \$10,000 and may be~~
21 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

22 **SECTION 206.** 346.17 (3) (c) of the statutes is amended to read:

23 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
24 (14), to another, the person shall be ~~fined not less than \$1,100 nor more than \$10,000~~
25 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

ASSEMBLY BILL 3

1 **SECTION 207.** 346.17 (3) (d) of the statutes is amended to read:

2 346.17 (3) (d) If the violation results in the death of another, the person shall
3 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not
4 more than 7 years and 6 months is guilty of a Class E felony.

5 **SECTION 208.** 346.175 (1) (a) of the statutes is amended to read:

6 346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
7 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
8 the violation as provided in this section.

9 **SECTION 209.** 346.175 (1) (b) of the statutes is amended to read:

10 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
11 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
12 section if the person operating the vehicle or having the vehicle under his or her
13 control at the time of the violation has been convicted for the violation under this
14 section or under s. 346.04 (2t) or (3).

15 **SECTION 210.** 346.175 (4) (b) of the statutes is amended to read:

16 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
17 the authority issuing the citation with the name and address of the person operating
18 the vehicle or having the vehicle under his or her control at the time of the violation
19 and sufficient information for the officer to determine that probable cause does not
20 exist to believe that the owner of the vehicle was operating the vehicle at the time
21 of the violation, then the owner of the vehicle shall not be liable under this section
22 or under s. 346.04 (2t) or (3).

23 **SECTION 211.** 346.175 (4) (c) of the statutes is amended to read:

24 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
25 the violation the vehicle was in the possession of a lessee, and the lessor provides a

ASSEMBLY BILL 3

1 traffic officer employed by the authority issuing the citation with the information
2 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
3 this section or under s. 346.04 (2t) or (3).

4 **SECTION 212.** 346.175 (4) (d) of the statutes is amended to read:

5 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
6 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
7 of the violation the vehicle was being operated by or was under the control of any
8 person on a trial run, and if the dealer provides a traffic officer employed by the
9 authority issuing the citation with the name, address and operator's license number
10 of the person operating the vehicle, then that person, and not the dealer, shall be
11 liable under this section or under s. 346.04 (2t) or (3).

12 **SECTION 213.** 346.175 (5) (intro.) of the statutes is amended to read:

13 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
14 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

15 **SECTION 214.** 346.175 (5) (a) of the statutes is amended to read:

16 346.175 (5) (a) A vehicle owner or other person found liable under this section
17 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
18 more than \$1,000.

19 **SECTION 215.** 346.65 (2) (e) of the statutes is amended to read:

20 346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony
21 and shall be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not
22 less than 6 months ~~nor more than 5 years~~ if the number of convictions under ss.
23 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,
24 revocations and other convictions counted under s. 343.307 (1), equals 5 or more,

ASSEMBLY BILL 3

1 except that suspensions, revocations or convictions arising out of the same incident
2 or occurrence shall be counted as one.

3 **SECTION 216.** 346.65 (5) of the statutes is amended to read:

4 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
5 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for
6 not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

7 **SECTION 217.** 346.74 (5) (b) of the statutes is amended to read:

8 346.74 (5) (b) Shall May be fined not less than \$300 nor more than \$5,000
9 \$10,000 or imprisoned for not less than 10 days nor more than 2 years 9 months or
10 both if the accident involved injury to a person but the person did not suffer great
11 bodily harm.

12 **SECTION 218.** 346.74 (5) (c) of the statutes is amended to read:

13 346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than
14 3 years or both Is guilty of a Class I felony if the accident involved injury to a person
15 and the person suffered great bodily harm.

16 **SECTION 219.** 346.74 (5) (d) of the statutes is amended to read:

17 346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than
18 7 years and 6 months or both Is guilty of a Class H felony if the accident involved
19 death to a person.

20 **SECTION 220.** 350.11 (2m) of the statutes is amended to read:

21 350.11 (2m) Any person who violates s. 350.135 (1) shall be fined not more than
22 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class H felony
23 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
24 person.

25 **SECTION 221.** 351.07 (2) (a) of the statutes is renumbered 351.07 (2).

ASSEMBLY BILL 3

1 SECTION 222. 351.07 (2) (b) of the statutes is repealed.

2 SECTION 223. 446.07 of the statutes is amended to read:

3 446.07 Penalty. Anyone violating this chapter may be fined not less than \$100
4 nor more than \$500 \$10,000 or imprisoned for not more than 2 years 9 months or
5 both.

6 SECTION 224. 447.09 of the statutes is amended to read:

7 447.09 Penalties. Any person who violates this chapter may be fined not more
8 than \$1,000 or imprisoned for not more than one year in the county jail or both for
9 the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more~~
10 ~~than 3 years or both~~ is guilty of a Class I felony for the 2nd or subsequent conviction
11 within 5 years.

12 SECTION 225. 450.11 (9) (b) of the statutes is amended to read:

13 450.11 (9) (b) Any person who delivers, or who possesses with intent to
14 manufacture or deliver, a prescription drug in violation of this section ~~may be fined~~
15 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
16 is guilty of a Class H felony.

17 SECTION 226. 450.14 (5) of the statutes is amended to read:

18 450.14 (5) Any person who violates this section ~~may be fined not less than \$100~~
19 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
20 ~~and 6 months or both~~ is guilty of a Class H felony.

21 SECTION 227. 450.15 (2) of the statutes is amended to read:

22 450.15 (2) Any person who violates this section ~~may be fined not less than \$100~~
23 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
24 ~~and 6 months or both~~ is guilty of a Class H felony.

25 SECTION 228. 551.58 (1) of the statutes is amended to read:

ASSEMBLY BILL 3

1 551.58 (1) Any person who wilfully violates any provision of this chapter except
2 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
3 or who violates s. 551.54 knowing or having reasonable cause to believe that the
4 statement made was false or misleading in any material respect, ~~may be fined not~~
5 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
6 guilty of a Class H felony. Each of the acts specified shall constitute a separate
7 offense and a prosecution or conviction for any one of such offenses shall not bar
8 prosecution or conviction for any other offense.

9 **SECTION 229.** 552.19 (1) of the statutes is amended to read:

10 552.19 (1) Any person, including a controlling person of an offeror or target
11 company, who wilfully violates this chapter or any rule under this chapter, or any
12 order of which the person has notice, ~~may be fined not more than \$5,000 or~~
13 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
14 felony. Each of the acts specified constitutes a separate offense and a prosecution or
15 conviction for any one of the offenses does not bar prosecution or conviction for any
16 other offense.

17 **SECTION 230.** 553.52 (1) of the statutes is amended to read:

18 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
19 which the person has notice, or who violates s. 553.41 (1) knowing or having
20 reasonable cause to believe either that the statement made was false or misleading
21 in any material respect or that the failure to report a material event under s. 553.31
22 (1) was false or misleading in any material respect, ~~may be fined not more than~~
23 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
24 Class G felony. Each of the acts specified is a separate offense, and a prosecution or

ASSEMBLY BILL 3

1 conviction for any one of those offenses does not bar prosecution or conviction for any
2 other offense.

3 **SECTION 231.** 553.52 (2) of the statutes is amended to read:

4 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
5 or artifice to defraud in connection with the offer or sale of any franchise or engages,
6 directly or indirectly, in any act, practice, or course of business which operates or
7 would operate as a fraud or deceit upon any person in connection with the offer or
8 sale of any franchise ~~shall be fined not more than \$5,000 or imprisoned for not more~~
9 ~~than 7 years and 6 months or both~~ is guilty of a Class G felony.

10 **SECTION 232.** 562.13 (3) of the statutes is amended to read:

11 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

13 **SECTION 233.** 562.13 (4) of the statutes is amended to read:

14 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~
15 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
16 ~~or both~~ is guilty of a Class H felony.

17 **SECTION 234.** 565.50 (2) of the statutes is amended to read:

18 565.50 (2) Any person who alters or forges a lottery ticket or share or
19 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~
20 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
21 ~~or both~~ is guilty of a Class I felony.

22 **SECTION 235.** 565.50 (3) of the statutes is amended to read:

23 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
24 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
25 more than ~~3 years~~ 9 months or both.

ASSEMBLY BILL 3

1 **SECTION 236.** 601.64 (4) of the statutes is amended to read:

2 601.64 (4) **CRIMINAL PENALTY.** Whoever intentionally violates or intentionally
3 permits any person over whom he or she has authority to violate or intentionally aids
4 any person in violating any insurance statute or rule of this state, s. 149.13 or
5 149.144 or any effective order issued under s. 601.41 (4) ~~may is guilty of a Class I~~
6 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
7 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
8 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the
9 meaning expressed under s. 939.23.

10 **SECTION 237.** 641.19 (4) (a) of the statutes is amended to read:

11 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
12 provision of this chapter or the rules promulgated thereunder or who, knowingly,
13 makes a false statement, a false representation of a material fact, or who fails to
14 disclose a material fact in any registration, examination, statement or report
15 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
16 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
17 guilty of a Class H felony.

18 **SECTION 238.** 641.19 (4) (b) of the statutes is amended to read:

19 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
20 abstracts or converts to his or her own use or to the use of another, any of the moncys,
21 funds, securities, premiums, credits, property, or other assets of any employee
22 welfare fund, or of any fund connected therewith, ~~shall be fined not more than~~
23 ~~\$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
24 Class H felony.

25 **SECTION 239.** 753.061 (2m) of the statutes is amended to read:

ASSEMBLY BILL 3

1 753.061 (2m) The chief judge of the 1st judicial administrative district is
2 authorized to designate 4 circuit court branches to primarily handle violent crime
3 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
4 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32
5 (2). If the circuit court branches are designated under this subsection, 2 shall begin
6 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
7 primarily handle violent crime cases on August 1, 1992.

8 **SECTION 240.** 765.30 (1) (intro.) of the statutes is amended to read:

9 765.30 (1) (intro.) The following shall may be fined not less than ~~\$200~~ nor more
10 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

11 **SECTION 241.** 765.30 (2) (intro.) of the statutes is amended to read:

12 765.30 (2) (intro.) The following shall may be fined not less than ~~\$100~~ nor more
13 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

14 **SECTION 242.** 767.242 (8) of the statutes is amended to read:

15 767.242 (8) PENALTY. Whoever intentionally violates an injunction issued
16 under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more~~
17 ~~than 2 years or both~~ is guilty of a Class I felony.

18 **SECTION 243.** 768.07 of the statutes is amended to read:

19 **768.07 Penalty.** Any person who violates any provision of this chapter may
20 be fined not less than ~~\$100~~ nor more than ~~\$1,000~~ \$10,000 or imprisoned for not more
21 than ~~2 years~~ 9 months or both.

22 **SECTION 244.** 783.07 of the statutes is amended to read:

23 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
24 is directed to any public officer, body, board or person, commanding the performance
25 of any duty specially enjoined by law, if it shall appear to the court that such and the

ASSEMBLY BILL 3**SECTION 244**

1 officer or person or any member of such ~~the~~ body or board has, without just excuse,
2 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
3 ~~exceeding \$5,000, upon every such, the~~ officer, person or member of such ~~the~~ body or
4 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
5 ~~7 years and 6 months~~ is guilty of a Class H felony.

6 **SECTION 245.** 801.50 (5) of the statutes is amended to read:

7 801.50 (5) Venue of an action for certiorari to review a probation, extended
8 supervision or parole revocation, a denial by a program review committee under s.
9 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of
10 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an
11 offense for which the relator was on probation, extended supervision or parole or for
12 which the relator is currently incarcerated.

13 **SECTION 246.** 801.50 (5c) of the statutes is created to read:

14 801.50 (5c) Venue of an action for certiorari brought by the department of
15 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
16 extended supervision shall be in the county in which the person on extended
17 supervision was convicted of the offense for which he or she is on extended
18 supervision.

19 **SECTION 247.** 908.08 (1) of the statutes is amended to read:

20 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
21 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
22 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
23 videotaped oral statement of a child who is available to testify, as provided in this
24 section.

25 **SECTION 248.** 911.01 (4) (c) of the statutes is amended to read:

ASSEMBLY BILL 3

1 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
2 rendition; sentencing, or granting or revoking probation, modification of a bifurcated
3 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and
4 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to
5 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
6 release on bail or as otherwise provided in ch. 969.

7 **SECTION 249.** 938.208 (1) (a) of the statutes is amended to read:

8 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
9 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
10 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
11 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
12 committed by an adult.

13 **SECTION 250.** 938.34 (4h) (a) of the statutes is amended to read:

14 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
15 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
16 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
17 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, ~~(1)~~, or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or
18 the juvenile is 10 years of age or over and has been adjudicated delinquent for
19 attempting or committing a violation of s. 940.01 or for committing a violation of
20 940.02 or 940.05.

21 **SECTION 251.** 938.34 (4m) (b) 1. of the statutes is amended to read:

22 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
23 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
24 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
25 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

ASSEMBLY BILL 3

1 **SECTION 252.** 938.355 (2d) (b) 3. of the statutes is amended to read:

2 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
3 1999 stats., or s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
4 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
5 if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2),
6 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
7 the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in
8 substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child
9 of the parent.

10 **SECTION 253.** 938.355 (4) (b) of the statutes is amended to read:

11 938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
12 has been adjudicated delinquent is subject to par. (a), except that the judge may make
13 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th
14 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
15 apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation
16 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
17 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
18 juvenile is adjudicated delinquent for committing an act that would be punishable
19 as a Class A felony if committed by an adult.

20 **SECTION 254.** 938.78 (3) of the statutes is amended to read:

21 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
22 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
23 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
24 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
25 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,

ASSEMBLY BILL 3

1 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02,
2 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
3 ch. 940 has escaped from a secured correctional facility, child caring institution,
4 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
5 facility or juvenile portion of a county jail, or from the custody of a peace officer or
6 a guard of such a facility, institution or jail, or has been allowed to leave a secured
7 correctional facility, child caring institution, secured group home, inpatient facility,
8 secure detention facility or juvenile portion of a county jail for a specified time period
9 and is absent from the facility, institution, home or jail for more than 12 hours after
10 the expiration of the specified period, the department or county department having
11 supervision over the juvenile may release the juvenile's name and any information
12 about the juvenile that is necessary for the protection of the public or to secure the
13 juvenile's return to the facility, institution, home or jail. The department of
14 corrections shall promulgate rules establishing guidelines for the release of the
15 juvenile's name or information about the juvenile to the public.

16 **SECTION 255.** 939.22 (21) (d) of the statutes is amended to read:

17 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as
18 prohibited in s. 940.19 or 940.195.

19 **SECTION 256.** 939.30 (1) of the statutes is amended to read:

20 939.30 (1) Except as provided in sub. (2) and ~~ss. 948.35 and s. 961.455~~, whoever,
21 with intent that a felony be committed, advises another to commit that crime under
22 circumstances that indicate unequivocally that he or she has the intent is guilty of
23 a Class D H felony.

24 **SECTION 257.** 939.30 (2) of the statutes is amended to read:

1 939.30 (2) For a solicitation to commit a crime for which the penalty is life
2 imprisonment, the actor is guilty of a Class C F felony. For a solicitation to commit
3 a Class E I felony, the actor is guilty of a Class E I felony.

4 **SECTION 258.** 939.32 (1) (intro.) of the statutes is amended to read:

5 939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime
6 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~
7 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
8 sub. (1g), except:

9 **SECTION 259.** 939.32 (1) (b) of the statutes is repealed.

10 **SECTION 260.** 939.32 (1) (bm) of the statutes is created to read:

11 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
12 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
13 applied, is guilty of a Class A misdemeanor.

14 **SECTION 261.** 939.32 (1g) of the statutes is created to read:

15 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
16 a crime that is punishable under sub. (1) (intro.) is as follows:

17 (a) The maximum fine is one-half of the maximum fine for the completed crime.

18 (b) 1. If neither s. 939.62 (1) nor 961.48 is being applied, the maximum term
19 of imprisonment is one-half of the maximum term of imprisonment, as increased by
20 any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
21 completed crime.

22 2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of
23 imprisonment is determined by the following method:

ASSEMBLY BILL 3

1 a. Multiplying by one-half the maximum term of imprisonment, as increased
2 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
3 completed crime.

4 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

5 SECTION 262. 939.32 (1m) of the statutes is created to read:

6 939.32 (1m) BIFURCATED SENTENCES. If the court imposes a bifurcated sentence
7 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
8 (1) (intro.), the following requirements apply:

9 (a) *Maximum term of confinement for attempt to commit classified felony. 1.*
10 Subject to the minimum term of extended supervision required under s. 973.01 (2)
11 (d), if the crime is a classified felony and neither s. 939.62 (1) nor 961.48 is being
12 applied, the maximum term of confinement in prison is one-half of the maximum
13 term of confinement in prison specified in s. 973.01 (2) (b), as increased by any
14 penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the classified
15 felony.

16 2. Subject to the minimum term of extended supervision required under s.
17 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is
18 being applied, the court shall determine the maximum term of confinement in prison
19 by the following method:

20 a. Multiplying by one-half the maximum term of confinement in prison
21 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed
22 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

23 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

24 (b) *Maximum term of extended supervision for attempt to commit classified*
25 *felony.* The maximum term of extended supervision for an attempt to commit a

ASSEMBLY BILL 3**SECTION 262**

1 classified felony is one-half of the maximum term of extended supervision for the
2 completed crime under s. 973.01 (2) (d).

3 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
4 *misdemeanor.* The court shall determine the maximum term of confinement in
5 prison for an attempt to commit a crime other than a classified felony by applying
6 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
7 (b).

8 **SECTION 263.** 939.32 (2) (title) of the statutes is created to read:

9 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

10 **SECTION 264.** 939.32 (3) (title) of the statutes is created to read:

11 939.32 (3) (title) REQUIREMENTS.

12 **SECTION 265.** 939.50 (1) (intro.) of the statutes is amended to read:

13 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~
14 felonies Felonies in chs. 939 to 951 the statutes are classified as follows:

15 **SECTION 266.** 939.50 (1) (bc) of the statutes is repealed.

16 **SECTION 267.** 939.50 (1) (f) of the statutes is created to read:

17 939.50 (1) (f) Class F felony.

18 **SECTION 268.** 939.50 (1) (g) of the statutes is created to read:

19 939.50 (1) (g) Class G felony.

20 **SECTION 269.** 939.50 (1) (h) of the statutes is created to read:

21 939.50 (1) (h) Class H felony.

22 **SECTION 270.** 939.50 (1) (i) of the statutes is created to read:

23 939.50 (1) (i) Class I felony.

24 **SECTION 271.** 939.50 (2) of the statutes is amended to read:

ASSEMBLY BILL 3

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

3 **SECTION 272.** 939.50 (3) (bc) of the statutes is repealed.

4 **SECTION 273.** 939.50 (3) (c) of the statutes is amended to read:

5 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
6 imprisonment not to exceed ~~15~~ 40 years, or both.

7 **SECTION 274.** 939.50 (3) (d) of the statutes is amended to read:

8 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
9 imprisonment not to exceed ~~10~~ 25 years, or both.

10 **SECTION 275.** 939.50 (3) (e) of the statutes is amended to read:

11 939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or
12 imprisonment not to exceed ~~5~~ 15 years, or both.

13 **SECTION 276.** 939.50 (3) (f) of the statutes is created to read:

14 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
15 not to exceed 12 years and 6 months, or both.

16 **SECTION 277.** 939.50 (3) (g) of the statutes is created to read:

17 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
18 not to exceed 10 years, or both.

19 **SECTION 278.** 939.50 (3) (h) of the statutes is created to read:

20 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
21 not to exceed 6 years, or both.

22 **SECTION 279.** 939.50 (3) (i) of the statutes is created to read:

23 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
24 not to exceed 3 years and 6 months, or both.

25 **SECTION 280.** 939.615 (7) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 3

SECTION 280

1 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the
2 same conduct that violates par. (a) also constitutes a crime that is a felony.

3 **SECTION 281.** 939.615 (7) (c) of the statutes is repealed.

4 **SECTION 282.** 939.62 (1) (a) of the statutes is amended to read:

5 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
6 increased to not more than ~~3~~ 2 years.

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

8 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
9 more than 10 years may be increased by not more than 2 years if the prior convictions
10 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
11 a felony.

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

13 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
14 increased by not more than 2 years if the prior convictions were for misdemeanors
15 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

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

17 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
18 is that is a Class A, B, or C felony or, if the felony was committed before the effective
19 date of this subd. 2m. a. [revisor inserts date], that is or was punishable by a
20 maximum prison term of 30 years or more.

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

22 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
23 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
24 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
25 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

ASSEMBLY BILL 3

1 ~~(1m) or (1r)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
2 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

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

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

5 939.623 (2) If a person has one or more prior convictions for a serious sex crime
6 and subsequently commits a serious sex crime, the court shall impose a bifurcated
7 sentence ~~the person to~~ under s. 973.01. The term of confinement in prison portion
8 of a bifurcated sentence imposed under this subsection may not be less than 5 years'
9 imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
10 subject to any applicable penalty enhancement. The court shall may not place the
11 defendant on probation.

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

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

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

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

24 939.63 (1) (d) The maximum term of imprisonment for a felony not specified
25 in ~~subd. 2. or 3. par (b) or (c)~~ may be increased by not more than 3 years.

ASSEMBLY BILL 3**SECTION 291**

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

4 (3) This ~~subsection~~ section applies only to crimes specified under chs. 939 to
5 951 and 961.

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

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

8 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (~~1~~)
9 (1c), 940.19 (2), (~~3~~), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
10 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (~~1m~~) or (~~1r~~), 943.32 (2), 948.02 (1) or
11 (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~
12 (~~1~~) (~~b~~) or (~~c~~) or ~~948.36~~.

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

14 939.632 (2) If a person commits a violent crime in a school zone, the maximum
15 period term of imprisonment is increased as follows:

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

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

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

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

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

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

ASSEMBLY BILL 3

1 939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a
2 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
3 \$10,000 and the revised maximum period term of imprisonment is one year in the
4 county jail.

5 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
6 the penalty increase under this section changes the status of the crime to a felony and
7 the revised maximum fine is \$10,000 and the revised maximum period term of
8 imprisonment is 2 years.

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

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

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

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

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

17 939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
18 party to a crime which is the objective of the solicitation; or

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

20 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
21 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
22 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
23 (e) and ~~(1b)~~, "unborn child" means any individual of the human species from
24 fertilization until birth that is gestating inside a woman.

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

21 940.06 (1) Whoever recklessly causes the death of another human being is
22 guilty of a Class ~~C~~ D felony.

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

24 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
25 a Class ~~C~~ D felony.

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3**SECTION 317**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3**SECTION 340**

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3**SECTION 387**

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

→ INSERT B (from p. 134 + 135)

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

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

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

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

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

Handwritten notes: "INS 118-20 A then 118/20B" with arrows pointing to lines 21 and 22. "INS 118-23" with an arrow pointing to line 23. "24" written below line 23.

ASSEMBLY BILL 3

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

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

4 **943.012 Criminal damage to or graffiti on religious and other property.**

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

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

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

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

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

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

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

ASSEMBLY BILL 3

SECTION 426

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

2 943.017 (2) (intro.) Any person violating sub. (1) under any of the following

3 circumstances is guilty of a Class ~~D~~ I felony:

✓
INS 120-3 →

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

5 943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class ~~D~~

6 I felony:

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

8 943.02 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C

9 felony:

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

11 **943.03 Arson of property other than building.** Whoever, by means of fire,

12 intentionally damages any property of another without the person's consent, if the

13 property is not a building and has a value of \$100 or more, is guilty of a Class ~~E~~ I

14 felony.

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

16 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages

17 any property, other than a building, with intent to defraud an insurer of that property

18 is guilty of a Class ~~D~~ H felony. Proof that the actor recovered or attempted to recover

19 on a policy of insurance by reason of the fire is relevant but not essential to establish

20 the actor's intent to defraud the insurer.

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

22 943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or

23 transfers a fire bomb is guilty of a Class ~~E~~ H felony.

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

INS 121-20

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 3

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

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

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

9 occurs after the person has been convicted under this section.

JNS 24-91

as affected by 2001 Wisconsin Act 16.

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

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

~~\$2,500~~ \$1,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

✓
IWS 125-20