

## 2003 ASSEMBLY BILL 49

**AN ACT** *to renumber* 943.10 (1); *to amend* 943.10 (2) (intro.), 943.10 (2) (a), 943.10 (2) (b), 943.10 (2) (c) and 943.10 (2) (d); and *to create* 943.10 (1g) and 943.10 (2) (e) of the statutes; **relating to:** burglary and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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

1           **SECTION 1.** 943.10 (1) of the statutes, as affected by 2001 Wisconsin Act 109,  
2 is renumbered 943.10 (1m).

3           **SECTION 2.** 943.10 (1g) of the statutes is created to read:

4           943.10 **(1g)** In this section:

5           (a) “Boat” means any ship or vessel that has sleeping quarters.

6           (b) “Motor home” has the meaning given in s. 340.01 (33m).

7           **SECTION 3.** 943.10 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act  
8 109, is amended to read:

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

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

4           943.10 (2) (a) ~~While~~ The person is armed with a dangerous weapon or a device  
5 or container described under s. 941.26 (4) (a); ~~or~~.

6           **SECTION 5.** 943.10 (2) (b) of the statutes is amended to read:

7           943.10 (2) (b) ~~While~~ The person is unarmed, but arms himself with a dangerous  
8 weapon or a device or container described under s. 941.26 (4) (a) while still in the  
9 burglarized enclosure; ~~or~~.

10          **SECTION 6.** 943.10 (2) (c) of the statutes is amended to read:

11          943.10 (2) (c) While the person is in the burglarized enclosure, he or she opens,  
12 or attempts to open, any depository by use of an explosive; ~~or~~.

13          **SECTION 7.** 943.10 (2) (d) of the statutes is amended to read:

14          943.10 (2) (d) While the person is in the burglarized enclosure, he or she  
15 commits a battery upon a person lawfully therein.

16          **SECTION 8.** 943.10 (2) (e) of the statutes is created to read:

17          943.10 (2) (e) The burglarized enclosure is a dwelling, boat, or motor home and  
18 another person is lawfully present in the dwelling, boat, or motor home at the time  
19 of the violation.

20          **SECTION 9. Effective date.**

21          (1) This act takes effect on February 1, 2003, or on the day after publication,  
22 whichever is later.

23

(END)