

2003 Assembly Bill 49

Date of enactment: April 7, 2004
Date of publication*: April 21, 2004

2003 WISCONSIN ACT 189

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.

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

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

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

943.10 (1g) In this section:

(a) "Boat" means any ship or vessel that has sleeping quarters.

(b) "Motor home" has the meaning given in s. 340.01 (33m).

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

943.10 (2) (intro.) Whoever violates sub. (4) (1m) under any of the following circumstances is guilty of a Class E felony:

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

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

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

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

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

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

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

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

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

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

SECTION 9. Effective date.

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

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].