2003 ASSEMBLY BILL 49

February 13, 2003 – Introduced by Representatives LADWIG, GUNDERSON, J. LEHMAN, TURNER, BIES, GIELOW, GRONEMUS, HINES, HUEBSCH, KRAWCZYK, LASSA, MCCORMICK, OWENS, PETTIS, STONE, SUDER, TOWNSEND, VRAKAS, J. WOOD and ZIEGELBAUER, cosponsored by Senators STEPP and ROESSLER. Referred to Committee on Criminal Justice.

1 AN ACT *to renumber* 943.10 (1); *to amend* 943.10 (2) (intro.), 943.10 (2) (a),

2 943.10 (2) (b), 943.10 (2) (c) and 943.10 (2) (d); and *to create* 943.10 (1g) and

3 943.10 (2) (e) of the statutes; **relating to:** burglary and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of burglary if he or she intentionally enters a building, a dwelling, or certain other places without the consent of the person in lawful possession of the building, dwelling, or other place and with intent to steal or commit a felony in the building, dwelling, or other place. A person convicted of a burglary committed on or after February 1, 2003, may be fined not more than $25,000 or imprisoned for not more than 12.5 years or both, except that the person may be fined not more than $50,000 or imprisoned for not more than 15 years or both if he or she commits the offense while armed, commits a battery during the burglary on a person lawfully inside the building, dwelling, or other place, or uses explosives to open a depository in the building, dwelling, or other place (aggravated burglary).

Under the bill, a person also commits aggravated burglary and is subject to the higher penalties for that offense if: 1) the place that is burglarized is a dwelling, a boat with sleeping quarters, or a motor home; and 2) if another person was lawfully present in the dwelling, boat, or motor home at the time of the burglary.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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:

9   943.10 **(2)** (intro.) Whoever violates sub. (1) (1m) under any of the following

10   circumstances is guilty of a Class E felony:

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

12   943.10 **(2)** (a) While The person is armed with a dangerous weapon or a device

13   or container described under s. 941.26 (4) (a); or.

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

15   943.10 **(2)** (b) While The person is unarmed, but arms himself with a dangerous

16   weapon or a device or container described under s. 941.26 (4) (a) while still in the

17   burglarized enclosure; or.

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

19   943.10 **(2)** (c) While the person is in the burglarized enclosure, he or she opens,

20   or attempts to open, any depository by use of an explosive; or.

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

1   943.10 **(2)** (d)   While <u>the person is</u> in the burglarized enclosure<u>, he or she</u>

2   commits a battery upon a person lawfully therein.

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

4   943.10 **(2)** (e) The burglarized enclosure is a dwelling, boat, or motor home and

5   another person is lawfully present in the dwelling, boat, or motor home at the time

6   of the violation.

7   SECTION **9. Effective date.**

8   (1) This act takes effect on February 1, 2003, or on the day after publication,

9   whichever is later.

10   **(END)**