

2003 DRAFTING REQUEST

Bill

Received: **09/18/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **rlr**

Submit via email: **YES**

Requester's email: **Rep.Ladwig@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Burglary

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 09/19/2002	jdyer 09/27/2002 jdyer 09/30/2002		_____			State Crime
/1			jfrantze 09/30/2002	_____	lemery 09/30/2002	lkunkel 10/03/2002	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

At intro.

<END>

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		1 9/27 jld	9/30	9/30			

FE Sent For:

<END>

D Note

2001 ASSEMBLY BILL 355

April 25, 2001 - Introduced by Representatives LADWIG, FRISKE, STARZYK, KRAWCZYK, LOEFFELHOLZ, BERCEAU, GUNDERSON, HUEBSCH, JESKEWITZ, LASSA, MUSSER, OWENS, TURNER and ZIEGELBAUER, cosponsored by Senators S. FITZGERALD, ROESSLER and DARLING. Referred to Committee on Criminal Justice.

1 AN ACT to create 939.626 of the statutes; relating to: burglary and providing
2 a penalty.

25,000

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of burglary if he or she intentionally enters a building, 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 may be fined not more than \$10,000 or imprisoned for not more than ~~15~~ 12.5 years or both, except that the person may be imprisoned for not more than 60 years if he or she commits the burglary 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.

This bill provides that the maximum prison term for burglary may be increased by not more than five years if: 1) the place that is burglarized was a dwelling, a non-commercial 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.

CRIME →

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

3 SECTION 1. 939.626 of the statutes is created to read:

ASSEMBLY BILL 355

SECTION 1

1 **939.626 Increased penalty; burglary of an occupied dwelling, boat, or**
2 **motor home. (1) In this section:**

3 (a) "Boat" means any ship or vessel other than a commercial vessel as defined
4 in s. 299.64 (1) (a), that has sleeping quarters.

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

6 (2) If a person is convicted of violating s. 943.10, the maximum term of
7 imprisonment for the crime may be increased by not more than 5 years if all of the
8 following apply:

9 (a) The burglarized enclosure was a dwelling, boat, or motor home.

10 (b) Another person was lawfully present in the dwelling, boat, or motor home
11 at the time of the violation.

12 **(END)**

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 355**

June 26, 2001 - Offered by Representative SHERMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: delete ", other than a commercial vessel as defined".

3 **2.** Page 2, line 4: delete "in s. 299.64 (1) (a)".

4 (END)



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2001 Assembly Bill 355

Assembly Amendment 1

Memo published: September 25, 2001

Contact: Shaun Haas, Senior Staff Attorney (267-9025)

Current law [s. 943.10, Stats.] provides that a person convicted of burglary may be fined not more than \$10,000 or imprisoned for not more than 15 years or both, except that the person may be imprisoned for not more than 60 years if he or she commits the burglary 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.

2001 Assembly Bill 355 provides that the maximum prison term for burglary may be increased by not more than *five* years if: (1) the place that is burglarized was a dwelling, a *non-commercial* 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.

Assembly Amendment 1 removes the exception for commercial boats with sleeping quarters and thereby applies the penalty enhancer to any boat that has sleeping quarters.

Passage of Assembly Bill 355, as amended by Assembly Amendment 1, was recommended by the Assembly Committee on Criminal Justice on a vote of Ayes, 8, Noes, 3.

~~AMM~~
T/18

Plc to Janine

let her know re enhancer decisions of CPSC

"What if we just make it a new crime?"

Discussed options w/ her

She will call back.

Plc from Janine -

~~Put~~ Put it in par (b) as a Class E felony eff. 2/1

No other changes



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-01380

MGD:.....

D. Note

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

committed on
after February 1, 2003,

~~Attorney~~

Gen

1 AN ACT ...; 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, 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 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 aggravated burglary: that is, 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.

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.

(aggravated burglary)

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

✓
FE -S

1 SECTION 1. 943.10 (1) of the statutes, as affected by 2003 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) (a) of the statutes is amended to read:

8 943.10 (2) (a) ~~While~~ The person is armed with a dangerous weapon or a device
9 or container described under s. 941.26 (4) (a); or

new

INS 2-8

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

11 943.10 (2) (b) ~~While~~ The person is unarmed, but arms himself with a dangerous
12 weapon or a device or container described under s. 941.26 (4) (a) while still in the
13 burglarized enclosure; ~~or~~

History: 1977 c. 173, 332; 1995 a. 288; 2001 a. 109.

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

15 943.10 (2) (c) While the person is in the burglarized enclosure, he or she opens,
16 or attempts to open, any depository by use of an explosive; ~~or~~

History: 1977 c. 173, 332; 1995 a. 288; 2001 a. 109.

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

18 943.10 (2) (d) While the person is in the burglarized enclosure, he or she
19 commits a battery upon a person lawfully therein.

History: 1977 c. 173, 332; 1995 a. 288; 2001 a. 109.

20 SECTION 7. 943.10 (2) (e) of the statutes is created to read:

21 943.10 (2) (e) The burglarized enclosure is a dwelling, boat, or motor home and
22 another person is lawfully present in the dwelling, boat, or motor home at the time
23 of the violation.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0138/1dn

MGD:.....

Jld

date

Janine:

I have included a delayed effective date provision so that ~~the changes~~ you propose could not take effect before February 1, 2003, the date on which 2001 Wisconsin Act 109's reclassification of felonies takes effect. Therefore, the analysis refers to the penalties that will be applicable to burglary offenses committed on or after that date. It ignores the penalty provided under current law for offenses committed before that date.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

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

INS
2-8

943.10^{km}

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

(end ins 2-8)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0138/1dn
MCD:jld:jf

September 30, 2002

Janine:

I have included a delayed effective date provision so that your proposal could not take effect before February 1, 2003, the date on which 2001 Wisconsin Act 109's reclassification of felonies takes effect. Therefore, the analysis refers to the penalties that will be applicable to burglary offenses committed on or after that date. It ignores the penalty provided under current law for offenses committed before that date.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

Kunkel, Laura

From: Hale, Janine
Sent: Thursday, October 03, 2002 12:20 PM
To: LRB.Legal
Subject: Draft review: LRB-0138/1 Topic: Burglary

It has been requested by <Hale, Janine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0138/1 Topic: Burglary