

**2005 DRAFTING REQUEST****Assembly Amendment (AA-AB986)**Received: **02/23/2006**Received By: **rryan**Wanted: **Soon**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**By/Representing: **himself**This file may be shown to any legislator: **NO**Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Sherman@legis.state.wi.us**Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us****Pre Topic:**

No specific pre topic given

**Topic:**

Concealment of collateral

**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>
/?							
/1	rryan 02/23/2006	kfollett 02/23/2006	pgreensl 02/24/2006	_____	mbarman 02/24/2006	mbarman 02/24/2006	
/2	rryan 02/27/2006	jdyer 02/28/2006	jfrantze 02/28/2006	_____	mbarman 02/28/2006	mbarman 02/28/2006	

FE Sent For:

&lt;END&gt;

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/?							
/1	rryan 02/23/2006	kfollett 02/23/2006	pgreensl 02/24/2006	_____	mbarman 02/24/2006	mbarman 02/24/2006	

FE Sent For:

*1/2 2/23/06 JGD Jch*  
*2/24/06* <END>

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/?	rryan						
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		11/16/f	2/24	2/24			
		2/23	2/24	2/24			
			pr	ps			

FE Sent For:

<END>

2/24/06

Voice mail from Gary Sheeman

Amend AB 986

p. 7 delete 943.84

provide that penalty under  
943.25 (1) & (2) is as under  
943.91

943.25 is identical to proposed 943.84  
except more detailed - and 943.25  
has been interpreted by courts

## Ryan, Robin

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**From:** Sherman, Gary  
**Sent:** Thursday, February 23, 2006 12:58 PM  
**To:** Ryan, Robin  
**Cc:** Tribys, Eleanora; Kelly, Judy  
**Subject:** RE: Amendment to AB 986 (crimes against financial institutions)

I suppose option two, although a couple of those seem to be outright lies.

G

---

**From:** Ryan, Robin  
**Sent:** Thursday, February 23, 2006 12:07 PM  
**To:** Sherman, Gary  
**Subject:** Amendment to AB 986 (crimes against financial institutions)

Rep. Sherman,

In drafting AB 986, I asked Sen. Stepp's office whether to include cross-references to any of the new crimes in statutory sections that currently reference for example theft or robbery. The office wanted all of the new crimes cross-referenced in every instance.

How would you like to treat the following cross-references to s. 943.84 in AB 986?

- ✓ Section 6 of the bill [amending 941.291 (1) (b)] provides that 943.84 is a violent felony for purposes of prohibiting a violent felon from possessing body armor.
- ✓ Section 7 of the bill [amending s. 941.38 (1) (b)] provides that commission of a violation under 943.84 constitutes criminal gang activity for purposes of the prohibition against soliciting a child to participate in criminal gang activity.

Section 11 of the bill [amending s. 969.08 (10) (b)] provides that s. 943.84 is a "serious crime" for purposes of bail.

None of the 3 sections listed above cross-reference s. 943.25.

Here are three options:

1. Add cross-reference to s. 943.25 in these 3 sections.
2. Add cross-references to violations of 943.25 committed against a financial institution.
3. Do not cross-reference 943.25 in these 3 sections.

Thanks,  
Robin Ryan  
LRB



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2459/?  
RLR:bjf

Wanted Friday 2/24/06

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
**ASSEMBLY AMENDMENT ,  
TO 2005 ASSEMBLY BILL 986**

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

2 **1.** Page 4, line 23: delete that line and substitute:

3 *not* "attempts to commit a crime under s. 943.25 (1) or (2), 943.81, 943.82 (1), or  
4 943.83 that is a".

5 **2.** Page 5, line 8: delete "943.84".

6 **3.** Page 5, line 10: after "948.30" insert "; or, if the victim is a financial  
7 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or  
8 attempt to commit a felony under s. 943.25 (1) or (2)".

9 **4.** Page 5, line 12: delete "943.84".

10 **5.** Page 5, line 13: after "943.90" insert "or, if the victim is a financial  
11 institution, as defined in s. 943.80 (2), a crime under s. 943.25 (1) or (2)".

12 **6.** Page 5, line 13: after that line insert:

1           “SECTION 7m. 943.25 (1) and (2) (intro.) of the statutes are amended to read:  
2           943.25 (1) Whoever, with intent to defraud, conveys real property which he or  
3 she knows is encumbered, without informing the grantee of the existence of the  
4 encumbrance is guilty of a Class I felony may be penalized as provided in s. 943.91.

History: 1977 c. 173; 1979 c. 144; 1993 a. 486; 2001 a. 109.

5           (2) (intro.) Whoever, with intent to defraud, does any of the following is guilty  
6 of a Class I felony may be penalized as provided in s. 943.91.”

History: 1977 c. 173; 1979 c. 144; 1993 a. 486; 2001 a. 109.

7           **7.** Page 7, line 1: delete lines 1 to 4.

8           **8.** Page 8, line 23: delete that line and substitute:

9           “**943.91 Penalties.** Whoever violates s. 943.25 (1) or (2), 943.81, 943.82 (1), or  
10 943.83 is”.

11          **9.** Page 9, line 1: after “property,” insert “proceeds from sale,”.

12          **10.** Page 9, line 3: after “property,” insert “proceeds from sale,”.

13          **11.** Page 9, line 7: after “property,” insert “proceeds from sale,”.

14          **12.** Page 9, line 9: after “property,” insert “proceeds from sale,”.

15          **13.** Page 9, line 11: after “property,” insert “proceeds from sale,”.

16          **14.** Page 10, line 13: delete “943.84.”.

17          **15.** Page 11, line 7: delete “943.84.”.

18          **16.** Page 11, line 9: after “948.30” insert “or, if the victim is a financial  
19 institution, as defined in s. 943.80 (2), a crime under s. 943.25 (1) or (2)”.

20

(END)

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Monday, February 27, 2006 7:51 AM  
**To:** Ryan, Robin  
**Cc:** Sherman, Gary  
**Subject:** FW: LRB 05a2459 Topic: Concealment of collateral

Re-Draft Request

---

**From:** Sherman, Gary  
**Sent:** Sunday, February 26, 2006 1:49 PM  
**To:** Barman, Mike; Hanaman, Cathlene  
**Cc:** Rep.Hundertmark  
**Subject:** RE: LRB 05a2459 Topic: Concealment of collateral

I think we need to do one more thing to satisfy Jean Hundertmark. We need to change the statute number so that it fall within the subchapter that she has created.

Gary

---

**From:** Barman, Mike  
**Sent:** Friday, February 24, 2006 10:02 AM  
**To:** Rep.Sherman  
**Subject:** LRB 05a2459 Topic: Concealment of collateral

The attached proposal has been jacketed for introduction.

A copy has also been sent to: [cathlene.hanaman@legis.state.wi.us](mailto:cathlene.hanaman@legis.state.wi.us);

<< File: LRB a2459\_1 >>



## Ryan, Robin

---

**From:** Ryan, Robin  
**Sent:** Monday, February 27, 2006 12:11 PM  
**To:** Sherman, Gary  
**Subject:** FW: LRB 05a2459 Topic: Concealment of collateral

Gary,

I will redraft the amendment, but do want to raise one issue. If I move s. 943.25 into the new crimes against financial institutions subchapter, it will be the only crime in the new subchapter that may be committed against a victim other than a financial institution. Plus, 943.25 is not the only crime in ch. 943 that is not in the new subchapter and that may be committed against a financial institution -- for example financial transaction card crimes (943.41) is not in the new subchapter.

Robin

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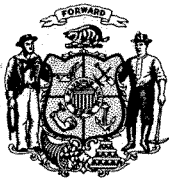
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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2459A  
RLR:kjf:pg

2

L + jld

Wanted 1st thing  
Tues morning

ASSEMBLY AMENDMENT,  
TO 2005 ASSEMBLY BILL 986

RMR

NOW

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

2 **1.** Page 4, line 23: delete that line and substitute "attempts to commit a crime  
3 under s. 943.25 (1) or (2), 943.81, 943.82 (1), or 943.83 that is a".

4 **2.** Page 5, line 8: delete "943.84,".

5 **3.** Page 5, line 10: after "948.30" insert "; or, if the victim is a financial  
6 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or  
7 attempt to commit a felony under s. 943.25 (1) or (2)". 943.84 ✓

8 **4.** Page 5, line 12: delete "943.84,".

9 **5.** Page 5, line 13: after "943.90" insert "or, if the victim is a financial  
10 institution, as defined in s. 943.80 (2), a crime under s. 943.25 (1) or (2)". 943.84 ✓

11 **6.** Page 5, line 13: after that line insert:

12 **SECTION 7m.** 943.25 (1) and (2) (intro.) of the statutes are amended to read:

1 943.25 (1) Whoever, with intent to defraud, conveys real property which he or  
 2 she knows is encumbered, without informing the grantee of the existence of the  
 3 encumbrance is guilty of a Class I felony may be penalized as provided in s. 943.91.

INS 2-3 →

4 (2) (intro.) Whoever, with intent to defraud, does any of the following is guilty  
 5 of a Class I felony may be penalized as provided in s. 943.91:”

6 7. Page 7, line 1: delete lines 1 to 4.

7 8. Page 8, line 23: delete that line and substitute:

8 “943.91 Penalties. Whoever violates s. 943.25 (1) or (2), 943.81, 943.82 (1), or  
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INS 2-14 →

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 18 institution, as defined in s. 943.80 (2), a crime under s. 943.25 (1) or (2)”.

INS 2-18 →

943.84 ✓

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa2459/2ins  
RLR:.....

1           **Ins 2-3:**

2           “SECTION 7m. 943.25 of the statutes is renumbered 943.84, and 943.84 (1) and  
3           (2) (intro.), as renumbered, are amended to read:

4           plain **943.84** ~~Transfer of encumbered property~~ (1) Whoever, with intent to  
5           defraud, conveys real property which he or she knows is encumbered, without  
6           informing the grantee of the existence of the encumbrance ~~is guilty of a Class I felony~~  
7           may be penalized as provided in s. 943.91.

8           History: 1977 c. 173; 1979 c. 144; 1993 a. 486; 2001 a. 109.

9  
10           **Ins 2-14:**

11           **1.** Page 10, line 10: substitute “~~943.25,~~” for “943.25,”.

12  
13  
14           **Ins 2-18:**

15           **2.** Page 11, line 11: delete lines 11 ~~to~~ 12 and substitute:

16           “(1) <sup>m</sup>The treatment of sections 895.81, 943.25 <sup>es</sup> and 946.82 (4) of the statutes first  
17           applies to offenses committed on the effective date of this subsection.”.

18

## Ryan, Robin

---

**From:** Sherman, Gary  
**Sent:** Monday, February 27, 2006 9:47 PM  
**To:** Ryan, Robin  
**Cc:** Tribys, Eleanora  
**Subject:** RE: LRB 05a2459 Topic: Concealment of collateral

The author will kill the amendment if it is not in her new subchapter.

Gary

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