



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 338

Assembly Amendment 1

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Under current law, a person who does either of the following is guilty of a Class I felony:

1. With intent to prevent the apprehension of a felon (as defined), harbors or aides the felon.
2. With intent to prevent the apprehension, prosecution, or conviction of a felon, destroys, alters, hides, or disguises physical evidence or places false evidence.

Current law exempts from the above prohibitions the felon's spouse, parent, grandparent, child, grandchild, brother, or sister, whether by blood, marriage, or adoption.

Under Assembly Bill 338, the exemption for family members of the felon only extends to the prohibition against harboring or aiding the felon. In other words, under the bill, a family member of a felon who, with intent to prevent the apprehension, prosecution, or conviction of the felon, destroys, alters, hides, or disguises physical evidence or places false evidence is guilty of a Class I felony.

Assembly Amendment 1 provides that the current prohibitions concerning harboring or aiding a felon, including the prohibitions against affecting evidence, do not apply to an individual if the felon has been charged with an act of domestic abuse against the individual and the individual has been called, or is likely to be called, to testify as a witness against the felon in any criminal action or proceeding. For purposes of the exemption, "domestic abuse" has the definition set forth in s. 813.12 (1) (am), Stats.

Legislative History

Assembly Amendment 1 was offered by Representative Kleefisch. The amendment was adopted by the Assembly on a voice vote. The proposal, as amended, was passed by the Assembly on a vote of Ayes, 85; Noes, 9.

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