



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Assembly Bill 397**

**Assembly  
Amendment 1**

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Under *current law*, it is a Class I felony to: (a) harbor or aid a felon with intent to prevent the apprehension of the felon; or (b) destroy, alter, hide, or disguise physical evidence or place false evidence with intent to prevent the apprehension, prosecution, or conviction of a felon.

This provision does not apply to the felon, to the felon's spouse, or to a parent, grandparent, child, grandchild, brother, or sister of the felon, whether by blood, marriage, or adoption.

*Assembly Bill 397* increases the penalty to a Class G felony if the offense committed by the felon being aided is, or if committed in this state would be, a Class A, B, C, or D felony or an unclassified felony that is punishable by a sentence of life imprisonment. If the offense committed by the felon being aided is a Class E, F, G, H, or I felony, the offense is a Class I felony, as provided under current law. The bill also provides that a court sentencing a person for aiding a felon must impose both a fine and a term of imprisonment. The court may not place the person on probation.

*Assembly Amendment 1* provides that aiding a felon who has committed a Class C or D felony is a Class I felony if the offense committed by the felon is one of the following:

- First-degree reckless injury causing bodily harm.
- Abuse of an individual at risk resulting in death.
- Second or subsequent violation of possession of body armor by a felon.
- Tampering with household products and causing death to another.
- Arson.
- Second or subsequent violation of theft of farm-raised fish.

- Possession of child pornography.
- Child neglect if death is a result.
- Contributing to the delinquency of a minor if death is a result.
- A Class C or D felony under the Uniform Controlled Substances Act.

The amendment also deletes the provision that provides that a court sentencing a person for aiding a felon must impose both a fine and a term of imprisonment.

**Legislative History**

Assembly Amendment 1 was offered by Representatives Krusick and Friske. The Assembly Committee on Criminal Justice recommended adoption of the amendment on a vote of Ayes 8; Noes 3, and recommended passage of the bill, as amended, on a vote of Ayes 11; Noes 0.

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