

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2099/1dn

PJH:nwn:rs

March 2, 2009

Jeff,

As you requested, I have redrafted 2007 Assembly Bill 411, as amended by Assembly Amendment 1. As we discussed, you may want to review whether you want to include the amendment for two reasons: first, the words “knowingly or intentionally” are essentially the same thing. I could find no other use in the statutes of that phrase, although there are two instances of the phrase “knowingly and intentionally.” The word “knowingly” is most often used in contrast with “recklessly.” I don’t believe that adding the word “knowingly” would have any legal effect.

Second, by adding the word “knowingly” to the introductory paragraph of s. 943.34 (1), the draft adds that element to receiving any stolen good, not just firearms.

I would recommend, instead, amending the introductory paragraph of the statute to read something like “whoever receives or conceals property that he or she knows or has reason to know is stolen . . .” Another alternative would be to just amend the paragraphs that pertain to firearms to read something like “A Class H felony if the property is a firearm and the person knows or has reason to know that the firearm is stolen, or if the value of the property exceeds . . .” Please let me know your thoughts.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)