## 2009 DRAFTING REQUEST

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Received	Received: <b>02/12/2009</b>				Received By: <b>phurley</b>			
Wanted: As time permits For: Daniel LeMahieu (608) 266-9175				Identical to LRB:  By/Representing: <b>Jeff</b>				
This file	This file may be shown to any legislator: NO				Drafter: <b>phurley</b>			
May Cor	ntact:				Addl. Drafters:			
Subject:	Subject: Criminal Law - guns and weapons			ns	Extra Copies:			
Submit v	via email: YES							
Requeste	er's email:	Rep.LeMa	hieu@legis	.wisconsin.go	ov			
Carbon o	copy (CC:) to:							
Pre Top	oic:							
No speci	ific pre topic gi	ven						
Topic:								
Receivin	ng a stolen firea	ırm						
Instruct	tions:							
Redraft o	of 07-1665 as a	mended by 07a	.0998					
Draftin	g History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	phurley 02/12/2009	nnatzke 02/27/2009					S&L	
/1	Ŧ		rschluet 03/02/20	09	mbarman 03/02/2009	sbasford 06/03/2009		
FE Sent	For:							

<**END>** 

## 2009 DRAFTING REQUEST

Bill

Receive	Received: 02/12/2009  Wanted: As time permits				Received By: <b>phurley</b> Identical to LRB:				
Wanted									
For: <b>Da</b>	niel LeMahieu	(608) 266-917	<b>7</b> 5		By/Representing	g: <b>Jeff</b>	Jeff		
This file	e may be shown	to any legislate	or: <b>NO</b>		Drafter: <b>phurley</b> Addl. Drafters: Extra Copies:				
May Co	ontact:								
Subject	: Crimina	al Law - guns	and weapor	ıs					
Submit	via email: YES								
Request	ter's email:	Rep.LeMa	hieu@legis.	.wisconsin.go	)V				
Carbon	copy (CC:) to:								
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No spec	cific pre topic gi	ven							
Topic:									
Receivi	ng a stolen firea	rm							
Instruc	ctions:				,				
Redraft	of 07-1665 as a	mended by 07a	0998						
Draftin	ng History:								
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
/?	phurley 02/12/2009	nnatzke 02/27/2009					S&L		
/1			rschluet 03/02/200	09	mbarman 03/02/2009				
FE Sent	For								

<END>

## 2009 DRAFTING REQUEST

Bill

Receive	d: <b>02/12/200</b> 9	9			Received By: p	hurley	
Wanted	As time per	mits			Identical to LRI	3:	
For: Da	For: Daniel LeMahieu (608) 266-9175				By/Representing	g: <b>Jeff</b>	
This file	may be show	vn to any legislat	or: NO		Drafter: phurle	y	
May Co	ntact:				Addl. Drafters:		
Subject:	Crim	inal Law - guns	and weapo	ns	Extra Copies:		
Submit	via email: <b>YI</b>	ES					
Request	er's email:	Rep.LeMa	hieu@legis	.wisconsin.go	ov		
Carbon	copy (CC:) to	):					
Pre Top	oic:					-	
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Topic:				,			
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#### **2007 - 2008 LEGISLATURE**

LRB-1665/ PJH:qis:pg nwn

## 2007 ASSEMBĽÝ BIĽL 411

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June 14, 2007 - Introduced by Representatives LEMAHIEU, FRISKE, BIES, ALBERS HAHN, LOTHIAN, MUSSER and TOWNSEND, cosponsored by Senators Ousen and ROESSLER. Referred to Committee on Criminal Justice.

Regen.

AN ACT to amend 943.34 (1) (bm) and 948.62 (1) (bm) of the statutes; relating

to: receiving a stolen firearm, and providing a penalty.

Analysis by the Legislative Reference Bureau

intentionally. Under current law, a person who steals a firearm is guilty of a Class H felony and may be fined up to \$10,000, imprisoned for up to six years, or both. A person who receives stolen property may be guilty of a misdemeanor or a felony, depending on the value of the property received, and the amount of forfeiture, fine, jail time, or imprisonment to which the person may be subjected is determined by the value of - intentionally the property received.

Under this bill, a person who receives a stolen firearm, regardless of the value of the firearm, is guilty of a Class H, felony and may be fined up to \$10,000,

imprisoned for up to six years, or both.

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.

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

SECTION 1. 943.34 (1) (bm) of the statutes is amended to read:

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## ASSEMBLY BILL 411

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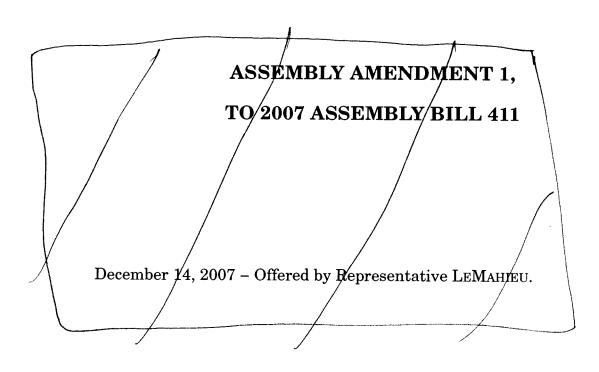
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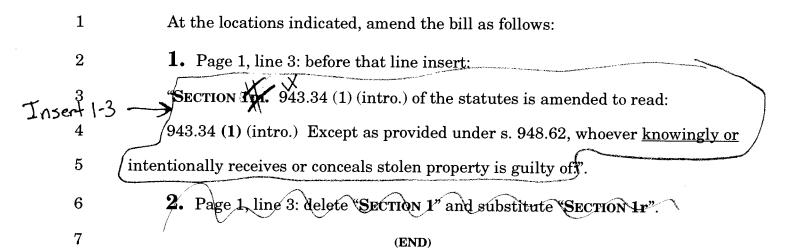
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6

943.34 (1) (bm) A Class H felony, if the property is a firearm or if the value of
the property exceeds \$5,000 but does not exceed \$10,000.
SECTION 2. 948.62 (1) (bm) of the statutes is amended to read:
948.62 (1) (bm) A Class H felony, if the property is a firearm or if the value of
the property exceeds \$2,500 but does not exceed \$5,000.
(END)
6 /

D-note





## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

Date

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

# 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.

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Peggy Hurley Legislative Attorney Phone: (608) 266-8906

E-mail: peggy.hurley@legis.wisconsin.gov

### **Duerst, Christina**

From:

Sent:

To:

Subject:

Grothman, Jeffrey Wednesday, June 03, 2009 9:26 AM LRB.Legal Draft Review: LRB 09-2099/1 Topic: Receiving a stolen firearm

Please Jacket LRB 09-2099/1 for the ASSEMBLY.