

2009 DRAFTING REQUEST

Bill

Received: **02/12/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Daniel LeMahieu (608) 266-9175**

By/Representing: **Jeff**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.LeMahieu@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Receiving a stolen firearm

Instructions:

Redraft of 07-1665 as amended by 07a0998

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>
/?	phurley 02/12/2009	nmatzke 02/27/2009		_____			S&L
/1			rschluet 03/02/2009	_____	mbarman 03/02/2009	sbasford 06/03/2009	

FE Sent For:

*at
intro*

<END>

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/?	phurley	/1 nwn 2/24		_____			

FE Sent For:

<END>

2007 ASSEMBLY BILL 411

P.W.F

2-12-09
d-note

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

SA ✓
x-rec ✓

Regen.

- 1 AN ACT *to amend* 943.34 (1) (bm) and 948.62 (1) (bm) of the statutes; relating
- ② to: receiving a stolen firearm and providing a penalty.

Analysis by the Legislative Reference Bureau

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 the property received.

intentionally

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.

re-sel

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:

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

Insert 1-3

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 411**

December 14, 2007 - Offered by Representative LEMAHIEU.

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

2 **1.** Page 1, line 3: before that line insert:

3 ~~SECTION 1A.~~ 943.34 (1) (intro.) of the statutes is amended to read:

4 943.34 (1) (intro.) Except as provided under s. 948.62, whoever knowingly or
5 intentionally receives or conceals stolen property is guilty of.

6 **2.** Page 1, line 3: delete "~~SECTION 1~~" and substitute "~~SECTION 1A~~".

7 (END)

Insert 1-3 →

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2099¹dn

.....
PJH:nvn:

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,

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

Duerst, Christina

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

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