



2009 ASSEMBLY BILL 613

December 11, 2009 – Introduced by Representatives KRUSICK, GUNDRUM, BIES, BROOKS, KNODL, LEMAHIEU and VOS, cosponsored by Senator DARLING. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 946.47 (3); *to amend* 946.47 (1) (intro.); and
2 *to create* 946.47 (2m) and 946.47 (3) (a) of the statutes; **relating to:** aiding a
3 felon and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from harboring or aiding a felon with intent to prevent the felon's apprehension. Current law also prohibits a person from destroying, altering, hiding, or disguising physical evidence or placing false evidence with intent to prevent the apprehension, prosecution, or conviction of a felon. These two prohibitions, however, do not apply to the felon or to his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters. A person who violates one of these prohibitions may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years, or both.

This bill eliminates the exception to the second prohibition for the felon and the felon's spouse, parents, grandparents, children, grandchildren, brothers, and sisters. The bill creates an exception to both prohibitions for a person if the felon has been charged with an act of domestic abuse against the person and the person may be called to testify against the felon.

The bill also increases the violation for violating these prohibitions if the felon being aided committed: 1) a Class A, B, C, or D felony; 2) an unclassified felony that is punishable by a sentence of life imprisonment; or 3) an offense in another state that is punishable by imprisonment there for one year or more and that would, if committed in Wisconsin, be a Class A, B, C, or D felony or be punishable by a sentence

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of life imprisonment. A person who aids the felon who commits these offenses is guilty of a Class G felony and may be fined up to \$25,000 or imprisoned for up to ten 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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 946.47 (1) (intro.) of the statutes is amended to read:

2 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class I
3 felony may be penalized as provided in sub. (2m):

4 **SECTION 2.** 946.47 (2m) of the statutes is created to read:

5 946.47 (2m) Except as provided in sub. (3) whoever violates sub. (1) is guilty
6 of the following:

7 (a) A Class G felony, if the offense committed by the felon being aided is, or
8 would have been if the offense had been committed in this state, any of the following:

9 1. A Class A, B, C, or D felony.

10 2. An unclassified felony that is punishable by a sentence of life imprisonment.

11 (b) A Class I felony, if the offense committed by the felon being aided is, or would
12 have been if the offense had been committed in this state, any of the following:

13 1. A Class E, F, G, H, or I felony.

14 2. An unclassified felony that is not punishable by a sentence of life
15 imprisonment.

16 **SECTION 3.** 946.47 (3) of the statutes is renumbered 946.47 (3) (b) and amended
17 to read:

