

**2009 DRAFTING REQUEST**

**Bill**

Received: **03/17/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **christian**

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

Drafter: **phurley**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Aiding a felon

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**Instructions:**

redraft 07 AB 397 plus AA1 and remove exception for family members 946.47 (3) (b);

/2--combine with -1351--keep except for family member for harboring

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**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 05/16/2009	jdyer 05/21/2009		_____			S&L Crime
/1	chanaman 08/25/2009	jdyer 08/26/2009	rschluet 05/21/2009	_____	sbasford 05/21/2009		S&L Crime
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/3	chanaman 09/24/2009	jdyer 09/29/2009	rschluet 08/27/2009	_____	cduerst 08/27/2009		S&L Crime
/4	chanaman 10/28/2009	jdyer 10/28/2009	jfrantze 09/30/2009	_____	sbasford 09/30/2009		S&L Crime
/5			jfrantze 10/28/2009	_____	cduerst 10/28/2009	lparisi 11/25/2009	

FE Sent For: "/5" @ intro.

<END>

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15/10/28 jld

9/10/28

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			08/27/2009	_____	08/27/2009		

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/1		<i>1/2 8/26/09</i> rschluet 05/21/2009		_____	sbasford 05/21/2009		
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/?	phurley	15/2/09 rijld	[Signature]	[Signature]			

FE Sent For:

<END>

2009 BILL

keep

239011  
AMR

2007 ASSEMBLY BILL 397

5-16-09

LPS-  
PWF  
Please

June 14, 2007 - Introduced by Representatives KRUSICK, PETROWSKI, A. OTT, BERCEAU, VAN ROY, STRACHOTA and HINES, cosponsored by Senators OLSEN, PLALE, A. LASEE, HARS DORF, KEDZIE and ROESSLER. Referred to Committee on Criminal Justice.

X

repen

- 1 AN ACT to renumber and amend 946.47 (1) and 946.47 (2); to amend 946.47
- 2 (title); and to create 946.47 (1m) (intro.), 946.47 (2m) and 946.47 (2r) of the
- 3 statutes; relating to: aiding a 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. A person who violates these prohibitions may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision) or both. Alternatively, as with nearly all other crimes, the court may place the person on probation in lieu of requiring the person to serve time in prison or jail. These prohibitions, however, do not apply to the felon or to his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters.

This bill requires that a person convicted of violating one of these prohibitions be sentenced to a term of imprisonment and be assessed a fine. Under the bill, the court may not place the person on probation. The bill also increases the maximum term of imprisonment for violating these prohibitions if the felon being assisted has 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

with certain exceptions

grandparents

NO eliminates the exception for the felon's spouse, parents, children, grandchildren, brothers, and sisters.

**ASSEMBLY BILL 397**

✓ insert analysis

Wisconsin, be a Class A, B, C, or D felony or be punishable by a sentence of life imprisonment. Under the bill, the maximum term of imprisonment in such a case is ten years and the maximum fine is \$25,000.

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 (title) of the statutes is amended to read:

2 946.47 (title) **Harboring or aiding Aiding felons.**

3 SECTION 2. 946.47 (1) of the statutes is renumbered 946.47 (1m) (a) and  
4 amended to read:

5 946.47 (1m) (a) ~~Whoever does either "Aid a felon" means any of the following~~  
6 ~~is guilty of a Class I felony.~~

7 1. With intent to prevent the apprehension of a felon, harbors ~~harbors~~ or aids  
8 ~~aid~~ him or her; or,

9 2. With intent to prevent the apprehension, prosecution, or conviction of a felon,  
10 ~~destroys, alters, hides~~ destroy, alter, hide, or disguises ~~disguise~~ physical evidence, or  
11 ~~places~~ place false evidence.

12 SECTION 3. 946.47 (1m) (intro.) of the statutes is created to read:

13 946.47 (1m) (intro.) In this section:

14 SECTION 4. 946.47 (2) of the statutes is renumbered 946.47 (1m) (b), and 946.47  
15 (1m) (b) (intro.), as renumbered, is amended to read:

16 946.47 (1m) (b) (intro.) ~~As used in this section "felon"~~ "Felon" means either of  
17 the following:

ASSEMBLY BILL 397

1 SECTION 5. 946.47 (2m)<sup>✓</sup> of the statutes is created to read:

2 946.47 (2m) Whoever aids a felon<sup>✓</sup> is guilty of the following:

3 (a) ~~A~~ <sup>Except as provided in par. (b), a</sup> Class G felony, if the offense committed by the felon being aided is, or if  
4 committed in this state would be, a<sup>✓</sup> Class A, B, C, or D felony, or an unclassified felony  
5 that is punishable by a sentence of life imprisonment.

6 (b) A Class I felony, if the offense committed by the felon being aided is, or if  
7 committed in this state would be, <sup>Insert A</sup> a Class E, F, G, H, or I felony<sup>✓</sup>, or an unclassified  
8 felony that is not punishable by a sentence of life imprisonment.

9 SECTION 6. 946.47 (2r) of the statutes is created to read:  
10 946.47 (2r) Notwithstanding s. 939.50 (3) (h) and (i), a court sentencing a  
11 person convicted under sub. (2m) shall impose both a fine and a term of  
12 imprisonment. The court may not place the person on probation.

13 (END)

Insert PJH ✓



**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 397**

November 6, 2007 - Offered by Representatives KRUSICK and FRISKE.

*Insert A*

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

2 **1.** Page 3, line 3: delete "A Class G" and substitute "Except as provided in par.  
3 (b), a Class G".

4 **2.** Page 3, line 7: before "a Class E" insert "a violation of s. 940.23 (1), an offense  
5 punishable under s. 940.285 (2) (b), an offense punishable under s. 941.291 (3) (b),  
6 an offense punishable under s. 941.327 (2) (b) 4., a violation of s. 943.02, an offense  
7 punishable under s. 943.74 (3) (b), an offense punishable under s. 948.12 (3) (a), a  
8 violation of s. 948.21 that results in the death of a child, an offense punishable under  
9 s. 948.40 (4) (a), a violation of ch. 961 that is a Class C or Class D felony".

10 **3.** Page 3, line 9: delete lines 9 to 12.

11

~~END~~

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2390/?ins  
PJH:.....

INSERT ANALYSIS:

~~#~~<sup>NO</sup> 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, imprisoned for up to ten years, or both. \*

The bill does not increase the penalty for aiding a person who commits the following class C or class D felonies: first-degree reckless injury causing the death of an at-risk person through abuse or neglect; a second or subsequent possession of body armor; tampering with a product that results in the death of another person; arson; a second or subsequent theft of farm-raised fish; possession of child pornography; neglect of a child that results in the child's death; contributing to the delinquency of a minor that results in the minor's death; and class C or class D controlled substance violations. A person who aids the felon who commits these offenses is guilty of a class I felony and may be fined up to \$10,000, imprisoned for up to three years and six months, or both. \*

INSERT PJH:

<sup>x</sup>  
SECTION 1. 946.47 (3) of the statutes is repealed.

(end ins PJH)

## Barman, Mike

---

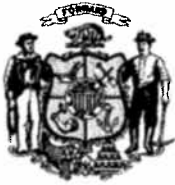
**From:** Barman, Mike  
**Sent:** Thursday, August 06, 2009 10:42 AM  
**To:** Rep.Krusick  
**Subject:** LRB 09-2390/1 (un-introduced) (PDF requested by Abby)

**Attachments:** 09-2390/1



09-23901.pdf (25  
KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-23901  
PJH:jld:rs

12  
cmh

Thus, if possible per request

2009 BILL

✓

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

repeal act

for the felon to both prohibitions and eliminates the exception

**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. A person who violates 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. (These prohibitions, however, do not apply to the felon or to his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters.)

This bill eliminates the exception for the felon's spouse, parents, grandparents, children, grandchildren, brothers, and sisters. The bill also increases the maximum term of imprisonment for violating these prohibitions if the felon being assisted has committed: 1) with certain exceptions, 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 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, imprisoned for up to ten years, or both.

one of ✓

two ✓

create

9

INSERT A ✓

or

**BILL**

Violating the prohibitions if the felon being assisted committed

The bill does not increase the penalty for aiding a person who commits the following Class C or Class D felonies: first-degree reckless injury; causing the death of an at-risk person through abuse or neglect; a second or subsequent possession of body armor; tampering with a product that results in the death of another person; arson; a second or subsequent theft of farm-raised fish; possession of child pornography; neglect of a child that results in the child's death; contributing to the delinquency of a minor that results in the minor's death; and Class C or Class D controlled substance violations. A person who aids the felon who commits these offenses is guilty of a Class I felony and may be fined up to \$10,000, imprisoned for up to three years and six months, 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:*

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

**946.47 (title) Harboring or aiding Aiding felons.**

**SECTION 2.** 946.47 (1) of the statutes is renumbered 946.47 (1m) (a) and amended to read:

946.47 (1m) (a) ~~Whoever does either~~ "Aid a felon" means any of the following is guilty of a Class I felony:

1. With intent to prevent the apprehension of a felon, ~~harbors~~ harbor or aids aid him or her; or,

2. With intent to prevent the apprehension, prosecution, or conviction of a felon, ~~destroys, alters, hides~~ destroy, alter, hide, or disguises disguise physical evidence, or places place false evidence.

**SECTION 3.** 946.47 (1m) (intro.) of the statutes is created to read:

**946.47 (1m) (intro.)** In this section:

BILL

INS  
3-5 ✓

Except as provided in sub. (3) ✓

1 SECTION 4. 946.47 (2) of the statutes is renumbered 946.47 (1m) (b), and 946.47  
2 (1m) (b) (intro.), as renumbered, is amended to read:  
3 946.47 (1m) (b) (intro.) As used in this section "felon" "Felon" means either of  
4 the following:

5 SECTION 5. 946.47 (2m) of the statutes is created to read;  
6 946.47 (2m) Whoever aids a felon <sup>violates sub. (1)</sup> is guilty of the following:  
7 (a) Except as provided in par. (b), a Class G felony, if the offense committed by  
8 the felon being aided is, or if committed in this state would be, a Class A, B, C, or D  
9 felony, or an unclassified felony that is punishable by a sentence of life imprisonment.  
10 (b) A Class I felony, if the offense committed by the felon being aided is, or if  
11 committed in this state would be, <sup>only of the following: (1) 1.</sup> a violation of s. 940.23 (1), an offense punishable  
12 under s. 940.285 (2) (b), an offense punishable under s. 941.291 (3) (b), an offense  
13 punishable under s. 941.327 (2) (b) 4, a violation of s. 943.02, an offense punishable  
14 under s. 943.74 (3) (b), an offense punishable under s. 948.12 (3) (a), a violation of s.  
15 948.21 that results in the death of a child, an offense punishable under s. 948.40 (4)  
16 (a) a violation of ch. 961 that is a Class C or Class D felony, a Class E, F, G, H, or I  
17 felony, or an unclassified felony that is not punishable by a sentence of life  
18 imprisonment.

19 SECTION 6. 946.47 (3) of the statutes is repealed.

20 (END)

INS  
3-20 ✓

# 2009 BILL

1 ~~AN ACT to renumber and amend 946.47 (3); and to create 946.47 (3) (a) of the~~  
 2 ~~statutes relating to: aiding or harboring a felon.~~

---

### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from harboring or aiding a felon with the intent to prevent the felon from being apprehended and from destroying, altering, hiding, or disguising physical evidence with the intent to prevent a felon from being apprehended. These prohibitions do not apply to the felon or to his or her spouse, parent, grandparent, child, grandchild, brother, or sister (felon's family). This bill generally applies to the felon's family the prohibition against destroying, altering, hiding, or disguising physical evidence with the intent to prevent a felon from being apprehended.

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. 946.47 (3) of the statutes is renumbered 946.47 (3) (b) and amended~~  
 4 ~~to read:~~

MNS  
3-20



**BILL**

INS 3-202-  
cont.

1            946.47 (3) (b) ~~This section~~ Subsection (1) (a) <sup>✓</sup> does not apply to the felon, <sup>✓</sup> to the  
2            felon's spouse or to a parent, grandparent, child, grandchild, brother, or sister of the  
3            felon, whether by blood, marriage, or adoption.

4            **SECTION 2.** 946.47 (3) (a) <sup>✓</sup> of the statutes is created to read:

5            946.47 (3) (a) <sup>✓</sup> ~~Subsection (1) does not apply to the felon.~~ no 91

20  
40

6            <sup>2.</sup> Subsection (1) does not apply to an individual if the felon has been charged  
7            with an act of domestic abuse, as defined in s. 813.12 (1) (am), against the individual  
8            and the individual has been called, or is likely to be called, to testify as a witness  
9            against the felon in any criminal action or proceeding.

~~END~~

(end ins 3-20)



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
PJH&CMH:.....

1           Insert A

2           ~~NO~~ to the second prohibition. ✓ The bill also creates a new 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. ~~NO~~

2

3           Insert 3-5

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

5           946.47 (1) (intro.) Whoever does either of the following is ~~guilty of a Class I~~

6           felony may be penalized as provided in sub. (2m). ✓

History: 1977 c. 173; 1993 a. 486; 1999 a. 162; 2001 a. 109.

(ends ins 3-5)



D-note

**2009 BILL**

Thus  
only change  
is in  
analysis  
d-note

4

refuse ✓

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.

felon ✓

***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 for the plan to both prohibitions and eliminates the exception for the felon's spouse, parents, grandparents, children, grandchildren, brothers, and sisters to the second prohibition. The bill also creates a new 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 maximum term of imprisonment for violating these prohibitions if the felon being assisted committed: 1) with certain exceptions, 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

**BILL**

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 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.

The bill does not increase the penalty for violating the prohibitions if the felon being assisted committed the following Class C or Class D felonies: first-degree reckless injury; causing the death of an at-risk person through abuse or neglect; a second or subsequent possession of body armor; tampering with a product that results in the death of another person; arson; a second or subsequent theft of farm-raised fish; possession of child pornography; neglect of a child that results in the child's death; contributing to the delinquency of a minor that results in the minor's death; and Class C or Class D controlled substance violation.

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) Except as provided in par. (b), a Class G felony, if the offense committed by  
8 the felon being aided is, or would have been if the offence had been committed in this  
9 state, any of the following:

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

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

**BILL**

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

- 3 1. A violation of s. 940.23 (1).
- 4 2. An offense punishable under s. 940.285 (2) (b).
- 5 3. An offense punishable under s. 941.291 (3) (b).
- 6 4. An offense punishable under s. 941.327 (2) (b) 4.
- 7 5. A violation of s. 943.02.
- 8 6. An offense punishable under s. 943.74 (3) (b).
- 9 7. An offense punishable under s. 948.12 (3) (a).
- 10 8. A violation of s. 948.21 that results in the death of a child.
- 11 9. An offense punishable under s. 948.40 (4) (a).
- 12 10. A violation of ch. 961 that is a Class C or Class D felony.
- 13 11. A Class E, F, G, H, or I felony.
- 14 12. 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:

18 946.47 (3) (b) ~~This section~~ Subsection (1) (a) does not apply to the felon, to the  
19 felon's spouse or to a parent, grandparent, child, grandchild, brother, or sister of the  
20 felon, whether by blood, marriage, or adoption.

21 **SECTION 4.** 946.47 (3) (a) of the statutes is created to read:

22 946.47 (3) (a) Subsection (1) does not apply to an individual if the felon has been  
23 charged with an act of domestic abuse, as defined in s. 813.12 (1) (am), against the

**BILL**

1 individual and the individual has been called, or is likely to be called, to testify as a  
2 witness against the felon in any criminal action or proceeding.

3 (END)

LRB-2390/3dm  
cmh:jld

**revision**  
This revision corrects a typographical error that Steve  
Knudson noticed.  
↑

cmh

Knudson

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

LRB-2390/3dn  
CMH:jld:rs

August 27, 2009

This revision corrects a typographical error that Steve Knudson noticed.

Cathlene Hanaman  
Legislative Attorney  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)

## Hanaman, Cathlene

---

**From:** Moran, Christian  
**Sent:** Wednesday, September 23, 2009 11:33 AM  
**To:** Hanaman, Cathlene  
**Subject:** redraft request for LRB-2390/3 (aiding a felon)

Hi Cathlene,

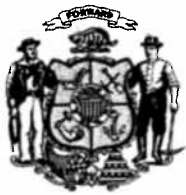
Could you please make the following two revisions to LRB-2390/3:

1. The draft eliminates the exception for a felon to the prohibition on harboring or aiding a felon. It doesn't seem possible, however, for a felon to harbor or aid himself or herself, so please restore this exception—unless there's something we're missing here.
2. Remove the exception to higher penalties for certain specified Class C and D felonies. We'd like the stiffer penalties to apply to someone who aids any Class A-D felony.

Thanks for your help. Just let me know if you have any questions.

Christian

Christian Moran  
Office of Representative Peggy Krusick  
State Capitol, 128 North  
Madison, WI 53708  
(608) 266-1733



4

## 2009 BILL

X

refer cat

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 for the felon to both prohibitions and eliminates the exception for the felon's spouse, parents, grandparents, children, grandchildren, brothers, and sisters to the second prohibition. The bill also creates a new 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 maximum term of imprisonment for violating these prohibitions if the felon being assisted committed: 1) with certain exceptions, 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 ✓

to the second prohibition ✓  
 an OR ✓

penalties of ✓  
 aided ✓



**BILL**

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 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. ✓

The bill does not increase the penalty for violating the prohibitions if the felon being assisted committed the following Class C or Class D felonies: first-degree reckless injury; causing the death of an at-risk person through abuse or neglect; a second or subsequent possession of body armor; tampering with a product that results in the death of another person; arson; a second or subsequent theft of farm-raised fish; possession of child pornography; neglect of a child that results in the child's death; contributing to the delinquency of a minor that results in the minor's death; and Class C or Class D controlled substance violation.

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) Except as provided in par. (b), a Class G felony, if the offense committed by  
8 the felon being aided is, or would have been if the offence <sup>offense</sup> had been committed in this  
9 state, any of the following:

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

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

**BILL**

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

1. A violation of s. 940.23 (1).

2. An offense punishable under s. 940.285 (2) (b).

3. An offense punishable under s. 941.291 (3) (b).

4. An offense punishable under s. 941.327 (2) (b) 4.

5. A violation of s. 943.02.

6. An offense punishable under s. 943.74 (3) (b).

7. An offense punishable under s. 948.12 (3) (a).

8. A violation of s. 948.21 that results in the death of a child.

9. An offense punishable under s. 948.40 (4) (a).

10. A violation of ch. 961 that is a Class C or Class D felony.

11. A Class E, F, G, H, or I felony.

12. An unclassified felony that is not punishable by a sentence of life imprisonment.

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

946.47 (3) (b) ~~This section~~ Subsection (1) (a) 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.

**SECTION 4.** 946.47 (3) (a) of the statutes is created to read:

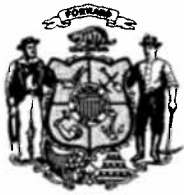
946.47 (3) (a) Subsection (1) does not apply to an individual if the felon has been charged with an act of domestic abuse, as defined in s. 813.12 (1) (am), against the

1. Subsection (1) does not apply to the felon.  
2.

**BILL**

1 individual and the individual has been called, or is likely to be called, to testify as a  
2 witness against the felon in any criminal action or proceeding. ✓

3 (END)



## 2009 BILL

✓

*refer cut*

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

**BILL**

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                    <sup>✓</sup>  
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                    <sup>✓</sup>  
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                   <sup>✓</sup> SECTION 3. 946.47 (3) of the statutes is renumbered 946.47 (3) (b) and amended <sup>✓</sup>  
17 to read:

**SECTION 3**

**BILL**

← please ✓

1

946.47 (3) (b) ~~This section~~ Subsection (1) (a) 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. ✓

4

**SECTION 4.** 946.47 (3) (a) of the statutes is created to read:

5

946.47 (3) (a) 1. Subsection (1) does not apply to the felon. ✓

no 9 ✓

6

NO #

2. Subsection (1) does not apply to an individual if the felon has been charged with an act of domestic abuse, as defined in s. 813.12 (1) (am), against the individual and the individual has been called, or is likely to be called, to testify as a witness against the felon in any criminal action or proceeding. ✓

10

(END)

**Parisi, Lori**

---

**From:** Moran, Christian  
**Sent:** Tuesday, November 24, 2009 3:57 PM  
**To:** LRB.Legal  
**Subject:** Please jacket LRB-2390/5 for introduction in the Assembly

Thanks!

Christian Moran  
Office of Representative Peggy Krusick  
State Capitol, 128 North  
Madison, WI 53708  
(608) 266-1733