

2015 DRAFTING REQUEST

Bill

Received: **8/31/2015** Received By: **phurley**
For: **Richard Gudex (608) 266-5300** Same as LRB:
May Contact: By/Representing: **Lance**
Subject: **Criminal Law - sentencing** Drafter: **phurley**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Gudex@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Penalty enhancer for using a drone to commit a crime

Instructions:

Violation of criminal code essentially "jumps up one classification" if a drone is used - see 939.645 to use as example

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 10/29/2015	kmochal 9/2/2015	_____	lparisi 9/2/2015		State S&L
/1			_____	sbasford 10/29/2015	sbasford 10/29/2015	State S&L

FE Sent For:

At Intro.

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3099/P1
PJH: *klm*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9-9
Today 9-2

1 AN ACT ^{generate catalog} ...; relating to: using a drone to commit a crime, ^g and ^g creating a criminal
2 penalty. ^{providing}

Analysis by the Legislative Reference Bureau

This bill creates a penalty enhancer for a crime if the offender uses a drone to commit the crime.

Under the bill, if a person uses a drone to commit a violation of the criminal code or commits a criminal offense related to a controlled substance, the person is subject to an increased penalty for the underlying crime. Under the bill, if the underlying offense is a misdemeanor but not a Class A misdemeanor, the person is subject to a maximum fine of \$10,000, and a maximum term of imprisonment of one year in the county jail.

If the underlying crime is a Class A misdemeanor, the person who uses a drone to commit that crime is guilty of a felony and subject to a \$10,000 fine and up to two years in prison. If the underlying crime is a felony, the maximum fine for the crime is increased by up to \$5,000 and the maximum term of imprisonment for the crime is increased by up to five years.

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. 939.642 of the statutes is created to read:

2 939.642 Penalty; using a drone to commit a crime. (1) If a person does
3 all of the following, the penalties for the underlying crime are increased as provided
4 in sub. (2):

5 (a) Commits a crime under chs. 939 to 948 or ch. 961.

6 (b) Uses a drone, as defined in s. 175.55 (1) (a), to commit the crime under par.
7 (a).

8 (2) (a) If the crime committed under sub. (1) is ordinarily a misdemeanor other
9 than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised
10 maximum term of imprisonment is one year in the county jail.

11 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
12 the penalty increase under this section changes the status of the crime to a felony and
13 the revised maximum fine is \$10,000 and the revised maximum term of
14 imprisonment is 2 years.

15 (c) If the crime committed under sub. (1) is a felony, the maximum fine
16 prescribed by law for the crime may be increased by not more than \$5,000 and the
17 maximum term of imprisonment prescribed by law for the crime may be increased
18 by not more than 5 years.

19 (3) This section provides for the enhancement of the penalties applicable for
20 the underlying crime. The court shall direct that the trier of fact find a special verdict
21 as to all of the issues specified in sub. (1).

22 (4) This section does not apply to any crime if proof of using or operating a drone
23 is required for a conviction for that crime.

24 (END)

Basford, Sarah

From: Smith, Shawn
Sent: Thursday, October 29, 2015 2:17 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -3099/P1 Topic: Penalty enhancer for using a drone to commit a crime

Good Afternoon!

Could we be able to please receive the jacketing email for this proposal?

Shawn Smith

Office of State Senator Rick Gudex

18th Senate District

(608) 266-5300

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"For love of country they accepted death, and thus resolved all doubts, and made immortal their patriotism and their virtue." –James A. Garfield, 20th President of the United States

From: LRB.Legal

Sent: Wednesday, September 02, 2015 2:20 PM

To: Sen.Gudex <Sen.Gudex@legis.wisconsin.gov>

Subject: Draft review: LRB -3099/P1 Topic: Penalty enhancer for using a drone to commit a crime

Following is the PDF version of draft LRB -3099/P1.