

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-3099/1 PJH:klm

2015 SENATE BILL 497

January 5, 2016 – Introduced by Senators Gudex, Marklein and Wanggaard, cosponsored by Representatives Schraa, Skowronski, A. Ott, Hintz, Tittl, E. Brooks, Horlacher and Spiros. Referred to Committee on Judiciary and Public Safety.

- AN ACT to create 939.642 of the statutes; relating to: using a drone to commit
- 2 a crime and providing a criminal penalty.

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:

SENATE BILL 497

Section 1. 939.642 of the statutes is created to read:
939.642 Penalty; using a drone to commit a crime. (1) If a person does
all of the following, the penalties for the underlying crime are increased as provided
in sub. (2):
(a) Commits a crime under chs. 939 to 948 or ch. 961.
(b) Uses a drone, as defined in s. 175.55 (1) (a), to commit the crime under par
(a).
(2) (a) If the crime committed under sub. (1) is ordinarily a misdemeanor other
than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised
maximum term of imprisonment is one year in the county jail.
(b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor
the penalty increase under this section changes the status of the crime to a felony and
the revised maximum fine is \$10,000 and the revised maximum term of
imprisonment is 2 years.
(c) If the crime committed under sub. (1) is a felony, the maximum fine
prescribed by law for the crime may be increased by not more than \$5,000 and the
maximum term of imprisonment prescribed by law for the crime may be increased
by not more than 5 years.
(3) This section provides for the enhancement of the penalties applicable for
the underlying crime. The court shall direct that the trier of fact find a special verdice
as to all of the issues specified in sub. (1).
(4) This section does not apply to any crime if proof of using or operating a drone
is required for a conviction for that crime.

(END)