



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 311
[2017 Senate Bill 58]

Carjacking

2017 Wisconsin Act 311 makes changes to the statutes related to carjacking.

CARJACKING OFFENSES

Taking a Vehicle by Use or Threat of Force While Possessing a Dangerous Weapon

The penalty for taking a vehicle by use or threat of force while possessing a dangerous weapon is a Class C felony, punishable by a fine not to exceed \$100,000 or imprisonment not to exceed 40 years, or both.

Taking and Driving a Vehicle Without the Owner's Consent

The penalty for taking and driving a vehicle without the owner's consent is a Class H felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

Driving or Operating a Vehicle Without the Owner's Consent

The penalty for driving or operating a vehicle without the owner's consent is a Class I felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

Affirmative Defense

Wisconsin law provides an affirmative defense to violations for: (1) taking and driving a vehicle without the owner's consent; and (2) driving or operating a vehicle without the owner's consent. If the defendant abandoned the vehicle without damage within 24 hours after the vehicle was taken from its owner, this affirmative defense mitigates the offense to a Class A

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

2017 WISCONSIN ACT 311

Act 311 creates a new carjacking offense and increases the penalty for certain repeat carjacking offenses. The Act does not make changes to the crime of taking a vehicle by use or threat of force while possessing a dangerous weapon, nor does it change the affirmative defense described above.

New Carjacking Offense

The Act creates a new crime of intentionally taking by the use of force, or by the threat of the use of force, a vehicle without the consent of the owner. The penalty for this offense is a Class E felony, punishable by a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both.

Increased Penalty for Certain Repeat Offenders

The Act increases the penalty for a repeat offense of taking and driving a vehicle without the owner's consent to a Class F felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and six months, or both.

The Act also increases the penalty for a repeat offense of driving or operating a vehicle without the owner's consent to a Class G felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

Effective date: The Act took effect on April 18, 2018, and first applies to offenses committed on that date, but does not preclude the counting of other offenses as prior offenses for purposes of the increased penalties for certain repeat offenders.

Prepared by: Michael Queensland, Senior Staff Attorney

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