2017 SENATE BILL 58

February 21, 2017 - Introduced by Senators VUKMIR, WANGGAARD, DARLING, CRAIG, FFEYEN, KAPENGA, NASS and STROEBEL, cosponsored by Representatives SANFELIPPO, KLEEFISCH, JAGLER, MURPHY, DUCHOW, GANNON, KNODL, OTT, KREMER, SPIROS, SKOWRONSKI, TITTL and E. BROOKS. Referred to Committee on Judiciary and Public Safety.

AN ACT to renumber and amend 943.23 (2) and 943.23 (3); and to create 943.23 (1r), 943.23 (2) (b) and 943.23 (3) (b) of the statutes; relating to: carjacking offenses and providing criminal penalties.

Analysis by the Legislative Reference Bureau

This bill creates the 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 classification for this crime is a Class E felony.

This bill also increases to a Class F felony the penalty classification for a repeat offense of taking and driving a vehicle without the consent of the owner. Under current law, a repeat offense has the same penalty classification as the first offense, a Class H felony. The bill also increases to a Class G felony the penalty classification for a repeat offense of driving or operating a vehicle without the consent of the owner. Under current law a repeat offense has the same penalty classification as a first offense, a Class I felony.

This table lists the penalty classifications for the felonies:

<table>
<thead>
<tr>
<th>Class E felony</th>
<th>fine not to exceed $50,000 or imprisonment not to exceed 15 years, or both</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class F felony</td>
<td>fine not to exceed $25,000 or imprisonment not to exceed 12 years and 6 months, or both</td>
</tr>
<tr>
<td>Class G felony</td>
<td>fine not to exceed $25,000 or imprisonment not to exceed 10 years, or both</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Class H felony</th>
<th>fine not to exceed $10,000 or imprisonment not to exceed 6 years, or both</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I felony</td>
<td>fine not to exceed $10,000 or imprisonment not to exceed 3 years and 6 months, or both</td>
</tr>
</tbody>
</table>

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

SECTION 1. 943.23 (1r) of the statutes is created to read:

943.23 (1r) Whoever, by the use of force against another or by the threat of the use of force against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class E felony.

SECTION 2. 943.23 (2) of the statutes is renumbered 943.23 (2) (intro.) and amended to read:

943.23 (2) (intro.) Except as provided in sub. (3m), whoever intentionally takes and drives any vehicle without the consent of the owner is guilty of the following:

(a) Except as provided in par. (b), a Class H felony.

SECTION 3. 943.23 (2) (b) of the statutes is created to read:

943.23 (2) (b) For a 2nd or subsequent offense, a Class F felony.

SECTION 4. 943.23 (3) of the statutes is renumbered 943.23 (3) (intro.) and amended to read:

943.23 (3) (intro.) Except as provided in sub. (3m), whoever intentionally drives or operates any vehicle without the consent of the owner is guilty of the following:

(a) Except as provided in par. (b), a Class I felony.

SECTION 5. 943.23 (3) (b) of the statutes is created to read:

943.23 (3) (b) For a 2nd or subsequent offense, a Class G felony.

SECTION 6. Initial applicability.
(1) This act first applies to offenses committed on the effective date of this subsection but does not preclude the counting of other offenses as prior offenses under section 943.23 (2) (b) and (3) (b) of the statutes.

(END)