

1979 Assembly Bill 413

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CHAPTER 114, Laws of 1979

AN ACT to repeal and recreate 943.32 (2); and to create 939.63 of the statutes, relating to committing robbery and creating presumptive penalties.

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

SECTION 1. 939.63 of the statutes is created to read:

939.63 Penalties; use of a dangerous weapon. (1) (a) If a person commits a crime while possessing, using or threatening to use a dangerous weapon, the maximum term of imprisonment prescribed by law for that crime may be increased as follows:

1. The maximum term of imprisonment for a Class A, B or C misdemeanor may be increased by not more than 6 months.

2. The maximum term of imprisonment for a Class A, B or C felony may be increased by not more than 5 years.

3. The maximum term of imprisonment for a Class D felony may be increased by not more than 4 years.

4. The maximum term of imprisonment for a Class E felony may be increased by not more than 3 years.

(b) The increased penalty provided in this subsection does not apply if possessing, using or threatening to use a dangerous weapon is an essential element of the crime charged.

(2) Whoever is convicted of committing a felony while possessing, using or threatening to use a dangerous weapon shall be sentenced to a minimum term of years in prison, unless the sentencing court otherwise provides. The minimum term for the first application of this subsection is 3 years. The minimum term for any subsequent application of this subsection is 5 years. If the court places the person on probation or imposes a sentence less than the presumptive minimum sentence, it shall place its reasons for so doing on the record.

SECTION 2. 943.32 (2) of the statutes is repealed and recreated to read:

943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon is guilty of a Class B felony.
