



**State of Wisconsin
1995 - 1996 LEGISLATURE**

LRB-4065/1
BF:skg:ks

1995 ASSEMBLY BILL 550

September 6, 1995 - Introduced by Representatives DOBYNS, HUBER, ALBERS, BALDUS, BRANDEMUEHL, FREESE, GOETSCH, GREEN, GROBSCHMIDT, HAHN, HASENOHRL, KREIBICH, KRUSICK, LADWIG, F. LASEE, MUSSER, OLSEN, OTTE, PORTER, RYBA, SCHNEIDERS, SERATTI, URBAN, VRAKAS, WALKER, WASSERMAN, ZIEGELBAUER and ZUKOWSKI, cosponsored by Senators ZIEN, FITZGERALD, BUETTNER, BRESKE, DARLING, DRZEWIECKI, FARROW, HUELSMAN, A. LASEE and RUDE. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT **to amend** 943.10 (2) (a), 943.10 (2) (b) and 943.32 (2) of the statutes;

2 **relating to:** committing a robbery or burglary with an oleoresin of capsicum

3 container.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits a robbery or burglary is generally guilty of a Class C felony, but the person is guilty of a Class B felony if he or she is armed with a dangerous weapon while committing the robbery or burglary. Current law also allows adults to possess certain types of oleoresin of capsicum (“pepper spray”) containers. This bill provides that it is also a Class B felony to commit a robbery or burglary while armed with a pepper spray container.

The maximum penalties for persons convicted of the crime classifications mentioned are:

| <u>Crime Classification</u> | <u>Maximum Imprisonment</u> | <u>Maximum Fine</u> |
|-----------------------------|-----------------------------|---------------------|
| Class B felony | 40 years | No fine option |
| Class C felony | 10 years | \$10,000 |

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

4 SECTION 1. 943.10 (2) (a) of the statutes is amended to read:

5 943.10 (2) (a) While armed with a dangerous weapon or a device or container

6 described under s. 941.26 (4) (a); or

SECTION 2. 943.10 (2) (b) of the statutes is amended to read:

943.10 (2) (b) While unarmed, but arms himself with a dangerous weapon or
a device or container described under s. 941.26 (4) (a) while still in the burglarized
enclosure; or

SECTION 3. 943.32 (2) of the statutes is amended to read:

943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon, a device or container described under s. 941.26 (4) (a) or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon or such a device or container is guilty of a Class B felony.

SECTION 4. Initial applicability.

(1) This act first applies to offenses committed on the effective date of this subsection.

(END)