



1995 ASSEMBLY BILL 626

October 18, 1995 - Introduced by Representatives MURAT, RYBA, HASENOHRL, SERATTI, WILDER, MUSSER, KRUSICK, ZIEGELBAUER, POWERS, WALKER and BOYLE, cosponsored by Senator SHIBILSKI. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 943.01 (2) (d), 943.20 (3) (a), 943.20 (3) (b), 943.21 (3) (a), 943.21
2 (3) (b), 943.24 (1), 943.24 (2), 943.26 (2), 943.34 (1) (a), 943.34 (1) (b), 943.395
3 (2) (a), 943.395 (2) (b), 943.41 (8) (c), 943.50 (4) (a), 943.50 (4) (b), 943.61 (5) (a),
4 943.61 (5) (b) and 973.075 (1) (b) (intro.) of the statutes; **relating to:** property
5 crimes and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the following property crimes provide that offenses involving more than \$1,000 in loss or damage are felonies while offenses involving lesser amounts are misdemeanors: theft, retail theft, theft of library materials, issuance of worthless checks, fraud on hotel or restaurant keepers, fraudulent insurance and employe benefit program claims, fraudulent use of credit cards, damage to property, receiving or concealing stolen property and removing or damaging certain real property. The misdemeanor penalties provide for a fine of not more than \$10,000, imprisonment for not more than 9 months or both. The felonies provide the same fine but the person may be imprisoned for not more than 2, 5 or 10 years depending on the crime and the circumstances under which it was committed. This bill decreases the dollar value at which these property crimes become felonies from \$1,000 to \$500. Thus, for example, under the bill, theft of more than \$500 is a felony.

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

6 **SECTION 1.** 943.01 (2) (d) of the statutes is amended to read:

1 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
2 in value by more than ~~\$1,000~~ \$500. For the purposes of this paragraph, property is
3 reduced in value by the amount which it would cost either to repair or replace it,
4 whichever is less.

5 **SECTION 2.** 943.20 (3) (a) of the statutes is amended to read:

6 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$500, is guilty
7 of a Class A misdemeanor.

8 **SECTION 3.** 943.20 (3) (b) of the statutes is amended to read:

9 943.20 (3) (b) If the value of the property exceeds ~~\$1,000~~ \$500 but not \$2,500,
10 is guilty of a Class E felony.

11 **SECTION 4.** 943.21 (3) (a) of the statutes is amended to read:

12 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
13 beverage, food, lodging, accommodation or other service is ~~\$1,000~~ \$500 or less.

14 **SECTION 5.** 943.21 (3) (b) of the statutes is amended to read:

15 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
16 lodging, accommodation or other service exceeds ~~\$1,000~~ \$500.

17 **SECTION 6.** 943.24 (1) of the statutes is amended to read:

18 943.24 (1) Whoever issues any check or other order for the payment of not more
19 than ~~\$1,000~~ \$500 which, at the time of issuance, he or she intends shall not be paid
20 is guilty of a Class A misdemeanor.

21 **SECTION 7.** 943.24 (2) of the statutes is amended to read:

22 943.24 (2) Whoever issues any single check or other order for the payment of
23 more than ~~\$1,000~~ \$500 or whoever within a 15-day period issues more than one
24 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$500 which,

1 at the time of issuance, the person intends shall not be paid is guilty of a Class E
2 felony.

3 **SECTION 8.** 943.26 (2) of the statutes is amended to read:

4 943.26 (2) If the security is impaired by more than ~~\$1,000~~ \$500, the mortgagor
5 or vendee is guilty of a Class E felony.

6 **SECTION 9.** 943.34 (1) (a) of the statutes is amended to read:

7 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
8 exceed ~~\$1,000~~ \$500.

9 **SECTION 10.** 943.34 (1) (b) of the statutes is amended to read:

10 943.34 (1) (b) A Class E felony, if the value of the property exceeds ~~\$1,000~~ \$500
11 but not more than \$2,500.

12 **SECTION 11.** 943.395 (2) (a) of the statutes is amended to read:

13 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
14 benefit does not exceed ~~\$1,000~~ \$500.

15 **SECTION 12.** 943.395 (2) (b) of the statutes is amended to read:

16 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
17 exceeds ~~\$1,000~~ \$500.

18 **SECTION 13.** 943.41 (8) (c) of the statutes is amended to read:

19 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
20 if the value of the money, goods, services or property illegally obtained does not
21 exceed ~~\$1,000~~ \$500 is guilty of a Class A misdemeanor; if the value of the money,
22 goods, services or property exceeds ~~\$1,000~~ \$500 but does not exceed \$2,500, in a
23 single transaction or in separate transactions within a period not exceeding 6
24 months, the person is guilty of a Class E felony; or if the value of the money, goods,
25 services or property exceeds \$2,500, the person is guilty of a Class C felony.

1 **SECTION 14.** 943.50 (4) (a) of the statutes is amended to read:

2 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
3 exceed ~~\$1,000~~ \$500.

4 **SECTION 15.** 943.50 (4) (b) of the statutes is amended to read:

5 943.50 (4) (b) A Class E felony, if the value of the merchandise exceeds \$1,000
6 \$500 but not \$2,500.

7 **SECTION 16.** 943.61 (5) (a) of the statutes is amended to read:

8 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
9 not exceed ~~\$1,000~~ \$500.

10 **SECTION 17.** 943.61 (5) (b) of the statutes is amended to read:

11 943.61 (5) (b) A Class E felony, if the value of the library materials exceeds
12 ~~\$1,000~~ \$500 but not \$2,500.

13 **SECTION 18.** 973.075 (1) (b) (intro.) of the statutes is amended to read:

14 973.075 (1) (b) (intro.) All vehicles, as defined in s. 939.22 (44), which are used
15 to transport any property or weapon used or to be used or received in the commission
16 of any felony, which are used in the commission of a crime under s. 946.70, which are
17 used in the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33 or
18 944.34, which are used in the commission of a crime relating to a submerged cultural
19 resource in violation of s. 44.47 or which are used to cause more than ~~\$1,000~~ \$500
20 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or
21 943.012, but:

22 **SECTION 19. Initial applicability.**

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

25

(END)