

State of Misconsin 1997 - 1998 LEGISLATURE

1997 SENATE BILL 309

September 30, 1997 – Introduced by Senators FITZGERALD, GROBSCHMIDT, ZIEN, FARROW, A. LASEE, ROESSLER, HUELSMAN and SCHULTZ, cosponsored by Representatives NASS, DOBYNS, JESKEWITZ, GARD, MUSSER, VRAKAS, F. LASEE, ZIEGELBAUER, HOVEN, STASKUNAS, LAZICH, GREEN, SERATTI, LADWIG, PORTER, AINSWORTH, ZUKOWSKI, SKINDRUD, HASENOHRL, BRANDEMUEHL and POWERS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 AN ACT to renumber and amend 943.10 (1) (e); to amend 943.10 (1) (a) and

2 943.10 (2) (intro.); and *to create* 943.10 (1m) of the statutes; relating to:

3 burglary and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of burglary if he or she intentionally enters a building, dwelling or certain other places without the consent of the person in lawful possession of the building, dwelling or other place and with intent to steal or commit a felony in the building, dwelling or other place. A person convicted of burglary may be fined not more than \$10,000 or imprisoned for not more than 10 years or both. In addition, under current law a person commits aggravated battery if he or she commits a burglary while armed, commits a battery during a burglary against a person lawfully inside the building, dwelling or other place, or uses explosives during a burglary to open a depository in the building, dwelling or other place. A person convicted of aggravated burglary may be imprisoned for not more than 40 years.

This bill increases the maximum prison term from 10 years to 20 years for burglary of a dwelling, motor home or trailer home, regardless of whether any person is living in the dwelling, motor home or trailer home at the time of the burglary. The bill does not change the maximum fine of \$10,000 for the offense and does not change the penalty for committing an aggravated burglary of a dwelling, motor home or trailer home.

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

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

1	943.10 (1) (a) Any building or dwelling ; or
2	SECTION 2. 943.10 (1) (e) of the statutes is renumbered 943.10 (1m) (b) and
3	amended to read:
4	943.10 (1m) (b) A motor home or other motorized type of home or a trailer home,
5	whether or not any person is living in any such home ; or<u>.</u>
6	SECTION 3. 943.10 (1m) of the statutes is created to read:
7	943.10 (1m) Whoever intentionally enters any of the following places without
8	the consent of the person in lawful possession and with intent to steal or commit a
9	felony in such place is guilty of a Class BC felony:
10	(a) Any dwelling, whether or not any person is living in the dwelling.
11	(c) A room within any of the above.
12	SECTION 4. 943.10 (2) (intro.) of the statutes is amended to read:
13	943.10 (2) (intro.) Whoever violates sub. (1) $\underline{\text{or}(1m)}$ under any of the following
14	circumstances is guilty of a Class B felony:
15	SECTION 5. Initial applicability.
16	(1) This act applies to offenses committed on or after the effective date of this
17	subsection.
18	(END)