



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4647/1
PJH:ahe

2015 ASSEMBLY BILL 994

March 15, 2016 – Introduced by Representatives GOYKE, BOWEN, BARNES, BROSTOFF, ZAMARRIPA, ZEPNICK and CONSIDINE. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 943.24 (2); and *to amend* 103.34 (1) (b) 3., 943.24 (1), 943.39
2 (intro.), 943.50 (4) (a), 943.50 (4) (bf), 943.50 (4m) (a), 946.49 (1) (a), 946.49 (1)
3 (b), 946.49 (2), 946.82 (4) and 961.41 (3g) (e) of the statutes; **relating to:**
4 reclassifying certain felonies to misdemeanors and providing a criminal
5 penalty.

Analysis by the Legislative Reference Bureau

This bill reclassifies certain felonies to misdemeanors. The bill reclassifies the crime of issuing a worthless check to a Class A misdemeanor, regardless of the amount for which the check was written. Under current law, issuing a worthless check is a Class I felony if the check was written for more than \$2,500. The bill also reclassifies the crime of fraudulent writing from a Class H felony to a Class A misdemeanor.

In addition, the bill changes how the crime of bail jumping is classified. Under current law, a person is guilty of a Class A misdemeanor if he or she intentionally violates the conditions of his or her release pending trial if the trial relates to a misdemeanor charge, but is guilty of a Class H felony if the trial relates to a felony charge. Under the bill, a person who intentionally violates the conditions of his or her release is guilty of a Class A misdemeanor unless he or she is charged with committing a new crime while he or she is released pending trial, in which case he or she is guilty of a Class H felony.

The bill also reclassifies second offense possession of marijuana from a Class I felony to a Class A misdemeanor. Under current law, first offense possession of

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marijuana is a Class A misdemeanor, while a second or subsequent offense for possessing marijuana is a Class I felony. Under the bill, a first or second offense is a Class A misdemeanor, and a third or subsequent offense is a Class I felony.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 103.34 (1) (b) 3. of the statutes is amended to read:

2 103.34 (1) (b) 3. A violation of s. 943.24 (2), 2013 stats., or s. 943.20, 943.201,
3 943.203, 943.21, 943.23, 943.24 (~~2~~), 943.34, 943.50, 943.61, 943.62, or 943.70 or of a
4 substantially similar federal law or law of another state, if the value of the property
5 misappropriated is \$2,500 or more.

6 **SECTION 2.** 943.24 (1) of the statutes is amended to read:

7 943.24 (1) Whoever issues any check or other order for the payment of ~~not more~~
8 ~~than \$2,500~~ which, at the time of issuance, he or she intends shall not be paid is guilty
9 of a Class A misdemeanor.

10 **SECTION 3.** 943.24 (2) of the statutes is repealed.

11 **SECTION 4.** 943.39 (intro.) of the statutes is amended to read:

12 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
13 defraud, does any of the following is guilty of a Class ~~H felony~~ A misdemeanor:

14 **SECTION 5.** 943.50 (4) (a) of the statutes is amended to read:

15 943.50 (4) (a) Except as provided in sub. (4m), a Class A misdemeanor, if the
16 value of the merchandise does not exceed ~~\$500~~ \$2,500.

17 **SECTION 6.** 943.50 (4) (bf) of the statutes is amended to read:

18 943.50 (4) (bf) A Class I felony, if the value of the merchandise exceeds \$500
19 \$2,500 but does not exceed \$5,000.

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1 **SECTION 7.** 943.50 (4m) (a) of the statutes is amended to read:

2 943.50 (4m) (a) The value of the merchandise does not exceed \$500 \$2,500.

3 **SECTION 8.** 946.49 (1) (a) of the statutes is amended to read:

4 946.49 (1) (a) ~~If the offense with which the person is charged is a misdemeanor,~~
5 guilty Guilty of a Class A misdemeanor, except as provided in par. (b).

6 **SECTION 9.** 946.49 (1) (b) of the statutes is amended to read:

7 946.49 (1) (b) ~~If the offense with which~~ Guilty of a Class H felony if the person
8 is charged is a felony, guilty of a Class H felony failed to comply with a term of bond
9 by committing a criminal offense after he or she was released from custody under ch.
10 969.

11 **SECTION 10.** 946.49 (2) of the statutes is amended to read:

12 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
13 guilty of a Class I ~~felony~~ A misdemeanor for failure to appear as provided.

14 **SECTION 11.** 946.82 (4) of the statutes is amended to read:

15 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
16 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
17 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
18 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
19 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
20 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and
21 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,
22 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),
23 943.201, 943.203, 943.23 (1g), (2) and (3), ~~943.24 (2)~~, 943.27, 943.28, 943.30, 943.32,
24 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
25 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,

ASSEMBLY BILL 994**SECTION 11**

1 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.34,
2 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
3 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015,
4 948.05, 948.051, 948.08, 948.12, and 948.30.

5 **SECTION 12.** 961.41 (3g) (e) of the statutes is amended to read:

6 961.41 (3g) (e) *Tetrahydrocannabinols*. If a person possesses or attempts to
7 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
8 substance analog of tetrahydrocannabinols, the person may be fined not more than
9 \$1,000 or imprisoned for not more than 6 months or both upon a first or 2nd
10 conviction and is guilty of a Class I felony for a ~~2nd~~ 3rd or subsequent offense. For
11 purposes of this paragraph, an offense is considered a ~~2nd~~ 3rd or subsequent offense
12 if, prior to the offender's conviction of the offense, the offender has at any time been
13 convicted on 2 separate occasions of any felony or misdemeanor under this chapter
14 or under any statute of the United States or of any state relating to controlled
15 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
16 stimulant, or hallucinogenic drugs.

17 (END)