



## 2011 ASSEMBLY BILL 691

March 12, 2012 - Introduced by Representative POPE-ROBERTS. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT** *to amend* 943.20 (3) (intro.); and *to create* 943.20 (3m) of the statutes;  
2             **relating to:** increasing a penalty for certain offenses relating to theft from a  
3             place of business, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no one may, by virtue of his or her office, business, or employment, intentionally use, transfer, conceal, or otherwise keep money or other items of value without the owner's consent and with the intent to convert the money or other items of value to his or her own use. Generally, penalties for committing this offense increase with the value of the property misappropriated, so that the person commits a Class A misdemeanor if the value of the property is less than or equals \$2,500, a Class I felony if the value of the property is more than \$2,500 but not more than \$5,000, a Class H felony if the value of the property is more than \$5,000 but not more than \$10,000, and a Class G felony if the value of the property exceeds \$10,000.

This bill applies an enhanced penalty to a person who commits this offense if he or she takes the property from a charitable organization and uses it for a partisan political purpose. Under the bill, the person who commits that offense is guilty of a Class I felony if the value of the property is less than or equals \$2,500, a Class H felony if the value of the property is more than \$2,500 but not more than \$5,000, a Class G felony if the value of the property is more than \$5,000 but not more than \$10,000, and a Class F felony if the value of the property exceeds \$10,000.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1           **SECTION 1.** 943.20 (3) (intro.) of the statutes is amended to read:

2           943.20 **(3)** PENALTIES. (intro.) ~~Whoever~~ Except as provided in sub. (3m),  
3 whoever violates sub. (1):

4           **SECTION 2.** 943.20 (3m) of the statutes is created to read:

5           943.20 **(3m)** INCREASED PENALTIES. If the property is taken from a nonprofit  
6 corporation, a charitable trust, or any other nonprofit association that is described  
7 in section 501 (c) (3) or (4) of the Internal Revenue Code and the property is used by  
8 the person for partisan political purposes, whoever violates sub. (1) (b):

9           (a) If the value of the property does not exceed \$2,500, is guilty of a Class I  
10 felony.

11           (b) If the value of the property exceeds \$2,500 but does not exceed \$5,000, is  
12 guilty of a Class H felony.

13           (c) If the value of the property exceeds \$5,000 but does not exceed \$10,000, is  
14 guilty of a Class G felony.

15           (d) If the value of the property exceeds \$10,000, is guilty of a Class F felony.

16           **SECTION 3. Initial applicability.**

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

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(END)