



2015 ASSEMBLY BILL 403

October 13, 2015 – Introduced by Representatives HORLACHER, EDMING, HUTTON, KNODL, KREMER, T. LARSON, NOVAK, SANFELIPPO and STEFFEN, cosponsored by Senators WANGGAARD, COWLES, GUDEX, NASS and OLSEN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 973.017 (3) (c); and **to create** 939.625 of the statutes; **relating**
2 **to:** Increasing prison terms upon conviction for gang-related crimes and
3 creating a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill creates an enhanced penalty for persons who are convicted of a crime that a fact-finder determines to be gang-related. Under the bill, if a person is convicted of a violation of the criminal code or of a violation related to a controlled substance, and the violation was committed for the benefit of, at the direction of, or in association with a criminal gang or committed with the intent to promote or otherwise assist any criminal conduct by criminal gang members, the term of imprisonment for the crime may be increased.

Under the bill, if the underlying offense is a misdemeanor, the court may increase the maximum term of imprisonment for the misdemeanor by up to six months. The court may increase the maximum term of imprisonment for a Class A to Class D felony by up to five years, for a Class E to Class G felony by up to four years, and for a Class H or Class I felony by up to three years.

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:

ASSEMBLY BILL 403**SECTION 1**

1 **SECTION 1.** 939.625 of the statutes is created to read:

2 **939.625 Increased penalty for criminal gang crimes.** (1) (a) If a person
3 is convicted of a crime under chs. 939 to 948 or 961 committed for the benefit of, at
4 the direction of, or in association with any criminal gang, with the specific intent to
5 promote, further, or assist in any criminal conduct by criminal gang members, the
6 penalties for the underlying crime are increased as provided in par. (b).

7 (b) If par. (a) applies:

8 1. The maximum term of imprisonment for a misdemeanor may be increased
9 by not more than 6 months. This subdivision does not change the status of the crime
10 from a misdemeanor to a felony.

11 2. The maximum term of imprisonment for a Class A to Class D felony may be
12 increased by not more than 5 years.

13 3. The maximum term of imprisonment for a Class E to Class G felony may be
14 increased by not more than 4 years.

15 4. The maximum term of imprisonment for Class H or Class I felony may be
16 increased by not more than 3 years.

17 (2) The court shall direct that the trier of fact find a special verdict as to
18 whether the underlying crime was committed for the benefit of, at the direction of,
19 or in association with any criminal gang, with the specific intent to promote, further,
20 or assist in any criminal conduct by criminal gang members.

21 **SECTION 2.** 973.017 (3) (c) of the statutes is amended to read:

22 973.017 (3) (c) The fact that the person committed the crime for the benefit of,
23 at the direction of, or in association with any criminal gang, as defined in s. 939.22
24 (9), with the specific intent to promote, further, or assist in any criminal conduct by

ASSEMBLY BILL 403

1 criminal gang members, as defined in s. 939.22 (9g). This paragraph does not apply
2 to a sentence imposed pursuant to s. 939.625.

3 (END)