

State of Misconsin 2017 - 2018 LEGISLATURE



LRB-2164/1 MLJ:emw

2017 ASSEMBLY BILL 342

May 19, 2017 - Introduced by Representatives Spiros, R. Brooks, Mursau and Ripp, cosponsored by Senators Petrowski, Marklein, Nass, Olsen, Vukmir and Wanggaard. Referred to Committee on Transportation.

AN ACT to amend 943.20 (3) (c) and 943.23 (6) (b); and to create 943.20 (3) (cm) and 943.23 (2g) and (3g) of the statutes; relating to: taking, driving, or operating a commercial motor vehicle without consent and providing criminal penalties.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to take and drive any vehicle without the consent of the owner, and it is a Class I felony to drive or operate any vehicle without the consent of the owner. Additionally, under current law, it is a Class G felony to steal property with a value that exceeds \$10,000. This bill increases the penalty by one felony classification level if the vehicle that is taken or driven without consent is a commercial motor vehicle, and makes it a Class F felony to steal property with a value that exceeds \$100,000. The bill also requires a person who causes damage to a commercial motor vehicle to pay restitution.

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

- **SECTION 1.** 943.20 (3) (c) of the statutes is amended to read:
- 6 943.20 (3) (c) If the value of the property exceeds \$10,000 but does not exceed
- 7 <u>\$100,000</u>, is guilty of a Class G felony.

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SECTION 2.	943.20 (3	3) ((cm) o	f the	statutes	is	created	to	read:

943.20 (3) (cm) If the value of the property exceeds \$100,000, is guilty of a Class F felony.

Section 3. 943.23 (2g) and (3g) of the statutes are created to read:

943.23 **(2g)** Except as provided in sub. (3m), whoever intentionally takes and drives any commercial motor vehicle without the consent of the owner is guilty of a Class G felony.

(3g) Except as provided in sub. (3m), whoever intentionally drives or operates any commercial motor vehicle without the consent of the owner is guilty of a Class H felony.

Section 4. 943.23 (6) (b) of the statutes is amended to read:

943.23 (6) (b) In addition to the other penalties provided for violation of this section, a judge shall require a violator of sub. (2g) or (3g) to pay restitution for any damage he or she causes to a commercial motor vehicle to or on behalf of a victim, and a judge may require a any other violator to pay restitution to or on behalf of a victim, regardless of whether the violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the violator to pay and shall determine the method of payment. Upon the application of any interested party, the court may schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense.

(END)