



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1919/1
CMH:amn

2017 ASSEMBLY BILL 92

February 24, 2017 - Introduced by Representatives SANFELIPPO, KLEEFISCH, JAGLER, MURPHY, DUCHOW, GANNON, KNODL, OTT, KREMER, SPIROS, SKOWRONSKI, TITTL and E. BROOKS, cosponsored by Senators VUKMIR, WANGGAARD, DARLING, CRAIG, FEYEN, KAPENGA, NASS and STROEBEL. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to renumber and amend** 943.23 (2) and 943.23 (3); and **to create** 943.23
2 (1r), 943.23 (2) (b) and 943.23 (3) (b) of the statutes; **relating to:** carjacking
3 offenses and providing criminal penalties.

Analysis by the Legislative Reference Bureau

This bill creates the crime of intentionally taking by the use of force, or by the threat of the use of force, a vehicle without the consent of the owner. The penalty classification for this crime is a Class E felony.

This bill also increases to a Class F felony the penalty classification for a repeat offense of taking and driving a vehicle without the consent of the owner. Under current law, a repeat offense has the same penalty classification as the first offense, a Class H felony. The bill also increases to a Class G felony the penalty classification for a repeat offense of driving or operating a vehicle without the consent of the owner. Under current law a repeat offense has the same penalty classification as a first offense, a Class I felony.

This table lists the penalty classifications for the felonies:

Class E felony	fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both
Class F felony	fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both
Class G felony	fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

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Class H felony	fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both
Class I felony	fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both

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

1 **SECTION 1.** 943.23 (1r) of the statutes is created to read:

2 943.23 (1r) Whoever, by the use of force against another or by the threat of the
3 use of force against another, intentionally takes any vehicle without the consent of
4 the owner is guilty of a Class E felony.

5 **SECTION 2.** 943.23 (2) of the statutes is renumbered 943.23 (2) (intro.) and
6 amended to read:

7 943.23 (2) (intro.) Except as provided in sub. (3m), whoever intentionally takes
8 and drives any vehicle without the consent of the owner is guilty of ~~a~~ the following:

9 (a) Except as provided in par. (b), a Class H felony.

10 **SECTION 3.** 943.23 (2) (b) of the statutes is created to read:

11 943.23 (2) (b) For a 2nd or subsequent offense, a Class F felony.

12 **SECTION 4.** 943.23 (3) of the statutes is renumbered 943.23 (3) (intro.) and
13 amended to read:

14 943.23 (3) (intro.) Except as provided in sub. (3m), whoever intentionally drives
15 or operates any vehicle without the consent of the owner is guilty of ~~a~~ the following:

16 (a) Except as provided in par. (b), a Class I felony.

17 **SECTION 5.** 943.23 (3) (b) of the statutes is created to read:

18 943.23 (3) (b) For a 2nd or subsequent offense, a Class G felony.

19 **SECTION 6. Initial applicability.**

