



## 1997 ASSEMBLY BILL 576

October 28, 1997 - Introduced by Representatives RUTKOWSKI, LADWIG, PLALE, RYBA, BRANDEMUEHL, LAZICH, OTTE, J. LEHMAN, SYKORA, ZUKOWSKI, HASENOHRL, MUSSER, STEINBRINK, HAHN, OLSEN and SERATTI, cosponsored by Senators GROBSCHMIDT, BURKE, ROSENZWEIG, C. POTTER and A. LASEE. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to amend** 943.23 (1g) of the statutes; **relating to:** taking a vehicle  
2             without consent of the owner by using or threatening to use force or violence.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from taking a vehicle without the consent of the owner. If a person violates this prohibition while possessing a dangerous weapon and using or threatening to use force or the dangerous weapon (a crime often referred to as "carjacking"), he or she may be imprisoned for not more than 40 years. If the person causes great bodily harm to another person while committing a carjacking, he or she is subject to a presumptive minimum sentence of 10 years of imprisonment. Finally, a person who causes the death of another while committing a carjacking must be sentenced to life imprisonment.

This bill eliminates the requirement that a person actually possess a dangerous weapon before he or she can be convicted of the crime of carjacking. Under the bill, a person is guilty of carjacking if the person takes a vehicle without the consent of the owner by using or threatening to use force or violence, regardless of whether the person actually possesses a dangerous weapon.

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

3             **SECTION 1.** 943.23 (1g) of the statutes is amended to read:  
4             943.23 (1g) ~~Whoever, while possessing a dangerous weapon and by the use of,~~  
5             ~~or the threat of the use of, force or the weapon against another,~~ intentionally takes  
6             any vehicle without the consent of the owner by use or threat of force or violence  
7             against another is guilty of a Class B felony.

