



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3250/1
CMH:cdc

2023 SENATE BILL 701

November 21, 2023 - Introduced by Senator JACQUE, cosponsored by Representatives PENTERMAN, ALLEN and DONOVAN. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 943.20 (3) (a) and (bf) and 971.19 (2); and *to create* 943.20 (5)
2 and (6) and 943.50 (6) and (7) of the statutes; **relating to:** theft crimes and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the penalty for the crime of theft of property varies by the value of the property taken. Under current law, theft of property valued at no more than \$2,500 is a Class A misdemeanor; theft of property valued at more than \$2,500 but not more than \$5,000 is a Class I felony; theft of property valued at more than \$5,000 but not more than \$10,000 is a Class H felony; theft of property valued at more than \$10,000 but not more than \$100,000 is a Class G felony; and theft of property valued at more than \$100,000 is a Class F felony.

This bill reduces the threshold for the two lowest theft crimes so that theft of property valued at no more than \$500 is a Class A misdemeanor and theft of property valued at more than \$500 but not more than \$5,000 is a Class I felony.

The bill also specifies that, if a defendant commits more than one violation of theft of property or more than one violation of retail theft in a six-month period, the value of the property taken at each violation may be aggregated as one crime to determine the classification of the crime. The bill specifies that if the value is aggregated for crimes that occur in different jurisdictions, the crime may be tried in any jurisdiction in which the theft was committed.

The bill also creates a penalty enhancer for a felony level of theft of property or retail theft if, during the commission of the felony, the defendant's conduct created

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a substantial risk of bodily harm to another person. The penalty enhancer increases the maximum term of imprisonment for the felony by half of the maximum term of imprisonment for that felony.

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 report.

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

1 **SECTION 1.** 943.20 (3) (a) and (bf) of the statutes are amended to read:

2 943.20 **(3)** (a) If the value of the property does not exceed ~~\$2,500~~ \$500, is guilty
3 of a Class A misdemeanor.

4 (bf) If the value of the property exceeds ~~\$2,500~~ \$500 but does not exceed \$5,000,
5 is guilty of a Class I felony.

6 **SECTION 2.** 943.20 (5) and (6) of the statutes are created to read:

7 943.20 **(5)** AGGREGATION OF VALUES. For purposes of charging and penalty
8 determinations under sub. (3) (a) to (cm), the value of property from multiple
9 violations committed by the same person in a 6-month period may be aggregated.

10 **(6)** PENALTY ENHANCER. The maximum term of imprisonment for a felony under
11 sub. (3) is increased by 50 percent of the maximum term of imprisonment for that
12 felony if, during the commission of the felony, the defendant's conduct created a
13 substantial risk of bodily harm to another person.

14 **SECTION 3.** 943.50 (6) and (7) of the statutes are created to read:

15 943.50 **(6)** For purposes of charging and penalty determinations under sub. (4)
16 (a) to (c), the value of property from multiple violations committed by the same
17 person in a 6-month period may be aggregated.

18 **(7)** The maximum term of imprisonment for a felony under sub. (4) or (4m) is
19 increased by 50 percent of the maximum term of imprisonment for that felony if,

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1 during the commission of the felony, the defendant's conduct created a substantial
2 risk of bodily harm to another person.

3 **SECTION 4.** 971.19 (2) of the statutes is amended to read:

4 971.19 (2) Where 2 or more acts are requisite to the commission of any offense
5 or if 2 or more acts are aggregated under s. 943.20 (5) or 943.50 (6), the trial may be
6 in any county in which any of such acts occurred.

7 (END)