

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-3906/1 PJH:klm

2015 ASSEMBLY BILL 671

January 11, 2016 – Introduced by Representatives Schraa, Horlacher, E. Brooks, Tittl, Skowronski, A. Ott, Spiros and Hintz, cosponsored by Senators Gudex, Wanggaard and Marklein. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 1 AN ACT to create 939.642 of the statutes; relating to: using a drone to commit
- 2 a crime and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill creates a penalty enhancer for a crime if the offender uses a drone to commit the crime.

Under the bill, if a person uses a drone to commit a violation of the criminal code or commits a criminal offense related to a controlled substance, the person is subject to an increased penalty for the underlying crime. Under the bill, if the underlying offense is a misdemeanor but not a Class A misdemeanor, the person is subject to a maximum fine of \$10,000, and a maximum term of imprisonment of one year in the county jail.

If the underlying crime is a Class A misdemeanor, the person who uses a drone to commit that crime is guilty of a felony and subject to a \$10,000 fine and up to two years in prison. If the underlying crime is a felony, the maximum fine for the crime is increased by up to \$5,000 and the maximum term of imprisonment for the crime is increased by up to five 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 671

SECTION 1. 939.642 of the statutes is created to read:
939.642 Penalty; using a drone to commit a crime. (1) If a person does
all of the following, the penalties for the underlying crime are increased as provided
in sub. (2):
(a) Commits a crime under chs. 939 to 948 or ch. 961.
(b) Uses a drone, as defined in s. 175.55 (1) (a), to commit the crime under part
(a).
(2) (a) If the crime committed under sub. (1) is ordinarily a misdemeanor other
than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised
maximum term of imprisonment is one year in the county jail.
(b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor
the penalty increase under this section changes the status of the crime to a felony and
the revised maximum fine is \$10,000 and the revised maximum term of
imprisonment is 2 years.
(c) If the crime committed under sub. (1) is a felony, the maximum fine
prescribed by law for the crime may be increased by not more than \$5,000 and the
maximum term of imprisonment prescribed by law for the crime may be increased
by not more than 5 years.
(3) This section provides for the enhancement of the penalties applicable for
the underlying crime. The court shall direct that the trier of fact find a special verdict
as to all of the issues specified in sub. (1).
(4) This section does not apply to any crime if proof of using or operating a drone
is required for a conviction for that crime.