



2023 ASSEMBLY BILL 536

October 18, 2023 - Introduced by Representatives DONOVAN, TUSLER, RETTINGER, ALLEN, BEHNKE, BODDEN, BRANDTJEN, BROOKS, DUCHOW, GOEBEN, GUNDRUM, MAXEY, MELOTIK, MICHALSKI, MURPHY, O'CONNOR and PENTERMAN, cosponsored by Senators KNODL, HUTTON, BRADLEY, BALLWEG, JAMES, MARKLEIN and NASS. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c) and 346.17 (3) (d)
2 of the statutes; **relating to:** fleeing an officer and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill increases the penalties for fleeing an officer.

Under current law, no operator of a vehicle, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knows or reasonably should know is being operated by a law enforcement officer, may knowingly flee so as to endanger other vehicles or pedestrians. Under the bill:

1. The penalty for fleeing an officer is increased from a Class I felony to a Class H felony.

2. The penalty for fleeing an officer and causing bodily harm to another or damage to the property of another is increased from a Class H felony to a Class G felony.

3. The penalty for fleeing an officer and causing great bodily harm to another is increased from a Class F felony to a Class E felony, with a mandatory minimum of 1.5 years imprisonment.

4. The penalty for fleeing an officer and causing death to another is increased from a Class E felony to a Class D felony, with a mandatory minimum of 2.5 years imprisonment.

ASSEMBLY BILL 536

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.** 346.17 (3) (a) of the statutes is amended to read:

2 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
3 346.04 (3) is guilty of a Class ~~I~~ H felony.

4 **SECTION 2.** 346.17 (3) (b) of the statutes is amended to read:

5 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
6 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
7 the person is guilty of a Class ~~H~~ G felony.

8 **SECTION 3.** 346.17 (3) (c) of the statutes is amended to read:

9 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
10 (14), to another, the person is guilty of a Class ~~F~~ E felony. The court shall impose
11 a bifurcated sentence under s. 973.01, and the confinement portion of the bifurcated
12 sentence imposed on the person shall be not less than one year and 6 months.

13 **SECTION 4.** 346.17 (3) (d) of the statutes is amended to read:

14 346.17 (3) (d) If the violation results in the death of another, the person is guilty
15 of a Class ~~E~~ D felony. The court shall impose a bifurcated sentence under s. 973.01,
16 and the confinement portion of the bifurcated sentence imposed on the person shall
17 be not less than 2 years and 6 months.

18 **SECTION 5. Initial applicability.**

