

1426 ENTRY INTO A LOCKED VEHICLE — § 943.11**Statutory Definition of the Crime**

Entry into a locked vehicle, as defined in § 943.11 of the Criminal Code of Wisconsin, is committed by one who intentionally enters the locked and enclosed portion or compartment of the vehicle of another without consent and with intent to steal.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following four elements were present.

Elements of the Crime That the State Must Prove

1. The defendant intentionally entered¹ the locked and enclosed portion or compartment of the vehicle of another.

["Vehicle" means any self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.]²

2. The defendant intentionally entered without the consent of a person authorized to give consent.³
3. The defendant knew that the vehicle belonged to another person and knew that the entry was without consent.⁴
4. The defendant entered the (vehicle) (compartment) with intent to steal.

This requires that the defendant had the mental purpose to take and carry away movable property of another without consent and that the defendant intended to deprive the owner permanently of possession of the property. This intent to steal must be formed before entry into the vehicle is made. The intent to steal, which is an essential element of this offense, is no more or less than a mental purpose to steal, formed at any time before the entry, which continued to exist at the time of entry.

Deciding About Intent and Knowledge

You cannot look into a person's mind to find intent and knowledge. Intent and knowledge must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all four elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI-Criminal 1426 was originally published in 1969 and revised in 1984 and 1995. This revision was approved by the Committee in December 2007 and involved adoption of a new format and nonsubstantive changes to the text.

1. As with burglary, the slightest entry should be sufficient. See note 3, Wis JI-Criminal 1421.

2. This is the definition provided in § 939.22(44). A trailer, for example, is not "a vehicle" within this definition. However, entry of a house trailer or the cargo portion of a nonself-propelled vehicle is a burglary under § 943.10(1)(d).

3. "Without consent" is defined in § 939.22(48). Also see Wis JI-Criminal 948. Unlike the statutes defining related offenses, § 943.11 does not specify that the entry be "without consent of the owner" (e.g., § 943.15) or "without consent of the person in lawful possession" (e.g., § 943.10). The instruction uses "without consent of a person authorized to give consent" as a helpful elaboration consistent with the common sense meaning of "without consent."

4. Knowledge that the vehicle belonged to another and that the entry was without consent is an element because of the standard interpretation of criminal statutes required by § 939.23(3): Where the word "intentionally" is used, "the actor must have knowledge of those facts which are necessary to make the conduct criminal, and which are set forth after the word 'intentionally.'"