

**1472A LOAN SHARKING (EXTORTIONATE EXTENSION OF CREDIT) —
§ 943.28(2)****Statutory Definition of the Crime**

Loan sharking, as defined in § 943.28(2) of the Criminal Code of Wisconsin, is committed by one who makes any extortionate extension of credit.¹

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 defendant, (name of defendant), made an extortionate extension of credit.

An "extortionate extension of credit" is any extension of credit made with the understanding of the person making the loan and the person borrowing that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to any person or to the reputation or property of any person.²

Jury's Decision

If you are satisfied beyond a reasonable doubt that the defendant made an extortionate extension of credit, you should find the defendant guilty.

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

COMMENT

Wis JI-Criminal 1472A was originally published in 1974 and revised in 1995. This revision was approved by the Committee in April 2008 and involved adoption of a new format and nonsubstantive changes to the text.

1. Section 943.28(2) also makes it a crime to conspire to make any extortionate extension of credit. Conspiracy is a crime in itself under § 939.31. See Wis JI-Criminal 570.

2. This is based on the definition provided in § 943.28(1)(b). The "phrase 'at the time it is made' found in the § 943.28(1)(b) definition of 'extortionate extension of credit' encompasses credit extensions and renewal as well as the initial loan transaction between the parties." State v. Green, 208 Wis.2d 290, 294, 560 N.W.2d 295 (Ct. App. 1997).