

1472C LOAN SHARKING (USE OF EXTORTIONATE MEANS) — § 943.28(4)**Statutory Definition of the Crime**

Loan sharking, as defined in § 943.28(4) of the Criminal Code of Wisconsin, is committed by one who knowingly participates in any way in the use of any extortionate means (to collect any extension of credit) (to attempt to collect any extension of credit) (to punish any person for the nonpayment of any extension of credit).

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 three elements were present.

Elements of the Crime That the State Must Prove

1. The defendant participated in the use of extortionate means.

An "extortionate means" as used here is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to any person or to the reputation or property of any person.¹

2. The defendant participated in the use of extortionate means (to collect an extension of credit) (to attempt to collect an extension of credit) (to punish (name of victim) for the nonpayment of an extension of credit).

["To collect an extension of credit" means to induce in any way any person to make repayment thereof.²]

3. The defendant knew or believed³ that (he) (she) was participating in the use of extortionate means (to collect an extension of credit) (to attempt to collect an extension of credit) (to punish (name of victim) for the nonpayment of an extension of credit).

Deciding About Knowledge

You cannot look into a person's mind to find knowledge. 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 knowledge.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all three 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 1472C 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. This is based on the definition provided in § 943.28(1)(c).
2. This is the definition provided in § 943.28(1)(a). Use it only where one or both of the first two phrases in parentheses of element two are read.
3. See § 939.23(2).