

# What Is Criminal Trespass in Wisconsin?

In Wisconsin, there are two major statutes governing trespass: [Wis. Stat. § 943.13](#) (Trespass to land) and [§ 943.14](#) (Criminal trespass to dwellings). Trespass to land means entering or remaining on another's property unlawfully without consent after notice. It is charged as a Class B misdemeanor with a penalty of up to 90 days in jail and a \$1,000 fine. The property owner may give notice either through conspicuous “no trespass” signs or by personal communication.

Per § 943.14, criminal trespass to a dwelling is entering into the dwelling of another without consent in circumstances that constitute a disturbance or a breach of the peace. This is a Class A misdemeanor, carrying a potential jail sentence of up to 9 months and a fine of up to \$10,000.

Some of the important conditions to be satisfied or established for a trespass violation are:

- There was an intentional entry
- There was a lack of consent
- The potential for a breach of the peace
- The offender was aware of these conditions

## How to Look Up Public Criminal Trespass Records in Wisconsin

Criminal trespass records in Wisconsin are considered public except when sealed by statute. There are multiple avenues to look up criminal trespass records in Wisconsin. These include in-person, by mail, and online look-up.

### **In Person**

To access trespass records in person, interested parties may visit the office of the clerk of the court where the case was handled. They are required to provide a case number, the name of the offender, and their date of birth. They must provide a government-issued ID.

### **By mail**

To get criminal trespass records by mail, interested parties may send a request to the court where the case was handled. They must provide critical information about the case, such as the case number, the name of the defendant, and their date of birth. They must provide envelope stamps and pay the requisite fees by credit card or check.

### **Online**

To look up trespass criminal records online, interested parties may visit the Wisconsin Circuit Court Access (WCCA) [portal](#).

In addition, third-party aggregation sites provide access to trespass criminal records. These are independent websites that aggregate court records from different government databases.

Information from these websites should be verified with official sources for accuracy and completeness.

## Types of Criminal Trespass Offenses

Wisconsin Statutes define two [types](#) of criminal trespass offenses. Trespass to land is charged as a Class B misdemeanor, while criminal trespass to dwellings is charged as a Class A misdemeanor. However, aggravating factors may warrant that the offenses be charged differently.

For instance, if the trespasser enters the land or dwelling with the intention to steal or commit any other felony, the charge is elevated to a Class F felony. This attracts a sentence of 12 years and 6 months in prison and a fine of \$25,000.

Furthermore, if the individual is armed, causes injury, or the building is occupied, the charge is elevated to either a Class E or B felony. This attracts a sentence of 15 to 60 years, depending on the individual's criminal record and the damage caused.

Trespassing while carrying a concealed weapon may be charged as a Class A misdemeanor or felony if the trespasser is a prohibited person. If the trespass occurs on critical infrastructure such as a pipeline, power plant, or water facility, the charge is elevated to a Class I felony.

## Penalties for Criminal Trespass in Wisconsin

The statutes guiding criminal transparency in Wisconsin are Wis. Stat. § 943.13 (Trespass to land) and § 943.14 (Criminal trespass to dwellings). Trespass to land occurs when an offender remains on land after being notified to vacate, for instance, when there is a conspicuous sign or a fence. This is charged as a class B misdemeanor, punishable by up to 90 days in jail and/or a fine of \$1,000.

On the other hand, criminal trespass to a dwelling (§ 943.14) occurs when an individual enters the dwelling of another without consent, in circumstances that constitute a breach of the peace. This is more serious, particularly if it is a prohibited individual. It is charged as a Class A misdemeanor. The penalty is up to 9 months in jail and/or a \$10,000 fine.

Furthermore, some aggravating factors may mean that the offense is charged differently. For instance, if during the trespass it is established that the offender intends to steal or commit a felony offence, the charge is elevated to a felony. The sentence for this is up to 12 years and 6 months in prison and/or \$25,000 fine. If the individual is armed or the building is occupied, the charge is elevated to a Class E or B felony. This attracts a sentence of between 15 and 60 years' imprisonment.

Moreover, if the trespass occurred in a critical infrastructure such as a pipeline or a power plant, the charge is elevated to a Class I felony.

Offense Type	Penalty
Trespass to land	Class B misdemeanor. Up to 90 days in jail, fine up to \$1,000
Criminal trespass to dwellings	Class A misdemeanor, up to 9 months in jail, \$1,000 fine.
Trespass with intent to steal or commit a felony	Felony. 12 years and 6 months, \$25,000 fine
Armed while trespassing in an occupied building	Class E or B felony. 15 to 60 years imprisonment.

## Can You Be Arrested for Criminal Trespass in Wisconsin?

Under [Wis. Stat. § 943.13](#) (Trespass to Land) and [§ 943.14](#) (Criminal Trespass to Dwelling), there is a non-trivial chance that a trespasser will be arrested if caught. This is a direct violation of the law. It is illegal to enter or remain on another person's property without consent, particularly when there are signs or fencing. If the property is a home or dwelling, it is more serious, as law enforcement officers would prefer to err on the side of safety and prevent potential burglary.

If an officer finds someone on private property without permission, they may be arrested immediately without a warrant. The arrest is more of a preventative measure to ensure that property owners are protected, potential escalation is avoided, and the offender's identity and intention may be investigated.

## How Criminal Trespass Differs from Burglary or Breaking and Entering in Wisconsin

In Wisconsin, trespass and burglary are closely related crimes, but they differ fundamentally. It mostly comes down to intent, location, and sometimes, the use of force. Wis. Stat. § 943.13 defines trespass as entering or remaining on another's property without consent, or after being told to vacate. The penalty for this is a fine, or a short jail sentence, or up to 9 months in jail and a \$10,000 fine (Wis Stat. § 943.13 and 943.14, respectively).

Burglary, on the other hand, occurs when an individual intentionally enters a building or enclosed area without consent and with the intention of committing a felony or theft. This is

charged as a Class F felony with the penalty of up to 12 years and 6 months in prison and \$25,000 fine.

If anyone is harmed during the burglary, the charge is elevated to a Class E or C felony. The idea of breaking in and entering doesn't matter. Even if the offender walks through an unlocked door, it may count as burglary if the intent to commit a felony is established.

Crime	Key Difference	Penalty
Trespass	Unauthorized presence only	Up to 9 months in jail, and \$10,000 fine
Burglary	Unauthorized entry with intent to commit a crime	Up to 12 years and 6 months

## Can a Criminal Trespass Charge Be Dismissed or Reduced in Wisconsin?

In Wisconsin, a criminal trespass charge may be dismissed under a number of circumstances. If there is insufficient evidence to establish that the owner provided notice, or the alleged trespasser had intent. It may also be dismissed if the property owner withdraws the complaint or the defendant pays restitution, apologizes, and agrees to stay off the property. Another situation where the case may be dismissed is when the defendant is granted a diversion or deferred prosecution.

In the situation that dismissal is not possible, the trespass charge may be reduced to a lesser non-criminal or ordinance violation by plea bargaining. For instance, it is common to reduce a trespass to land, which is a class B misdemeanor, to a municipal trespass ordinance. The consequences of this are that the offender would be fined. This is better than having a conviction record. Similarly, a trespass to dwelling, a Class A misdemeanor, may be reduced to disorderly conduct, a Class B misdemeanor. This way, the offender may avoid jail time.

The success of charge reduction depends on:

- The individual has no prior criminal record
- The offender demonstrates remorse and cooperates with the prosecutor
- The property owner consents to a non-criminal resolution.

Under Wis. Stat. § 757.93, individuals who were acquitted or whose case was dismissed qualify to petition the court to remove or seal their records.

## Will a Wisconsin Criminal Trespass Charge Stay on Your Record?

In Wisconsin, criminal trespass charges remain permanently on an individual's record. They would show up when a background check is run on the individual. The only legal way to remove them is by sealing or expungement.

In the event that the case was dismissed in court or the offender participated in a diversion program, such information would appear when the court database is queried. To completely remove information about the charge from public access, the individual must petition the court for expungement. Defendants who seek to petition for expungement must inform the prosecutor.

Under Wis. Stat. § 973.015, trespass offenders may qualify for expungement if:

- They were below 25 years at the time of the offense
- The maximum penalty was 6 years or less
- They have completed the terms of their sentence
- Expungement was granted at sentencing

## Expungement or Record Sealing Options in Wisconsin

Under [Wis. Stat. § 973.015](#), expungement conceals court records from public view upon conclusion of a case, but it does not destroy them. Such records are still accessible to criminal justice agencies in case of future sentencing.

Some requirements for expungement include:

- Expungement is available for individuals who were under 25 years old at the time of the offense
- The offender must have completed the terms of their sentence
- The individual must not be involved in any new crimes
- The judge must grant expungement at sentencing

Under Wis. Stat. [Chapter 801](#), sealing conceals a record from public view. Individuals whose cases were dismissed or who were acquitted can have their non-conviction records removed. Sealed records are not visible during background checks.

An individual who was convicted of criminal trespass may be eligible for expungement if they have completed the terms of their sentence and the mandatory waiting period has passed. Individuals who were granted deferred adjudication may also be eligible for expungement if the waiting time has elapsed.