2001 SENATE BILL 462

February 22, 2002 – Introduced by Senators BAUMGART and COWLES, cosponsored by Representatives ALBERS, TURNER and RYBA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1   AN ACT **to amend** 938.34 (5g) (d); and **to create** 938.34 (13p) and 947.017 of the

2   statutes; **relating to:** biological or chemical substance scares, juvenile court

3   dispositions for a juvenile who is found to have made a bomb scare or a biological

4   or chemical substance scare involving a school premises or to have possessed

5   or discharged a firearm in a school zone, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying any threat or false information, knowing that the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than $10,000 or imprisoned for not more than ten years or both. This bill prohibits a person from intentionally threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than $10,000 or imprisoned for not more than ten years or both.

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile

participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone:

1. Participation in anger management counseling or any other counseling ordered by the juvenile court.

2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.

3. Restriction or suspension of the juvenile's driver's license for two years, if the juvenile used a motor vehicle to facilitate the commission of the violation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   **SECTION 1.** 938.34 (5g) (d) of the statutes is amended to read:

2   938.34 **(5g)** (d) Under this subsection, a juvenile who is under 14 years of age

3   may not be required to perform more than 40 total hours of supervised work or other

4   community service work, except as provided in subs. (13p), (13r), and (14t).

5   **SECTION 2.** 938.34 (13p) of the statutes is created to read:

6   938.34 **(13p)** BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR

7   FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,

8   if the juvenile is found to have violated s. 947.015 and the property involved is a

9   school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017

10   (2) and the threat concerned release or dissemination of a harmful substance on a

11   school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605

12   (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

13   (a) That the juvenile participate in anger management counseling or any other

14   counseling ordered by the court.

1   (b) That the juvenile participate for 100 hours in a supervised work program

2   under sub. (5g) or perform 100 hours of other community service work, unless the

3   court determines that the juvenile would pose a threat to public safety while

4   participating in that program or other community service work.

5   (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be

6   restricted or suspended for 2 years, except that the court may restrict or suspend a

7   juvenile's operating privilege under this paragraph only if the court finds that the

8   juvenile used a motor vehicle to facilitate the commission of the violation. If the court

9   restricts or suspends a juvenile's operating privilege under this paragraph, the court

10   shall immediately forward to the department of transportation notice of the

11   restriction or suspension, clearly stating the reason for and duration of the

12   restriction or suspension. If the juvenile's license or operating privilege is currently

13   suspended or revoked or if the juvenile does not currently possess a valid operator's

14   license issued under ch. 343, the restriction or suspension under this paragraph is

15   effective on the date on which the juvenile is first eligible for issuance or

16   reinstatement of an operator's license under ch. 343.

17   **SECTION 3.** 947.017 of the statutes is created to read:

18   **947.017 Threats to release chemical or biological substances. (1)** In this

19   section, "harmful substance" means a toxic or poisonous chemical or its precursor or

20   a disease organism.

21   **(2)** Whoever, knowing the threat to be false, intentionally threatens to release

22   or disseminate a harmful substance or conveys a threat to release or disseminate a

23   harmful substance, if the threat induces a reasonable expectation or fear that a

24   harmful substance will be released or disseminated, is guilty of a Class E felony.

25   **SECTION 4. Initial applicability.**

1   (1) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR FIREARMS AT

2 SCHOOL. This act first applies to violations of s. 947.015, 947.017 (2), or 948.605 (2)

3 (a) or (3) (a) of the statutes committed on the effective date of this subsection.

4   **(END)**