

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-25-2000

BILL NO. AB-132

OR
SUBJECT _____

MARK WAASUM

(NAME)

STATE CAPITOL Room 7 North

(Street Address or Route Number)

(City and Zip Code)

Representative Frank LASER
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Vote Record

Senate Committee on Judiciary and Consumer Affairs

Date: 2/1/2000

Moved by: Sen. Risser Seconded by: Sen. Huelsman

AB: 132 Clearinghouse Rule: _____

AB: _____ SB: _____ Appointment: _____

AJR: _____ SJR: _____ Other: _____

A: _____ SR: _____

~~A/S Amdt: _____~~ ~~_____~~

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Gary George, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fred Risser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alice Clausing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 0 _____ _____

Motion Carried

Motion Failed

State of Wisconsin



GARY R. GEORGE
SENATOR

November 26, 1999

The Honorable Frank Lasee
State Representative
Room 7 North, State Capitol
Madison, WI 53703

Dear Representative Lasee:

A handwritten signature in cursive script that reads "Frank".

Thank you for contacting my office to request that Assembly Bill 132, relating to placing bodily substances in edibles and providing a penalty, be scheduled for a public hearing in the Senate Committee on Judiciary and Consumer Affairs.

It is my intention to try to schedule a public hearing on this bill before the floor session resumes in late January.

Thank you again for contacting my office regarding this legislation. Thank you also for sending your staff person Mark to brief me on developments related to AB 153, the "auto replacement parts" bill. I am very interested in the results of your efforts to bring the various parties together on this legislation. If you have any questions, or if I may be of further assistance to you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Gary".

GARY R. GEORGE
State Senator
Sixth Senate District
Chair, Senate Committee on
Judiciary and Consumer Affairs

Frank Lasee

State Representative • 2nd Assembly District

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1735 Keehan Lane
Bellevue, Wisconsin 54311
(920) 406-9488
Rep.Lasee@legis.state.wi.us

Wednesday, November 17, 1999

Senator Gary George
118 South State Capitol
Madison, WI

Dear Gary:

Please grant a public hearing and executive session for AB-132. This bill was drafted to plug a loophole in current state law. The loophole allowed a former constituent to be victimized and her co-worker to escape justice. The judge in the case was forced to throw out the case. Current law dealing with food tampering requires intent to cause bodily harm. The suspect in the case faced no penalty, as he did not intend to harm the victim. He claimed he did it as a joke.

This bill was passed by both houses last year and vetoed by the Governor. It was determined that a flawed floor amendment designed to reduce the penalty for this bill from a felony to a misdemeanor would have also reduced the penalty for current law governing intentional acts causing bodily harm.

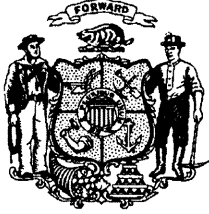
AB-132 was redrafted for this session keeping the intent of the original floor amendment. Please help close the existing loophole and help my former constituent find a sense of closure and justice.

Sincerely,



Frank G. Lasee
State Representative
2nd Assembly District

FGL/mw



Representative Frank Lasee

Phone: (608) 266-9870 or (920) 406-9488 ~ Fax (608) 282-3602 ~ Rep.Lasee@legis.state.wi.us

TO: Senator Gary George and Members of the Senate Committee on
Judiciary and Consumer Affairs

FROM: Representative Frank Lasee

RE: AB-132

DATE: January 25, 2000

I urge passage of AB-132. The bill was written in response to the victimization of a Manitowoc woman, Marilyn Leubke, who had her soda repeatedly spiked with urine over a period of months by a co-worker. The co-worker was charged, but the case was dismissed. Judge Allan Deehr found the act "reprehensible" and "disgusting," but current law didn't apply. Existing law on food tampering requires proving intent to cause bodily harm.

Marilyn told lawmakers during committee hearings how the harassment caused a great deal of stress for herself and her family. Marilyn said it was insulting to her that the man admitted tampering with her drinks and was able to avoid any punishment.

The Governor vetoed the bill at Lasee's request last session after the discovery of a flaw in an amendment. The amendment reduced the penalty in the bill from a Class E Felony to a Class A Misdemeanor. The amendment had the unintended consequence of reducing the penalty under existing law from a Class E Felony to a Class A Misdemeanor.

Marilyn displayed courage coming forward and pursuing this matter. Many other people may have been tempted to give up, but not Marilyn. AB-132 has the corrected language for the amendment in it. This means that in cases where intent to cause bodily harm can be proved the penalty will be the existing Class E Felony. In cases where intent to cause bodily harm cannot be proved this new law would provide for a Class A misdemeanor penalty of a fine up to \$10,000 and or nine months in jail.

AB-132 was passed out of the Assembly Criminal Justice Committee 14 to 0. The Assembly passed the bill by voice vote with no opposition. I urge passage of AB-132.

Statement Of Marilyn Luebke
3643 Range Line Rd.
Manitowoc, WI 54220

Date: January 25, 2000

Over a period of several months in 1994, a coworker was tampering with my drinks on a daily basis. During these months I noticed an unusual taste and discoloration of my drinks and small amounts of unexplained liquid on my desk. As I approached my cubicle on December 23, 1994, I heard my soda can being set down and I found the perpetrator standing by my desk. It was at this time I began to make a connection between the perpetrator and the problems with my drinks. Not knowing what to do, I contacted the Sheriff of Manitowoc County and he suggested that he install a video camera in my cubicle in an attempt to catch the perpetrator in action. Unfortunately, the attempt to catch him was unsuccessful, so the Sheriff's Department called him in for questioning. He denied any wrongdoing, but yet refused to take a polygraph test.

On February 14, 1995, I confronted the perpetrator in his office at work. At that time he admitted to putting something in my drinks, but refused to tell my supervisor or me what it was. On March 20, I again confronted him in his office, stating that I had a right to know what he had been putting into my drinks. At that time he admitted that the substance was urine. That evening I contacted the Sheriff's Department advising them that I wanted to file charges. The following day, March 21, the perpetrator was again called in by the Sheriff's Department and admitted to tampering with my drinks.

The District Attorney's Office then charged him with Section 941.325 of the Wisconsin Statutes, placing foreign objects in edibles with intent to cause bodily harm. On May 10, 1995, a preliminary hearing was held in Manitowoc County Circuit Court. At that time Judge Allan J.

Deehr found that the circumstances did not fit into the second element of Section 941.325, intent to cause bodily harm.

According to E. James FitzGerald, Manitowoc County District Attorney, there is no law to cover this act which Judge Deehr described as “reprehensible” and “disgusting”. Attorney FitzGerald also said that this is not covered under a battery charge or disorderly conduct.

Unfortunately current law dictates that this is an unpunishable act.

I am aware that this was not the first time or the last time that a similar situation has occurred. If action is not taken, the public could soon become aware that this type of behavior is acceptable in our society.

Charges against the defendant were dropped because the Court could not prove intent to cause bodily harm. Whether or not he intended to harm me is not the point. The result of these events have certainly caused emotional distress and anxiety, not only for me but also for my loved ones. While the addition of this section to the law will not ensure that this does not happen again, it will ensure that those who commit this sort of crime will be punished.

I ask that you support this proposed legislation. Thank you.