

Part of the file for  
LRB-4097 was included  
in 2001 SB-363 (LRB-4067)  
before introduction.



The remainder of the  
file for LRB-4097  
was added 01-24-2002  
per RLR.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-40977

RLR: kmg

By Tues

P 1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

A-Not

Gen. Cat.

existence

1 AN ACT <sup>Gen. Cat.</sup>; relating to: increased penalties for crimes committed with intent to  
 2 terrorize; the process for making a legal name change; access to license and  
 3 identification card photographs; interfering with disarmament of an explosive  
 4 or a destructive device; prohibitions related to automatic weapons; theft of a  
 5 firearm or a machine gun; prohibitions related to explosives, destructive  
 6 devices, detonators, or weapons of mass destruction; providing or soliciting  
 7 material support for acts of terrorism; grand jury authority; John Doe  
 8 proceedings; court orders for disclosure of the ~~of~~ depository accounts; court  
 9 order <sup>(5)</sup> for disclosure regarding subscribers to electronic communications  
 10 services; and providing a penalty.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

with financial institutions

Insert 2-1 →

1 SECTION 1. 301.048 (2) (bm) 1. a. of the statutes is amended to read:  
 2 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,  
 3 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,  
 4 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,  
 5 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20  
 6 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,  
 7 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 947.07,  
 8 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9.

Insert 2-9: → SECTION 2. 343.237 (3) (d) of the statutes is repealed.

10 SECTION 3. 786.36 (4) of the statutes is amended to read:  
 11 786.36 (4) Any change of A petition under sub. (1) is the exclusive method for  
 12 changing a name other than as authorized by law is void except if the name change  
 13 is in connection with a marriage or divorce.

History: 1973 c. 263; 1977 c. 449; 1979 c. 32 ss. 63, 92 (14); 1979 c. 221; Stats. 1979 s. 786.36; 1981 c. 245; 1983 a. 447; 1985 a. 315 s. 22; 1993 a. 301; 1995 a. 201; 1999 a. 83.

14 SECTION 4. 895.035 (4a) (a) 2. of the statutes is amended to read:  
 15 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,  
 16 943.05, 943.06, or 947.015, 947.07 (5).

History: 1985 a. 311; 1987 a. 27; 1993 a. 71; 1995 a. 24, 77, 262, 352; 1997 a. 27, 35, 205, 239, 252; 1999 a. 9, 32.

17 SECTION 5. 938.78 (3) of the statutes is amended to read:  
 18 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.  
 19 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,  
 20 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.  
 21 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
 22 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)  
 23 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.07, 948.02, 948.025, 948.03, 948.05,

1 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from  
 2 a secured correctional facility, child caring institution, secured group home,  
 3 inpatient facility, as defined in s. 51.01 (10), secure detention facility, or juvenile  
 4 portion of a county jail, or from the custody of a peace officer or a guard of such a  
 5 facility, institution, or jail, or has been allowed to leave a secured correctional facility,  
 6 child caring institution, secured group home, inpatient facility, secure detention  
 7 facility, or juvenile portion of a county jail for a specified time period and is absent  
 8 from the facility, institution, home, or jail for more than 12 hours after the expiration  
 9 of the specified period, the department or county department having supervision  
 10 over the juvenile may release the juvenile's name and any information about the  
 11 juvenile that is necessary for the protection of the public or to secure the juvenile's  
 12 return to the facility, institution, home, or jail. The department of corrections shall  
 13 promulgate rules establishing guidelines for the release of the juvenile's name or  
 14 information about the juvenile to the public.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9.

15 SECTION 6. 939.648 (2) (intro.), (a) and (b) (intro.) of the statutes are amended  
 16 to read:

17 939.648 (2) (intro.) If a person does all of the following, the penalties for the  
 18 underlying felony crime are increased as provided in sub. (3):

19 History: 1993 a. 98.  
 (a) Commits a felony under chs. 939 to 951 or a misdemeanor under s. 943.07.

20 History: 1993 a. 98.  
 (b) (intro.) Commits the felony crime under any of the following circumstances:

21 History: 1993 a. 98.  
 SECTION 7. 939.648 (2) (c) of the statutes is renumbered 939.648 (2) (c) (intro.)

22 1., and 2., and amended to read:

1 939.648 (2) (c) 2. (intro.) Commits the felony crime with the intent to  
2 accomplish any of the following:

3 1. To influence the policy or conduct of a governmental unit or <sup>plain</sup> to influence an  
4 official policy decision or the official conduct of a public officer or public employee <sup>e</sup> to

5 2. To punish a governmental unit or a public officer or public employee for a  
6 prior policy decision, other official decision, or official conduct.

History: 1993 a. 98.

7 SECTION 8. 939.648 (2) (c) 3. of the statutes is created to read:

8 939.648 (2) (c) 3. To intimidate or coerce a civilian population.

9 SECTION 9. 939.648 (3) and (4) of the statutes are amended to read:

10 939.648 (3) The maximum fine prescribed by law for the felony crime may be  
11 increased by not more than \$50,000 and the maximum period of imprisonment  
12 prescribed by law for the felony crime may be increased by not more than 10 years.

History: 1993 a. 98.

13 (4) This section provides for the enhancement of the penalties applicable for  
14 the underlying felony crime. The court shall direct that the trier of fact find a special  
15 verdict as to all of the issues specified in sub. (2).

History: 1993 a. 98.

16 SECTION 10. 941.26 (1) of the statutes is amended to read:

17 941.26 (1) (a) No person may sell, transfer, possess, use, or transport any  
18 machine gun or other ~~full~~ <sup>any</sup> automatic firearm. Sully

19 (b) Except as provided in sub. (4), no person may sell, transfer, possess, use, or  
20 transport any tear gas bomb, hand grenade, projectile, or shell or any other container  
21 of any kind or character into which tear gas or any similar substance is used or placed  
22 for use to cause bodily discomfort, panic, or damage to property.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

23 SECTION 11. 941.26 (2) (a) of the statutes is amended to read:

1           941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ D felony. ✓

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

2           **SECTION 12.** 941.26 (3) of the statutes is amended to read:

3           941.26 (3) This section does not apply to the sale, transfer, possession,  
4           modification, use<sub>2</sub> or transportation of any weapons or containers under sub. (1) or  
5           (1m) to or by any armed forces or national guard personnel in the line of duty, any <sup>or</sup>  
6           civil enforcement officer of the state or of any city or county. This section does not  
7           apply to the sale, transfer, possession, modification, use<sub>2</sub> or transportation of weapons  
8           under sub. (1) (a) or (1m) to or by any person duly authorized by the chief of police  
9           of any city or the sheriff of any county. This section does not apply to the restoration  
10          of any weapon under sub. (1) (a) or (1m) by a person having a license to collect  
11          firearms as curios or relics issued by the U.S. department of the treasury. The  
12          restriction on transportation contained in this section does not apply to common  
13          carriers.

History: 1977 c. 173; 1987 a. 234; 1991 a. 137; 1993 a. 91; 1995 a. 25.

14          **SECTION 13.** 941.27 (2) of the statutes is amended to read:

15          941.27 (2) EXCEPTIONS. Sections 941.25 and 941.26 shall not prohibit or  
16          interfere with the manufacture for, and sale of, machine guns to the military forces  
17          or the peace officers of the United States or of any political subdivision thereof, or the  
18          transportation required for that purpose; the possession of a machine gun for  
19          scientific purpose, or the possession of a machine gun not usable as a weapon and  
20          possessed as a curiosity, ornament, or keepsake; ~~or the possession of a machine gun~~  
21          ~~other than one adapted to use pistol cartridges for a purpose manifestly not~~  
22          ~~aggressive or offensive.~~

History: 1977 c. 173; 1991 a. 137; 1999 a. 85.

23          **SECTION 14.** 941.31 of the statutes is repealed.

24          **SECTION 15.** 941.375 of the statutes is created to read:

1           **941.375 Interfering with disarmament of explosives. (1)** In this section:

2           (a) "Destructive device" has the meaning given in s. 947.07 (1) (b).<sup>✓</sup>

3           (b) "Explosive" has the meaning given in s. 947.07 (1) (d).<sup>✓</sup>

4           (c) "Public safety official" means any law enforcement officer, fire fighter,  
5 emergency management official,<sup>✓</sup> or other public safety or military personnel  
6 employed by the state, a subdivision of the state, or the United States.

7           (2) Whoever knowingly obstructs or interferes with a public safety official, or  
8 an animal or mechanical device used by a public safety official, while the public  
9 safety official is searching for, disarming, or destroying an explosive or a destructive  
10 device is guilty of a Class A misdemeanor.

11           (3) Whoever violates sub. (2) and reasonably believes that his or her  
12 obstruction of interference may endanger the safety of another is guilty of a Class E  
13 felony.

14           (4) Whoever violates sub. (3), if the obstruction or interference contributes to  
15 the death of another, is guilty of a Class C felony.

16           **SECTION 16.** 943.20 (3) (e) of the statutes is created to read:

17           943.20 (3) (e) If the value of the property does not exceed \$2,500 and any of the  
18 following circumstances exist, is guilty of a Class C felony:

19           1. The property is a machine gun,<sup>✓</sup> as defined in s. 941.27<sup>(1)</sup>

20           2. The property is a firearm that is owned by a law enforcement agency, the U.S.  
21 armed forces,<sup>✓</sup> or the National Guard.

22           3. The property is an explosive, as defined <sup>in</sup> under s. 947.07 (1) (d), or a  
23 destructive device, as defined <sup>in</sup> under s. 947.07 (1) (b).<sup>✓</sup>

24           **SECTION 17.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,  
25 is amended to read:

1           946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
2           (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
3           of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
4           180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
5           221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
6           940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
7           (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,  
8           943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and  
9           (d) to (3), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,  
10          943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),  
11          943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33  
12          (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,  
13          946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
14          947.015 947.07, 948.05, 948.08, 948.12, and 948.30.

History: 2001 a. 16.

15           SECTION 18. 947.015 of the statutes is repealed.

16           SECTION 19. 947.07 of the statutes is created to read:

17           **947.07 Explosives, destructive devices, detonators, and weapons of**  
18           **mass destruction. (1) DEFINITIONS. In this section:**

19           (a) "Biological agent" means a microorganism or an infectious substance, or any  
20           naturally occurring, bioengineered, or synthesized toxin or component of a  
21           microorganism or an infectious substance that is capable of causing death, disease,  
22           or other biological malfunction in a human, animal, plant, or other living organism.

1 (b) "Destructive device" means an overpressure device that can cause  
2 substantial bodily harm or death, or any of the following that contains an explosive  
3 or incendiary fuel and can cause substantial bodily harm or death:

4 1. A bomb.

5 2. A grenade.

6 3. A rocket having a propellant charge of more than 4 ounces.

7 4. A missile having an explosive or incendiary charge of more than one-quarter  
8 ounce.

9 5. A mine.

10 (c) "Detonator" means a device containing a detonating charge that is used to  
11 initiate detonation of an explosive, including but not limited to electric blasting caps,  
12 blasting caps for use with safety fuses, or detonating cord delay connectors.

13 (d) "Explosive" means a substance or mixture of substances that when ignited  
14 by heat, impact, friction, or detonation explodes with sufficient force to cause  
15 substantial bodily harm or death.

16 (e) "Hoax device" means a device that is designed or intended to look like a  
17 destructive device or a weapon of mass destruction, but that is not actually a  
18 destructive device or a weapon of mass destruction.

19 (f) "Hoax substance" means a substance that is designed or intended to look like  
20 a biological agent or a toxic chemical, but that is not a biological agent or a toxic  
21 chemical.

22 (g) "Livestock" means animals raised primarily to produce food for human  
23 consumption.

24 (h) "Microorganism" includes a bacterium, virus, fungus, rickettsia, or  
25 protozoan.

1 (i) "Overpressure device" means a container that holds an explosive gas or an  
2 expanding gas or liquid and that is designed or constructed to break or fracture in  
3 a manner capable of causing bodily harm.

4 (j) "Site" means a building, school premises, vehicle, train, watercraft, airplane,  
5 facility of public transportation, or a place of public assembly.

6 (k) "Weapon of mass destruction" means a device that contains radioactive  
7 material that is harmful to humans, a toxic chemical or its precursor, a poisonous gas, or  
8 a biological agent, and that is designed or intended to release the radioactive  
9 material, toxic chemical or precursor, poisonous gas, or biological agent.

10 (2) MANUFACTURE, TRADE, OR POSSESSION. (a) Whoever manufactures, buys,  
11 sells, offers to sell, transfers, distributes, or possesses an explosive or a destructive  
12 device is guilty of a Class C felony.

13 (b) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
14 possesses a detonator with intent to commit a crime is guilty of a Class C felony.

15 (c) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
16 possesses a weapon of mass destruction is guilty of a Class A felony.

17 (3) USE OR ATTEMPTED USE. (a) Whoever uses or attempts to use an explosive  
18 or a destructive device is guilty of a Class B felony.

19 (b) Whoever uses or attempts to use a detonator with intent to commit a crime  
20 is guilty of a Class B felony.

21 (c) Whoever uses or attempts to use a weapon of mass destruction is guilty of  
22 a Class A felony.

23 (4) HOAXES. Whoever, with intent to alarm, intimidate, threaten, terrify, or  
24 harass another, manufactures, possesses, transfers, transports, delivers,

1 distributes, displays, or deploys a hoax device or a hoax substance is guilty of a Class  
2 D felony if another reasonably believes that the hoax device or hoax substance is real.

3 (5) THREATS. (a) Whoever knowing the threat to be false and with intent to  
4 frighten another or with intent to cause the evacuation of a site makes or  
5 communicates a threat to use or attempt to use an explosive, a destructive device,  
6 or a weapon of mass destruction, if another reasonably believes the threat to be true,  
7 is guilty of a Class D felony.

8 (b) Whoever with intent to alarm, intimidate, or frighten makes or  
9 communicates a threat to use a destructive device or a weapon of mass destruction  
10 to kill or sicken livestock or a food crop owned by another without <sup>the</sup> consent of the  
11 owner or to damage public natural resources including public parkland, surface  
12 water, ground<sup>water</sup>, or wildlife, if another reasonably believes the threat to be true,  
13 is guilty of a Class B felony.

14 (6) EXCEPTIONS FOR CERTAIN PERSONS. Subsections (2) and (3) do not apply to the  
15 following persons:

16 (a) Persons licensed under federal law to import, manufacture<sup>v</sup>, or deal in  
17 explosives, destructive devices, or detonators; persons granted permits under federal  
18 law to use explosives, destructive devices, or detonators; or persons authorized under  
19 federal law to transport explosives, destructive devices, or detonators in commerce.

20 (b) Members of the U.S. armed forces <sup>v</sup> or the National Guard <sup>v</sup> while on active  
21 duty <sup>v</sup>, who are authorized to use explosives, destructive devices, or detonators. <sup>or in training</sup>

22 (c) Law enforcement officers or fire fighters <sup>v</sup>, while on active duty <sup>x x v</sup>, who are  
23 authorized to use explosives, destructive devices, or detonators.

24 (d) Persons conducting research or education concerning explosives,  
25 destructive devices, detonators, or weapons of mass destruction on behalf of a

or in training

or a reserve component  
of the U.S. armed forces,

1 university, college, technical college, or secondary school, if the research or education  
2 is not otherwise prohibited by law.

3 (7) EXCEPTIONS FOR CERTAIN ACTS. Subsections (2) and (3) do not apply to the  
4 manufacture, purchase, sale, offer to sell, transfer, distribution, or possession of the  
5 following:

6 (a) Fireworks, as defined <sup>in</sup> ~~under~~ s. 167.10 (1), by persons authorized under s.  
7 167.10 to manufacture, sell, transport, use, or possess fireworks.

8 (b) Pesticides approved for use under federal law or fertilizer, if the ~~actor~~  
9 <sup>are intended to</sup> ~~intends that the~~ pesticides or fertilizer be used for agricultural purposes.

10 (c) Ammunition for firearms or components for ammunition for firearms that  
11 are designed to shoot no more than one shot without manual reloading.

12 (d) An explosive for use in a medicine as prescribed in the most recent U.S.  
13 <sup>✓</sup> pharmacopoeia and national formulary.

14 (8) EVIDENCE. (a) A photograph, electronic image, videotape, or other  
15 identifying evidence of an explosive, destructive device, detonator, or weapon of mass  
16 destruction that is properly authenticated as provided under ch. 909 is admissible  
17 as evidence in lieu of the actual explosive, destructive device, detonator, or weapon  
18 of mass destruction in any action or proceeding concerning an explosive, destructive  
19 device, detonator, or weapon of mass destruction.

20 (b) A clerk of court may not destroy any explosive, destructive device, detonator,  
21 or weapon of mass destruction in his or her custody unless ordered to do so by a court.

22 (c) If an explosive, destructive device, detonator, or weapon of mass destruction  
23 is introduced into evidence in any action or proceeding, and the explosive, destructive  
24 device, detonator, or weapon of mass destruction has been rendered harmless, a clerk  
25 of court may not transfer the explosive, destructive device, detonator, or weapon of

1 (2) Any person who intentionally violates an order under sub. (1) may be  
2 punished under ch. 785.

Insert 14-a:

3 SECTION 24. 969.08 (10) (b) of the statutes is amended to read:

4 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),  
5 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195  
6 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,  
7 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2, or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,  
8 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
9 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015 947.07,  
10 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

History: 1971 c. 298; 1977 c. 449; 1979 c. 112; 1981 c. 183; 1985 a. 293 s. 3; 1987 a. 90, 332, 399, 403; 1991 a. 153, 269; 1993 a. 50, 92, 94, 227, 441, 445, 491; 1997 a. 143, 180, 295; 1999 a. 32.

11 SECTION 25. Initial applicability.

12 (1) ACCESS TO LICENSE AND IDENTIFICATION CARD PHOTOGRAPHS. The  ~~repeal~~ <sup>treatment</sup> of  
13 section 343.237 (3) (d) of the statutes first applies to requests for copies of  
14 photographs that are made on the effective date of this subsection.

15 (2) NAME CHANGE. The  ~~amendment~~ <sup>treatment</sup> of section 786.36 (4) of the statutes first  
16 applies to name changes made on the effective date of this subsection.

17 (3) COURT ORDERS FOR DISCLOSURE OF INFORMATION. The  ~~creation~~ <sup>treatment</sup> of sections  
18 968.265 and 968.275 of the statutes first applies to court orders for disclosure that  
19 are made on the effective date of this subsection.

20 (4) JOHN DOE PROCEEDINGS. The  ~~renumbering~~ <sup>and amendment</sup> of sections 968.26 of the statutes  
21 and the  ~~creation~~ <sup>and amendment</sup> of section 968.26 (2) of the statutes first  ~~applies~~ <sup>apply</sup> to John Does  
22 proceedings commenced on the effective date of this subsection.

1  
2  
3  
4

(5) GRAND JURY PROCEEDINGS. The renumbering of section 968.40 (1) of the statutes and the creation of section 968.40 (1) (b) of the statutes first applies to grand jury proceedings commenced on the effective date of this subsection.

(END)

a

apply

# 1993 BILL

1 **AN ACT** to renumber 968.26; and to create 165.25 (2m) and 968.26 (2) of the  
 2 statutes, relating to: John Doe proceedings with statewide investigative  
 3 jurisdiction.

### *Analysis by the Legislative Reference Bureau*

Under current law, a John Doe proceeding is a procedure available to determine if a crime has probably been committed and, if so, who probably committed that crime. A judge conducts the John Doe proceeding at which he or she examines the complainant and other witnesses. The judge sets the scope of the proceeding and he or she may conduct the proceeding secretly. If the judge determines that there is probable cause to believe that a crime was committed and that a specific person committed that crime, a criminal complaint may be prepared. If there is a criminal complaint, an arrest warrant must be issued.

This bill allows the attorney general to petition for a John Doe proceeding that has statewide investigative jurisdiction. The attorney general may petition any chief judge of a judicial administrative district in which there is reason to believe that there is criminal activity that is statewide in nature, importance or influence or that relates to dangerous drugs, gambling or other specified offenses. If the chief judge orders this type of John Doe proceeding, he or she may conduct it or assign another judge to do so. The attorney general represents the state at any such proceeding.

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:*

✓  
Insert 2-1:  
4

SECTION 1. 165.25 (2m) of the statutes is created to read:



*Insert 14-2:*

~~756.10 (8) (title) STATEWIDE OR INTERCOUNTY INVESTIGATIVE PROCEEDINGS.~~

~~SECTION 3. 756.10 (8) of the statutes is renumbered 756.10 (8) (b).~~

~~SECTION 4. 756.10 (8) (a) of the statutes is created to read:~~

~~756.10 (8) (a)~~ Upon his or her own initiative or at the request of a district attorney, the attorney general may petition the chief judge of any judicial administrative district within which there is reason to investigate unlawful activity under s. 165.70 for an order to select a grand jury list and impanel a grand jury having statewide jurisdiction. The grand jury may be selected in any county in the judicial administrative district. The chief judge may preside over the grand jury or assign another judge to preside. The attorney general shall represent the state in any proceeding under this paragraph. The venue of any indictment returned by the grand jury is as prescribed in s. 971.19.

~~SECTION 5. Initial applicability. This act first applies to grand jury proceedings commenced on the effective date of this SECTION.~~

(END)

**ASSEMBLY BILL 504**

agency or to intimidate or coerce a civilian population. A person who violates the prohibitions created in the bill may be fined not more than \$10,000 or imprisoned for not more than 10 years or both.

Current law also requires a charitable organization to be registered with the department of regulation and licensing (DORL) in order to be able to solicit contributions in this state. Current law also requires professional fund-raisers (persons paid to solicit charitable contributions) and fund-raising counsel (persons paid to plan, manage or give advice concerning the solicitation of charitable contributions) to be registered with DORL. DORL may deny, limit, suspend or revoke the registration of a charitable organization, professional fund-raiser or fund-raising counsel that does any of the following: 1) makes a false statement in a registration statement, annual report or other information required to be filed with DORL; or 2) violates a statute or rule that regulates the solicitation of charitable contributions. This bill provides that DORL may deny, limit, suspend or revoke the registration of a charitable organization, professional fund-raiser or fund-raising counsel that violates the prohibitions created in the bill against soliciting or collecting material support that is intended to be used to plan, prepare, commit or escape after committing acts of international terrorism.

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

Insert 2-9:

1 SECTION 1. 440.475 (1) of the statutes is renumbered 440.475 (1) (intro.) and  
2 amended to read:

3 440.475 (1) (intro.) The department may deny, limit, suspend, or revoke the  
4 registration of a charitable organization, fund-raising counsel, or professional  
5 fund-raiser, or may reprimand a charitable organization, fund-raising counsel, or  
6 professional fund-raiser that is registered under this subchapter, if the department  
7 finds that the charitable organization, fund-raising counsel, or professional  
8 fund-raiser has made done any of the following:

9 (a) Made a false statement in any registration statement, annual report, or  
10 other information required to be filed under, ~~or has otherwise violated,~~ this  
11 subchapter or the rules promulgated under this subchapter.

12 SECTION 2. 440.475 (1) (b) of the statutes is created to read:

*Proof of statute*

1 440.475 (1) (b) Violated this subchapter or the rules promulgated under this  
2 subchapter.

3 SECTION 3. 440.475 (1) (c) of the statutes is created to read:

(4) 440.475 (1) (c) Violated s. 947.07.<sup>8</sup> ✓

5 SECTION 4. 947.07<sup>8</sup> of the statutes is created to read: ~~END INSERT~~

6 ~~947.07~~ Material support of international terrorism. (1) In this section:

7 (a) "Act of international terrorism" means an act committed by a private person  
8 to which all of the following applies:

- 9 1. The act occurs outside the United States.  
10 2. The act would be a felony under chs. 939 to 951 if committed in this state.  
11 3. The act causes bodily harm, ~~great~~ bodily harm or death to another or, in  
12 committing the act, the person uses force or violence or the threat of force or violence.  
13 4. The act is intended to influence the policy or conduct of a government,  
14 governmental unit or government agency or to intimidate or coerce a civilian  
15 population.

Insert 12:124: (b) "Material support" means any of the following:

- 17 1. Currency or securities.  
18 2. Financial services.  
19 3. Personnel.  
20 4. Transportation.  
21 5. Training.  
22 6. Lodging, safe houses<sup>✓</sup> or other facilities.  
23 7. False documentation or identification.  
24 8. Any physical assets, including communications equipment, dangerous  
25 weapons, poisonous substances<sup>✓</sup> and explosives.

1 (c) "Solicit" means to request, directly or indirectly, a grant or pledge of  
2 material support, whether or not the person soliciting receives any grant or pledge  
3 of material support.

4 (2) No person may do any of the following:

5 (a) Solicit or collect material support if he or she knows that the material  
6 support is intended to be used in whole or in part to plan, prepare, commit<sup>v</sup> or escape  
7 after committing an act of ~~international~~ terrorism.

8 (b) Provide material support to another if he or she knows that the material  
9 support ~~is~~ intended to be used in whole or in part to plan, prepare, commit<sup>v</sup> or escape  
10 after committing an act of ~~international~~ terrorism.

11 (3) A person who violates sub. (2) is guilty of a Class C felony.

12

~~END~~

End Insect

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3674/P1ins2  
RLR:.....

1           **Insert 12-12B:** ✓

2           **SECTION 1.** 968.26 of the statutes is renumbered 968.26 (1) and amended to  
3 read:

4           968.26 (1) ~~John Doe proceeding,~~ If a person complains to a judge that he  
5 or she has reason to believe that a crime has been committed within his or her  
6 jurisdiction, the judge shall examine the complainant under oath and any witnesses  
7 produced by him or her and may, and at the request of the district attorney shall,  
8 subpoena and examine other witnesses to ascertain whether a crime has been  
9 committed and by whom committed. The extent to which the judge may proceed in  
10 the examination is within the judge's discretion. The examination may be adjourned  
11 and may be secret. Any witness examined under this ~~section~~ subsection may have  
12 counsel present at the examination but the counsel shall not be allowed to examine  
13 his or her client, cross-examine other witnesses or argue before the judge. If it  
14 appears probable from the testimony given that a crime has been committed and who  
15 committed it, the complaint may be reduced to writing and signed and verified; and  
16 thereupon a warrant shall issue for the arrest of the accused. Subject to s. 971.23,  
17 if the proceeding is secret, the record of the proceeding and the testimony taken shall  
18 not be open to inspection by anyone except the district attorney unless it is used by  
19 the prosecution at the preliminary hearing or the trial of the accused and then only  
20 to the extent that it is so used. A court, on the motion of a district attorney, may  
21 compel a person to testify or produce evidence under s. 972.08 (1). The person is  
22 immune from prosecution as provided in s. 972.08 (1), subject to the restrictions  
23 under s. 972.085.

History: 1989 a. 122; 1991 a. 88, 223, 315.

1 mass destruction to another unless a photograph, video tape, other pictorial image,  
2 or other identifying record has been made of the explosive, destructive device,  
3 detonator, or weapon of mass destruction.

4 (d) Nothing in this subsection prohibits a public safety official, as defined in s.  
5 941.375, <sup>(1)(c)</sup> from rendering an explosive, destructive device, detonator, or weapon of  
6 mass destruction harmless without prior approval of a court, if the public safety  
7 official is acting within the scope of his or her official duty and is acting to protect lives  
8 or property.

9 **SECTION 20.** 947.08 of the statutes is created to read:

10 **947.08 Material support of terrorism.** (1) In this section:

11 (a) "Act of terrorism" means a crime that satisfies s. 939.648 (2) (a), (b), and (c)  
12 or an act that would satisfy s. 939.648 (2) (a), (b), and (c) if committed in this state.

13 *Insert 12-12A*  
*Insert 12-12B* **SECTION 21.** 968.265 of the statutes is created to read:

14 *Insert 12-10C* **968.265 Order for disclosure of depositor information.** (1) In this  
15 section:

16 (a) "Depository account" means any account at a financial institution in which  
17 a person may deposit money, or a safe deposit box in which a person may deposit  
18 property.

19 (b) "Financial institution" means a bank, savings bank, savings and loan  
20 association, credit union, insurance company, trust company, or securities broker  
21 or dealer.

22 (2) Upon the request of the attorney general or a district attorney and a  
23 showing that the information requested is relevant to a criminal investigation, a  
24 court shall issue an order requiring any financial institution to disclose to the  
25 attorney general or district attorney whether the person named in the order has a

1 depository account with the financial institution or whether the person has had a  
2 depository account with the financial institution at a prior specified time. Any  
3 person who intentionally violates such an order may be punished under ch. 785.

4 SECTION 22. 968.27 (intro.) of the statutes is amended to read:

5 968.27 Definitions. (intro.) In ss. ~~968.28~~ 968.275 to 968.37:

6 History: 1971 c. 40 s. 93; 1987 a. 399; 1991 a. 39; 1997 a. 218.

7 SECTION 23. 968.275 of the statutes is created to read:

8 968.275 Order for disclosure of subscriber information. (1) Upon the  
9 request of the attorney general or a district attorney and a showing that the  
10 information requested is relevant to a criminal investigation, a court shall issue an  
11 order requiring any electronic communications service provider to disclose to the  
12 attorney general or district attorney whether the person identified in the order is or  
13 was a subscriber or customer of the service provider at a specified time and, if the  
14 person is or was a subscriber or customer, requiring the electronic communications  
15 service provider to provide the following information regarding the person:

16 (a) Name.

17 (b) Address.

18 (c) Local and long distance telephone connection records, or records of times  
19 and duration of service usage.

20 (d) Start date and length of service.

21 (e) Types of services provided.

22 (f) Telephone or instrument number or other subscriber number or identity,  
23 including any temporarily assigned network address.

24 (g) The means and sources of payment for services, including any credit card  
or bank account number used.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4097/P1dn

RLR:.....  
*mg*

*of*  
*J* *D*  
This preliminary draft contains the following portions of the DOJ anti-terrorism request: *AA* changes to terrorism sentencing enhancer; name changes; law enforcement access to driver's license and identification photos; obstructing bomb disposal; criminal damage to railroad; amendment to machine gun act; theft of a firearm; support of terrorism; statewide grand jury and John Doe authority; subpoena authority; and possession, use of, and threats related to explosives and destructive devices.

Name change: Should the exception under s. 786.36 (4), stats., apply to adoption as well as marriage or divorce?

Interfering with disarmament of explosives: Should the state-of-mind requirement under proposed s. 941.375 (3), stats., be "knows" instead or "reasonably believes"? *✓*

Explosives:

The prohibitions under proposed s. 947.07, stats., related to explosives, destructive devices, and weapons of mass destruction do not require that the actor have criminal intent, however the similar provisions related to detonators do require criminal intent. The bill treats the prohibited items differently because explosives, destructive devices, and weapons of mass destruction are all defined so as to require that they ~~are~~ *be* capable of causing substantial bodily harm or death, but there is no similar limitation on detonators covered by the prohibitions. *⊗*

Even with the substantial bodily harm or death threshold, the prohibitions are rather broad. Please review the exceptions under proposed s. 947.07 (6) and (7), stats., to determine if anything should be added.

The prohibitions related to weapons of mass destruction cover devices that contain and are designed or intended to release biological agents and toxic chemicals, but do not cover the actual biological agents and toxic chemicals absent a device. The bill probably covers an envelope as a device that is intended to be used to release a biological agent. Should the bill specifically prohibit possession and other activities related to biological agents and toxic chemicals absent a device?

Should the crime of making threats to destroy livestock and crops cover just food livestock and crops (as in the bill) or other livestock and crops as well?

The provision regarding submitting photos of explosives, destructive devices, detonators, and weapons of mass destruction (proposed s. 947.07 (8), stats.) does not provide the authority to do anything that current law does not already allow. Do you want to keep it? Should sub. (8) just cover destruction of evidence?

Robin Ryan  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4097/P1dn  
RLR:kmg:rs

November 13, 2001

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State of Wisconsin  
2001 - 2002 LEGISLATURE

P2  
LRB-4097/P1  
RLR:kmg: [initials]  
RMR

TODAY as early as possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regenerate

1 AN ACT *to repeal* 343.237 (3) (d), 941.31 and 947.015; *to renumber* 968.40 (1);  
2 *to renumber and amend* 440.475 (1), 939.648 (2) (c) and 968.26; *to amend*  
3 301.048 (2) (bm) 1. a., 786.36 (4), 895.035 (4a) (a) 2., 938.78 (3), 939.648 (2)  
4 (intro.), (a) and (b) (intro.), 939.648 (3) and (4), 941.26 (1), 941.26 (2) (a), 941.26  
5 (3), 941.27 (2), 946.82 (4), 968.27 (intro.) and 969.08 (10) (b); and *to create*  
6 165.25 (2m), 440.475 (1) (b), 440.475 (1) (c), 939.648 (2) (c) 3., 941.375, 943.20  
7 (3) (e), 947.07, 947.08, 968.26 (2), 968.265, 968.275 and 968.40 (1) (a) of the  
8 statutes; **relating to:** increased penalties for crimes committed with intent to  
9 terrorize; the process for making a legal name change; access to license and  
10 identification card photographs; interfering with disarmament of an explosive  
11 or a destructive device; prohibitions related to automatic weapons; theft of a  
12 firearm or a machine gun; prohibitions related to explosives, destructive  
13 devices, detonators, or weapons of mass destruction; providing or soliciting  
14 material support for acts of terrorism; grand jury authority; John Doe  
15 proceedings; court orders for disclosure of the existence of depository accounts

1 with financial institutions; court orders for disclosure regarding subscribers to  
2 electronic communications services; and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 165.25 (2m) of the statutes is created to read:

4 165.25 (2m) PETITION FOR AND REPRESENT STATE IN STATEWIDE JOHN DOE AND  
5 GRAND JURY PROCEEDINGS. Petition for and represent the state in John Doe  
6 proceedings having statewide jurisdiction under s. 968.26 (2) and in grand jury  
7 proceedings having statewide jurisdiction under s. 968.40.

8 SECTION 2. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

9 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,  
10 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,  
11 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,  
12 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20  
13 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,  
14 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, ~~947.015~~ 947.07,  
15 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

16 SECTION 3. 343.237 (3) (d) of the statutes is repealed.

17 SECTION 4. 440.475 (1) of the statutes is renumbered 440.475 (1) (intro.) and  
18 amended to read:

19 440.475 (1) (intro.) The department may deny, limit, suspend, or revoke the  
20 registration of a charitable organization, fund-raising counsel, or professional

1 fund-raiser, or may reprimand a charitable organization, fund-raising counsel, or  
2 professional fund-raiser that is registered under this subchapter, if the department  
3 finds that the charitable organization, fund-raising counsel, or professional  
4 fund-raiser has ~~made~~ done any of the following:

5 (a) Made a false statement in any registration statement, annual report, or  
6 other information required to be filed under, ~~or has otherwise violated,~~ this  
7 subchapter or the rules promulgated under this subchapter.

8 SECTION 5. 440.475 (1) (b) of the statutes is created to read:

9 440.475 (1) (b) Violated this subchapter or the rules promulgated under this  
10 subchapter.

11 SECTION 6. 440.475 (1) (c) of the statutes is created to read:

12 440.475 (1) (c) Violated s. 947.08.

13 SECTION 7. 786.36 (4) of the statutes is amended to read:

14 786.36 (4) Any change of A petition under sub. (1) is the exclusive method for  
15 changing a name other than as authorized by law is void except if the name change

16 is in connection with a marriage <sup>1</sup>or divorce, <sup>3</sup>or adoption or is made under s. 69.15(4m)

17 SECTION 8. 895.035 (4a) (a) 2. of the statutes is amended to read:

18 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,  
19 943.05, 943.06, or ~~947.015~~ 947.07 (5).

20 SECTION 9. 938.78 (3) of the statutes is amended to read:

21 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.  
22 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,  
23 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.  
24 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
25 941.295, 941.298, 941.30, ~~941.31,~~ 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)

1 (a), 943.23 (1g), (1m), or (1r), 943.32 (2), 947.07, 948.02, 948.025, 948.03, 948.05,  
2 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from  
3 a secured correctional facility, child caring institution, secured group home,  
4 inpatient facility, as defined in s. 51.01 (10), secure detention facility, or juvenile  
5 portion of a county jail, or from the custody of a peace officer or a guard of such a  
6 facility, institution, or jail, or has been allowed to leave a secured correctional facility,  
7 child caring institution, secured group home, inpatient facility, secure detention  
8 facility, or juvenile portion of a county jail for a specified time period and is absent  
9 from the facility, institution, home, or jail for more than 12 hours after the expiration  
10 of the specified period, the department or county department having supervision  
11 over the juvenile may release the juvenile's name and any information about the  
12 juvenile that is necessary for the protection of the public or to secure the juvenile's  
13 return to the facility, institution, home, or jail. The department of corrections shall  
14 promulgate rules establishing guidelines for the release of the juvenile's name or  
15 information about the juvenile to the public.

*Insert 4-15*  
16 SECTION 10. 939.648 (2) (intro.), (a) and (b) (intro.) of the statutes are amended  
17 to read:

18 939.648 (2) (intro.) If a person does all of the following, the penalties for the  
19 underlying felony crime are increased as provided in sub. (3):

20 (a) Commits a felony under chs. 939 to 951 or a misdemeanor under s. 943.07.

21 (b) (intro.) Commits the felony crime under any of the following circumstances:

22 SECTION 11. 939.648 (2) (c) of the statutes is renumbered 939.648 (2) (c) (intro.)

23 and amended to read:

24 939.648 (2) (c) 2. (intro.) Commits the felony crime with the intent to  
25 accomplish any of the following:

1           1. To influence the policy or conduct of a governmental unit or to influence an  
2           official policy decision or the official conduct of a public officer or public employee.

3           2. To punish a governmental unit or a public officer or public employee for a  
4           prior policy decision, other official decision, or official conduct.

5           **SECTION 12.** 939.648 (2) (c) 3. of the statutes is created to read:

6           939.648 (2) (c) 3. To intimidate or coerce a civilian population.

7           **SECTION 13.** 939.648 (3) and (4) of the statutes are amended to read:

8           939.648 (3) The maximum fine prescribed by law for the felony crime may be  
9           increased by not more than \$50,000 and the maximum period of imprisonment  
10          prescribed by law for the felony crime may be increased by not more than 10 years.

11          (4) This section provides for the enhancement of the penalties applicable for  
12          the underlying felony crime. The court shall direct that the trier of fact find a special  
13          verdict as to all of the issues specified in sub. (2).

14          **SECTION 14.** 941.26 (1) <sup>(a)</sup> of the statutes is amended to read:

15          941.26 (1) (a) No person may sell, transfer, possess, use, or transport any  
16          machine gun or other ~~full~~ fully automatic firearm.

17          ~~(b) Except as provided in sub. (4), no person may sell, transfer, possess, use, or~~  
18          ~~transport any tear gas bomb, hand grenade, projectile, or shell or any other container~~  
19          ~~of any kind or character into which tear gas or any similar substance is used or placed~~  
20          ~~for use to cause bodily discomfort, panic, or damage to property.~~

21          **SECTION 15.** 941.26 (2) (a) of the statutes is amended to read:

22          941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ D felony.

23          **SECTION 16.** 941.26 (3) of the statutes is amended to read:

24          941.26 (3) This section does not apply to the sale, transfer, possession,  
25          modification, use, or transportation of any weapons or containers under sub. (1) or

1 (1m) to or by any armed forces or national guard personnel in the line of duty, or any  
2 civil enforcement officer of the state or of any city or county. This section does not  
3 apply to the sale, transfer, possession, modification, use, or transportation of  
4 weapons under sub. (1) (a) or (1m) to or by any person duly authorized by the chief  
5 of police of any city or the sheriff of any county. This section does not apply to the  
6 restoration of any weapon under sub. (1) (a) or (1m) by a person having a license to  
7 collect firearms as curios or relics issued by the U.S. department of the treasury. The  
8 restriction on transportation contained in this section does not apply to common  
9 carriers.

10 **SECTION 17.** 941.27 (2) of the statutes is amended to read:

11 941.27 (2) EXCEPTIONS. Sections 941.25 and 941.26 shall not prohibit or  
12 interfere with the manufacture for, and sale of, machine guns to the military forces  
13 or the peace officers of the United States or of any political subdivision thereof, or the  
14 transportation required for that purpose; the possession of a machine gun for  
15 scientific purpose, or the possession of a machine gun not usable as a weapon and  
16 possessed as a curiosity, ornament, or keepsake; ~~or the possession of a machine gun~~  
17 ~~other than one adapted to use pistol cartridges for a purpose manifestly not~~  
18 ~~aggressive or offensive.~~

19 **SECTION 18.** 941.31 of the statutes is repealed.

20 **SECTION 19.** 941.375 of the statutes is created to read:

21 **941.375 Interfering with disarmament of explosives.** (1) In this section:

22 (a) "Destructive device" has the meaning given in s. 947.07 (1) (b).

23 (b) "Explosive" has the meaning given in s. 947.07 (1) (d).

1 (c) "Public safety official" means any law enforcement officer, fire fighter,  
2 emergency management official, or other public safety or military personnel  
3 employed by the state, a subdivision of the state, or the United States.

4 (2) Whoever knowingly obstructs or interferes with a public safety official, or  
5 an animal or mechanical device used by a public safety official, while the public  
6 safety official is searching for, disarming, or destroying an explosive or a destructive  
7 device is guilty of a Class A misdemeanor.

8 (3) Whoever violates sub. (2) and reasonably believes that his or her  
9 obstruction of interference may endanger the safety of another is guilty of a Class E  
10 felony.

11 (4) Whoever violates sub. (3), if the obstruction or interference contributes to  
12 the death of another, is guilty of a Class C felony.

13 SECTION 20. 943.20 (3) (e) of the statutes is created to read:

14 943.20 (3) (e) If the value of the property does not exceed \$2,500 and any of the  
15 following circumstances exists, is guilty of a Class C felony:

16 1. The property is a machine gun, as defined in s. 941.27 (1).

17 2. The property is a firearm that is owned by a law enforcement agency, the U.S.  
18 armed forces, or the National Guard. *a reserve component of the*  
*U.S. armed forces,*

19 3. The property is an explosive, as defined in s. 947.07 (1) (d), or a destructive  
20 device, as defined in s. 947.07 (1) (b).

21 SECTION 21. 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,  
22 is amended to read:

23 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
24 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
25 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

1 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
 2 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
 3 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
 4 (2) and (3), 941.26, 941.28, 941.298, ~~941.31~~, 941.32, 943.01 (2), (2d), or (2g), 943.011,  
 5 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and  
 6 (d) to (3), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,  
 7 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),  
 8 943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33  
 9 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,  
 10 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
 11 947.015 ~~947.07~~, 948.05, 948.08, 948.12, and 948.30.

12 SECTION 22. 947.015 of the statutes is repealed.

13 SECTION 23. 947.07 of the statutes is created to read:

14 **947.07 Explosives, destructive devices, detonators, and weapons of**  
 15 **mass destruction. (1) DEFINITIONS. In this section:**

16 (a) "Biological agent" means a microorganism or an infectious substance, or any  
 17 naturally occurring, bioengineered, or synthesized toxin or component of a  
 18 microorganism or an infectious substance that is capable of causing death, disease,  
 19 or other biological malfunction in a human, animal, plant, or other living organism.

20 (b) "Destructive device" means an overpressure device ~~that can cause~~  
 21 ~~substantial bodily harm or death, or any of the following~~ that contains an explosive  
 22 ~~or incendiary ~~that can~~ cause substantial bodily harm or death,~~ *an* ~~and can~~ *or property damage,*

- 23 1. A bomb.
- 24 2. A grenade.
- 25 3. A rocket having a propellant charge of more than 4 ounces.

*and is designed or configured to*

*including any of the following devices:*

*Insert 8-19*

1 4. A missile having an explosive or incendiary charge of more than one-quarter  
2 ounce.

3 5. A mine.

Insert  
9-3 →

4 (d) "Detonator" means a device containing a detonating charge that is used to  
5 initiate detonation of an explosive, including but not limited to electric blasting caps,  
6 blasting caps for use with safety fuses, or detonating cord delay connectors.

7 (d) "Explosive" means a substance or mixture of substances that when ignited  
8 by heat, impact, friction, or detonation explodes with sufficient force to cause  
9 substantial bodily harm or death.

10 (e) "Hoax device" means a device that is designed or intended to look like a  
11 destructive device or a weapon of mass destruction, but that is not actually a  
12 destructive device or a weapon of mass destruction.

13 (f) "Hoax substance" means a substance that is designed or intended to look like  
14 a biological agent or a toxic chemical, but that is not a biological agent or a toxic  
15 chemical.

16 (i) ~~is~~ "Livestock" means ~~animals raised primarily to produce food for human~~  
17 ~~consumption.~~ has the meaning given in S. 943.76 (i).

18 (j) ~~is~~ "Microorganism" includes a bacterium, virus, fungus, rickettsia, or  
19 protozoan.

Insert 9-19 →

20 (i) "Overpressure device" means a container that holds an explosive gas or an  
21 expanding gas or liquid and that is designed or constructed to break or fracture in  
22 a manner capable of causing bodily harm.

23 (m) ~~is~~ "Site" means a building, school premises, vehicle, train, watercraft, airplane,  
24 facility of public transportation, or a place of public assembly.

dwelling,

1 (k) "Weapon of mass destruction" means a device that contains radioactive  
2 material that is harmful to humans, a toxic chemical or its precursor, a poisonous gas,  
3 or a biological agent, and that is designed or intended to release the radioactive  
4 material, toxic chemical or precursor, poisonous gas, or biological agent.

*Insert 10-4*  
5 (2) MANUFACTURE, TRADE, OR POSSESSION. (a) Whoever manufactures, buys,  
6 sells, offers to sell, transfers, distributes, or possesses an explosive or a destructive  
7 device is guilty of a Class C felony.

8 (b) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
9 possesses a detonator with intent to commit a crime is guilty of a Class C felony.

10 (c) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
11 possesses a weapon of mass destruction is guilty of a Class A felony.

*Insert 10-11*  
12 (3) USE ~~OR ATTEMPTED USE~~. (a) Whoever uses ~~or attempts to use~~ an explosive  
13 or a destructive device is guilty of a Class B felony.

14 (b) Whoever uses ~~or attempts to use~~ a detonator with intent to commit a crime  
15 is guilty of a Class B felony.

16 (c) Whoever uses ~~or attempts to use~~ a weapon of mass destruction is guilty of  
17 a Class A felony.

*Facsimile devices or substances (CS)*  
18 (4) ~~HARASS~~. Whoever, with intent to alarm, intimidate, threaten, terrify, or  
19 harass another, manufactures, possesses, transfers, transports, delivers,  
20 distributes, displays, or deploys a ~~hoax~~ <sup>facsimile</sup> device or a ~~hoax~~ <sup>facsimile</sup> substance is guilty of a Class  
21 D felony if another reasonably believes that the ~~hoax~~ <sup>facsimile</sup> device or ~~hoax~~ <sup>facsimile</sup> substance is real.

22 (5) THREATS. (a) Whoever knowing the threat to be false and ~~with intent to~~  
23 ~~frighten another or with intent to cause the evacuation of a site~~ makes or  
24 communicates a threat to use or attempt to use an explosive, a destructive device,

1 or a weapon of mass destruction, if another reasonably believes the threat to be true,  
2 is guilty of a Class B felony.

Insert 11-2

3 ~~(1)~~ Whoever with intent to alarm, intimidate, or frighten makes or  
4 communicates a threat to use ~~a destructive device~~ or a weapon of mass destruction  
5 to kill or sicken livestock or a ~~food~~ crop owned by another without the consent of the  
6 owner or to damage public natural resources including public parkland, surface  
7 water, groundwater, or wildlife, if another reasonably believes the threat to be true,  
8 is guilty of a Class B felony.

9 ~~(1)~~ EXCEPTIONS FOR CERTAIN PERSONS. Subsections (2) and (3) do not apply to the  
10 following persons:

11 (a) Persons licensed under federal law to import, manufacture, or deal in  
12 explosives, destructive devices, or detonators, <sup>or state</sup> persons granted permits under federal  
13 law to use explosives, destructive devices, or detonators, <sup>or state</sup> or persons authorized under  
14 federal law to transport explosives, destructive devices, or detonators in commerce.

15 (b) Members of the U.S. armed forces, the national guard, or a reserve  
16 component of the U.S. armed forces, while on active duty or in training, who are  
17 authorized to use explosives, destructive devices, or detonators.

18 (c) Law enforcement officers or fire fighters, while on active duty or in training,  
19 who are authorized to use explosives, destructive devices, or detonators.

20 (d) Persons conducting research or education concerning explosives,  
21 destructive devices, detonators, or weapons of mass destruction on behalf of a  
22 university, college, technical college, or secondary school, if the research or education  
23 is not otherwise prohibited by law.

is authorized by the university, college, technical college,  
or secondary school and

with respect to the activity that is authorized

*except if the firework is used as a component of a destructive device or a weapon of mass destruction*

1 (7) EXCEPTIONS FOR CERTAIN ACTS. Subsections (2) and (3) do not apply to the  
2 manufacture, purchase, sale, offer to sell, transfer, distribution, or possession of the  
3 following:

4 (a) Fireworks, as defined in s. 167.10 (1), by persons authorized under s. 167.10  
5 to manufacture, sell, transport, use, or possess fireworks.

6 (b) Pesticides approved for use under federal law or fertilizer, if the pesticides  
7 or fertilizer are intended to be used for agricultural purposes.

8 (c) Ammunition for firearms or components for ammunition for firearms that  
9 are designed to shoot no more than one shot without manual reloading.

10 (d) An explosive for use in a medicine as prescribed in the most recent U.S.  
11 pharmacopoeia and national formulary.

12 (8) EVIDENCE. (a) A photograph, electronic image, videotape, or other  
13 identifying evidence of an explosive, destructive device, detonator, or weapon of mass  
14 destruction that is properly authenticated as provided under ch. 909 is admissible  
15 as evidence in lieu of the actual explosive, destructive device, detonator, or weapon  
16 of mass destruction in any action or proceeding concerning an explosive, destructive  
17 device, detonator, or weapon of mass destruction.

18 (b) A clerk of court may not destroy any explosive, destructive device, detonator,  
19 or weapon of mass destruction in his or her custody unless ordered to do so by a court.

20 (c) If an explosive, destructive device, detonator, or weapon of mass destruction  
21 is introduced into evidence in any action or proceeding, and the explosive, destructive  
22 device, detonator, or weapon of mass destruction has been rendered harmless, a clerk  
23 of court may not transfer the explosive, destructive device, detonator, or weapon of  
24 mass destruction to another unless a photograph, video tape, other pictorial image,

1 or other identifying record has been made of the explosive, destructive device,  
2 detonator, or weapon of mass destruction.

3 (d) Nothing in this subsection prohibits a public safety official, as defined in s.  
4 941.375 (1) (c), from rendering an explosive, destructive device, detonator, or weapon  
5 of mass destruction harmless without prior approval of a court, if the public safety  
6 official is acting within the scope of his or her official duty and is acting to protect lives  
7 or property.

8 SECTION 24. 947.08 of the statutes is created to read:

9 947.08 Material support of terrorism. (1) In this section:

10 (a) "Act of terrorism" means a crime that satisfies s. 939.648 (2) (a), (b), and (c)  
11 or an act that would satisfy s. 939.648 (2) (a), (b), and (c) if committed in this state.

12 (b) "Material support" means any of the following:

13 1. Currency or securities.

14 2. Financial services.

15 3. Personnel.

16 4. Transportation.

17 5. Training, expert advice, or assistance

18 6. Lodging, safe houses, or other facilities.

19 7. False documentation or identification.

20 8. Any physical assets, including communications equipment, dangerous  
21 weapons, poisonous substances, and explosives.

22 (c) "Solicit" means to request, directly or indirectly, a grant or pledge of material  
23 support, whether or not the person soliciting receives any grant or pledge of material  
24 support.

25 (2) No person may do any of the following:

*or has reason to know*

1 (a) Solicit or collect material support if he or she knows<sup>A</sup> that the material  
2 support is intended to be used in whole or in part to plan, prepare, commit, or escape  
3 after committing an act of terrorism.

*or has reason to know*

4 (b) Provide material support to another if he or she knows<sup>A</sup> that the material  
5 support is intended to be used in whole or in part to plan, prepare, commit, or escape  
6 after committing an act of terrorism.

7 (3) A person who violates sub. (2) is guilty of a Class C felony.

8 SECTION 25. 968.26 of the statutes is renumbered 968.26 (1) and amended to  
9 read:

10 968.26 (1) If a person complains to a judge that he or she has reason to believe  
11 that a crime has been committed within his or her jurisdiction, the judge shall  
12 examine the complainant under oath and any witnesses produced by him or her and  
13 may, and at the request of the district attorney shall, subpoena and examine other  
14 witnesses to ascertain whether a crime has been committed and by whom committed.  
15 The extent to which the judge may proceed in the examination is within the judge's  
16 discretion. The examination may be adjourned and may be secret. Any witness  
17 examined under this section subsection may have counsel present at the  
18 examination but the counsel shall not be allowed to examine his or her client,  
19 cross-examine other witnesses or argue before the judge. If it appears probable from  
20 the testimony given that a crime has been committed and who committed it, the  
21 complaint may be reduced to writing and signed and verified; and thereupon a  
22 warrant shall issue for the arrest of the accused. Subject to s. 971.23, if the  
23 proceeding is secret, the record of the proceeding and the testimony taken shall not  
24 be open to inspection by anyone except the district attorney unless it is used by the  
25 prosecution at the preliminary hearing or the trial of the accused and then only to

1 the extent that it is so used. A court, on the motion of a district attorney, may compel  
2 a person to testify or produce evidence under s. 972.08 (1). The person is immune  
3 from prosecution as provided in s. 972.08 (1), subject to the restrictions under s.  
4 972.085.

5 **SECTION 26.** 968.26 (2) of the statutes is created to read:

6 968.26 (2) Upon his or her own initiative or at the request of a district attorney,  
7 the attorney general may petition the chief judge of any judicial administrative  
8 district within which there is reason to investigate unlawful activity under s. 165.70  
9 for an order convening a John Doe proceeding having statewide investigative  
10 jurisdiction. If the chief judge grants the order, he or she may conduct the proceeding  
11 or assign another judge to conduct the proceeding. The attorney general shall  
12 represent the state in the proceeding. The venue of any criminal action resulting  
13 from the proceeding is prescribed in s. 971.19.

14 **SECTION 27.** 968.265 of the statutes is created to read:

15 **968.265 Order for disclosure of depositor information.** (1) In this  
16 section:

17 (a) "Depository account" means any account at a financial institution in which  
18 a person may deposit money, or a safe deposit box in which a person may deposit  
19 property.

20 (b) "Financial institution" means a bank, savings bank, savings and loan  
21 association, credit union, insurance company, trust company, ~~or~~ securities broker <sup>or</sup>

22 dealer <sup>^</sup>

23 (2) Upon the request of the attorney general or a district attorney and a  
24 showing that the information requested is relevant to a criminal investigation, a  
25 court shall issue an order requiring any financial institution to disclose to the

, a pawnbroker as defined in s. 134.71 (1)(e), a telegraph company,  
or a dealer in precious metals, stones, or jewels

1 attorney general or district attorney whether the person named in the order has a  
2 depository account with the financial institution or whether the person has had a  
3 depository account with the financial institution at a prior specified time. Any  
4 person who intentionally violates such an order may be punished under ch. 785.

5 **SECTION 28.** 968.27 (intro.) of the statutes is amended to read:

6 **968.27 Definitions.** (intro.) In ss. ~~968.28~~ 968.275 to 968.37:

7 **SECTION 29.** 968.275 of the statutes is created to read:

8 **968.275 Order for disclosure of subscriber information.** (1) Upon the  
9 request of the attorney general or a district attorney and a showing that the  
10 information requested is relevant to a criminal investigation, a court shall issue an  
11 order requiring any electronic communications service provider to disclose to the  
12 attorney general or district attorney whether the person identified in the order is or  
13 was a subscriber or customer of the service provider at a specified time and, if the  
14 person is or was a subscriber or customer, requiring the electronic communications  
15 service provider to provide the following information regarding the person:

16 (a) Name.

17 (b) Address.

18 (c) Local and long distance telephone connection records, or records of times  
19 and duration of service usage.

20 (d) Start date and length of service.

21 (e) Types of services provided.

22 (f) Telephone or instrument number or other subscriber number or identity,  
23 including any temporarily assigned network address.

24 (g) The means and sources of payment for services, including any credit card  
25 or bank account number used.

1           (2) Any person who intentionally violates an order under sub. (1) may be  
2 punished under ch. 785.

3           **SECTION 30.** 968.40 (1) of the statutes is renumbered 968.40 (1) (b).

4           **SECTION 31.** 968.40 (1) (a) of the statutes is created to read:

5           968.40 (1) (a) Upon his or her own initiative or at the request of a district  
6 attorney, the attorney general may petition the chief judge of any judicial  
7 administrative district within which there is reason to investigate unlawful activity  
8 under s. 165.70 for an order to select a grand jury list and impanel a grand jury  
9 having statewide jurisdiction. The grand jury may be selected in any county in the  
10 judicial administrative district. The chief judge may preside over the grand jury or  
11 assign another judge to preside. The attorney general shall represent the state in  
12 any proceeding under this paragraph. The venue of any indictment returned by the  
13 grand jury is as prescribed in s. 971.19.

14           **SECTION 32.** 969.08 (10) (b) of the statutes is amended to read:

15           969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),  
16 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195  
17 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,  
18 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,  
19 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
20 943.23 (1g), (1m), or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, ~~947.015~~ 947.07,  
21 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, or 948.30.

22           **SECTION 33. Initial applicability.**

23           (1) ACCESS TO LICENSE AND IDENTIFICATION CARD PHOTOGRAPHS. The treatment of  
24 section 343.237 (3) (d) of the statutes first applies to requests for copies of  
25 photographs that are made on the effective date of this subsection.

1 (2) NAME ~~C~~HANGE. The treatment of section 786.36 (4) of the statutes first  
2 applies to name changes made on the effective date of this subsection.

3 (3) COURT ORDERS FOR DISCLOSURE OF INFORMATION. The treatment of sections  
4 968.265 and 968.275 of the statutes first applies to court orders for disclosure that  
5 are made on the effective date of this subsection.

6 (4) JOHN DOE PROCEEDINGS. The renumbering and amendment of section 968.26  
7 of the statutes and the creation of section 968.26 (2) of the statutes first apply to John  
8 Does proceedings commenced on the effective date of this subsection.

9 (5) GRAND JURY PROCEEDINGS. The renumbering of section 968.40 (1) of the  
10 statutes and the creation of section 968.40 (1) (a) of the statutes first apply to grand  
11 jury proceedings commenced on the effective date of this subsection.

12

(END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4097/P2ins  
RLR:.....

1

**Insert 4-15:**

2 <sup>③</sup> 939.32 (1) ~~# 939.32~~ (1) (h) cr ✓  
(h) Whoever attempts to commit a crime under s. 947.07 (3) is subject to the  
3 penalty provided in that subsection for the completed act.

4

5

**Insert 8-19:**

6 (b) "Crop" means plants that are cultivated for the production of food, fiber, or  
7 other commercial products.

8

9

**Insert 9-3:**

10 (d) "Detonator" means a device containing an exploding charge used to initiate  
11 detonation in an explosive or a destructive device, or any device capable of initiating  
12 or setting off an explosive charge including, but not limited to, an impact device, a  
13 timing mechanism, a primer, ~~primer~~ or detonating cord, a detonating cap, detonating  
14 waves, electric blasting caps, blasting caps for use with safety fuses, a shock tube  
15 initiator, or detonating cord delay connectors.

16

(e) "Device component" means any equipment, product, or material of any kind  
17 that is used, designed for use, or primarily intended for use in constructing a  
18 destructive device or a weapon of mass destruction.

19

(f) "Explosive" means any chemical compound, other substance, or mechanical  
20 system that is intended to produce an explosion capable of causing substantial bodily  
21 harm, death, or property damage, including such a compound, substance, or system  
22 that contains oxidizing and combustible units in proportions or quantities that  
23 ignition fire, friction, concussion, percussion, or detonation may produce an

1 explosion; including, but not limited to, items on the list of explosive materials  
2 published pursuant to 18 USC 841 (d) and 27 CFR 55.23.

3 (g) "Facsimile device or substance" means a replica or imitation of an explosive,  
4 destructive device, detonator, or weapon of mass destruction, or an object that bears  
5 a reasonable resemblance to, or can reasonably be perceived to be, such an item, or  
6 an object that is represented to be such an item, but not an actual explosive,  
7 destructive device, detonator, or weapon of mass destruction.

8 (h) "Incendiary" means any material that causes or is capable of causing a fire  
9 when lit or ignited.

10

11

12 **Insert 9-19:**

13 (k) "Overpressure device" means a container filled with an explosive gas or an  
14 expanding gas or liquid that is designed or constructed to break, fracture, or rupture  
15 in a manner capable of causing substantial bodily harm, death, or property damage,  
16 including, but not limited to, a chemical reaction bomb, an acid bomb, a caustic bomb,  
17 or a dry ice bomb.

18 (L) "Poisonous gas" means a gas that through its chemical action on life  
19 processes can cause death, temporary incapacitation, or permanent harm to humans  
20 or other living organisms.

21

22 **Insert 10-4:**

23 (n) "Toxic chemical" means a chemical that through its chemical action on life  
24 processes can cause death, temporary incapacitation, or permanent harm to human  
25 or other living organisms.

1 (o) "Weapon of mass destruction" means any of the following:

2 1. A poisonous gas or toxic chemical, a precursor of a poisonous gas or toxic  
3 chemical, or a biological agent

4 2. A device that is designed or intended to release or disseminate a poisonous  
5 gas or a toxic chemical, a precursor of a poisonous gas or toxic chemical, or a biological  
6 agent.

7 3. A device that is designed or intended to release radiation or radioactivity at  
8 a level that is dangerous to human life.

9  
10  
11 **Insert 10-11:**

12 (d) Whoever manufactures, buys, sells, offers to sell, transfers, distributes,  
13 uses, or possesses a device component with intent <sup>STP</sup> ~~that~~ <sup>that</sup> the device component be used  
14 to construct or assemble a destructive device or a weapon of mass destruction is  
15 guilty of a Class C felony.

16  
17 **Insert 11-2:**

18 (b) Whoever violates par. (a) under any of the following circumstances is guilty  
19 of a Class D felony:

20 1. With intent to cause an evacuation or to prevent occupation of a site, or with  
21 reckless disregard of the risk of causing an evacuation or preventing occupation of  
22 a site is guilty of a Class D felony.

23 2. With intent to cause an interruption or impairment of governmental  
24 operations or public communication, of transportation, or a supply of water, gas, or

- 1 other public service, or with reckless disregard of the risk of causing such an
- 2 interruption or impairment.
- 3