

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0104

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 6-10

Moved by: Fitz

Seconded by: [Signature]

AB _____

SB 104

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

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:

- Passage
- Adoption
- Confirmation
- Concurrence
- Indefinite Postponement
- Introduction
- Rejection
- Tabling
- Nonconcurrency

Committee Member

Senator David Zien

Aye No Absent Not Voting

Senator Scott Fitzgerald

Senator Cathy Stepp

Senator Gary George

Senator Tim Carpenter

Totals: 5 0

H.10



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

April 10, 2003

Representative Albers and Senator Fitzgerald
Joint Review committee on Criminal Penalties
3 North
State Capitol
Madison, WI

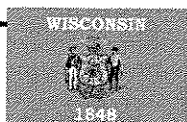
Dear Representative Albers:

Pursuant to section 13.525 (5), Wisconsin Statutes, the Co-Chairs of the Joint review committee on Criminal Penalties shall prepare and submit a report in writing setting forth an opinion under the above statute on Senate Bill 104, relating to prohibiting the use of fireworks at certain indoor venues and providing a penalty.

Sincerely,

Senator Dave Zien
Chair
Committee on Judiciary, Corrections and Privacy

cc: Senate Chief Clerk





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

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COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

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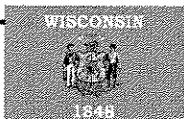
Dear Senator Fitzgerald:

Pursuant to section 13.525 (5), Wisconsin Statutes, the Co-Chairs of the Joint review committee on Criminal Penalties shall prepare and submit a report in writing setting forth an opinion under the above statute on Senate Bill 104, relating to prohibiting the use of fireworks at certain indoor venues and providing a penalty.

Sincerely,

Senator Dave Zien
Chair
Committee on Judiciary, Corrections and Privacy

cc: Senate Chief Clerk





State Senator
Neal J. Kedzie

11th Senate District

June 10, 2003

State Senator Dave Zien, Chair
Committee on Judiciary, Corrections and Privacy
15 South, State Capitol
Madison, WI

Dear Chairman Zien,

Thank you for allowing me to speak in favor of Senate Bill 104. I do appreciate your consideration of this proposal.

On February 20, 2003, a fire in West Warwick, RI nightclub erupted due to a display of pyrotechnics in a small, enclosed area of the club. That fire now ranks as one of deadliest fires in nightclubs and other social assemblies in U.S. history. It was a senseless tragedy that killed 100 young people and shattered countless families and lives. It was that tragedy that moved me to draft Senate Bill 104 in the hopes that such disasters do not occur in Wisconsin.

Senate Bill 104 strictly prohibits the use of fireworks or pyrotechnics devices in any indoor public facilities such as nightclubs, taverns, inns, conference centers, restaurants with seating capacities of 500 persons or less. In my opinion, the use of such devices in small, indoor venues is unnecessary and dangerous and serves no functional purpose.

In the Rhode Island nightclub fire, the local officials and the club owners claim they denied the use. The band, however, claims permission was granted. I believe a statewide ban on indoor pyrotechnics for venues capacities of 500 or less would be crystal clear and enforceable.

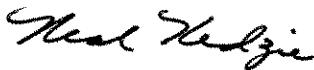
Currently, most local municipalities have a permit process for pyrotechnics displays. However, those permits can vary from city to city, creating possible confusion for bands. In addition, some smaller municipalities have no permit process in place for such displays. Under this bill, local permits would still apply for venues over 500 and local municipalities could make their permitting process stricter than the provisions under Senate Bill 104. An exemption is allowed for science education seminars that are open to the public and sponsored by a post-secondary educational institution.

An initial violation of the provisions under Senate Bill 104 is a Class B misdemeanor - a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both. A violation of the ban under circumstances that cause bodily harm is a Class A misdemeanor - a fine not to exceed 10,000 or imprisonment not to exceed 9 months, or both. And a violation of this ban under circumstances that cause death is a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

The Class A and Class B misdemeanors are consistent with the penalties found under chapter 167 of the state statutes (Safeguards of Persons and Property) and negligent handling of burning material. The Class H felony is consistent with criminal negligence statutes relating to burning material and threats to human life.

Again, thank you for your review and consideration of Senate Bill 104.

Sincerely,



Neal Kedzie
State Senator
11th Senate District

NJK: dj

Cc: Senate Committee on Judiciary, Corrections and Privacy members