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Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Education (SC-Ed)

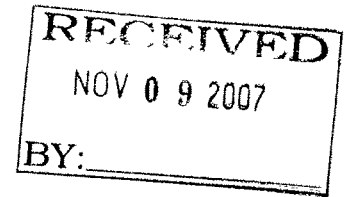
COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution)
 - (**ajr** = Assembly Joint Resolution)
 - (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

MR



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

November 6, 2007

Senator John Lehman, Chair
Senate Committee on Education
State Capitol, Room 310 South
Madison, WI 53707

Dear Senator Lehman,

We are writing to request that the Senate Committee on Education holds a public hearing and executive session on Assembly Bill 282, which was recently referred to your committee.

After the tragic events in our legislative districts at Weston last year, nearby school districts asked how they could best prevent violence in our schools. AB 282 is the result of the Reedsburg Police and School District coming together to identify one area where we can improve. Currently, state statutes prohibit acts of violence against school district personnel who are acting in their official capacity. This bill gives law enforcement a tool that otherwise is not readily available to them to address a precursor to violence – true and serious threats made against educators.

AB 282 prohibits a person from making a serious threat to harm a school district employee under the following conditions:

1. the person knows the victim is a school district or technical college district employee,
2. the victim is acting in their official capacity at the time of the threat, and
3. there is no consent given by the person threatened.

This bill is modeled after similar statutes that prohibit threats against judges and other government employees, but does not extend to family members of the educator.

Assembly Amendment 2, which was adopted unanimously, codifies case law as to the definition of a “true” or “serious” “threat.” – meaning the expression must be intended to do harm, which may be communicated orally, in writing, or by some act or conduct. Under case law, a court would consider totality of the circumstances, and whether a reasonable person making the threat would foresee that a reasonable person would interpret the threat as a serious expression to do harm.

Representative Molepske argued in the Assembly that the felony penalty should be reduced to a misdemeanor; however, a student charged with only a misdemeanor could not be detained by

county law enforcement. Under a felony charge, law enforcement would, under county policies, send a student to a juvenile holding facility for assessment. Absent a felony charge, a minor would not be detained, at least not in Sauk, Richland or Juneau counties, or any of the other counties which rely on juvenile facilities elsewhere for detention. Sauk and Juneau rely on the facility in La Crosse, and two deputies are assigned to take the youth there.

Under only a misdemeanor charge, a minor would be questioned and released, as long as they have parents/guardian willing to accept them back into the home. Under current law, a youth in need of mental health assessment or services is not getting access to the system that is intended to meet those needs.

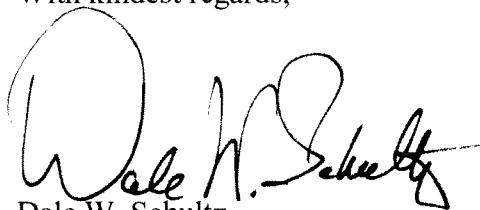
Furthermore, local law enforcement believes that their jobs are compromised when other students are unwilling to come forward to report a threat if the result is only a misdemeanor charge with no apprehension of the student who conveyed the threat. It should also be noted that an initial felony charge does not mean that the student would be convicted of the charge.

Law enforcement believes that this is one of those times when they should be intervening in a situation to prevent it from escalating – troubled youth can be like a time bomb waiting to go off.

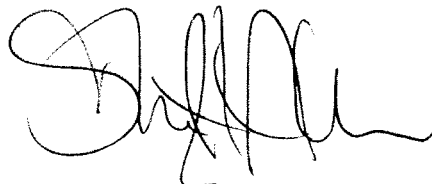
The change we propose sends the message to teachers and other school personnel that their safety is a priority. As you may know, WEAC, WASB and other school groups support this change, which doesn't mean all youth will be charged or held – it just means that might be and some lives will be protected including that of the youth needing help.

Thank you for your consideration of this request. Please contact us at any time if you wish to discuss any aspect of this bill further.

With kindest regards,



Dale W. Schultz
State Senator
17th Senate District



Sheryl K. Albers
State Representative
50th Assembly District

cc: Bob Burke, Director of Governmental Relations, WEAC





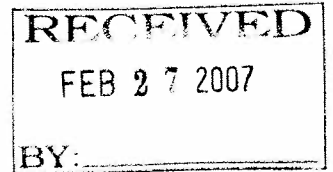
CITY OF
REEDSBURG
POLICE DEPARTMENT

TIMOTHY M. BECKER
CHIEF OF POLICE

200 SOUTH PARK STREET • REEDSBURG, WI 53959
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February 20, 2008

Senator John Lehman, Chair
Senate Committee on Education
State Capitol, Room 310 South
Madison, WI 53707



Dear Senator Lehman,

I thank you for considering Assembly Bill 282 and I request that the Senate Committee on Education hold a public hearing and executive session on this important legislation.

I believe that State law currently falls short in protecting the employees of our educational system. Although I agree that violent acts against school employees are rightfully prohibited, what is being overlooked is the common thread that nearly every school-related act of violence there is a prior threat.

AB 282 provides remedy to those situations that most affect school employees and the educational setting as a whole. Many resources are being pooled in an effort to predict acts of violence and to do so we rely heavily on other students and faculty. Imagine how difficult it can be to convince a student to disclose to an adult that another student is making threats to commit violence, when there is no reliable consequence for making those threats. There needs to exist a perception of how serious these threats really are. Sending a child home to their parents is not a viable deterrent for children. Perhaps spending a night away from home in a detention facility can convey the seriousness of these acts.

There has been some concern that this bill, as a felony charge, may be too severe. I doubt if you would speak to educators who have been threatened, that they would feel the same way, or if you would speak to staff members who have had to disrupt the learning environment due to threats. There are several strategies used by law enforcement to gain voluntary compliance to laws. In an effort to discourage threats the initial charge must be severe. This does not mean that this charge would result in a felony conviction; more often than not these charges will only be used to insure compliance with counseling or treatment.

Violence and the threat of violence so disrupts the school setting that it makes it nearly impossible to teach or learn. We owe it to our students and teachers to provide an atmosphere where learning can be achieved without fear of violence. This bill will provide law enforcement useful tools in combating serious threats while helping us hold up our end of the social contract to provide safety.

Thank you in advance for considering this request. Please do not hesitate to contact me if you have any questions regarding this request.

Respectfully,

Timothy M. Becker
Chief of Police

Reedsburg Police Department
200 South Park Street
Reedsburg, WI 53959