

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing: **Andy Gill**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - crimes agnst kids
Criminal Law - guns and weapons
Education - miscellaneous**

Addl. Drafters: **pgrant**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1	chanaman 12/07/2011	kfollett 12/07/2011	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		
/2	pgrant 12/12/2011	kfollett 12/13/2011	rschluet 12/08/2011	_____	sbasford 12/08/2011		
/3	pgrant	kfollett	rschluet	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/15/2011	12/15/2011	12/13/2011	_____	12/13/2011		
/4			jfrantze	_____	ggodwin	mbarman	
			12/15/2011	_____	12/15/2011	12/20/2011	

FE Sent For:

None

<END>

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: **chanaman**

Wanted: As time permits

Companion to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing: **Andy Gill**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - crimes agnst kids**
Criminal Law - guns and weapons
Education - miscellaneous

Addl. Drafters: **pgrant**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1	chanaman 12/07/2011	kfollett 12/07/2011	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		
/2	pgrant 12/12/2011	kfollett 12/13/2011	rschluet 12/08/2011	_____	sbasford 12/08/2011		
/3	pgrant	kfollett	rschluet	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/15/2011	12/15/2011	12/13/2011	_____	12/13/2011		
/4			jfrantze	_____	ggodwin		
			12/15/2011	_____	12/15/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing: **Andy Gill**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - crimes agnst kids
Criminal Law - guns and weapons
Education - miscellaneous**

Addl. Drafters: **pgrant**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1	chanaman 12/07/2011	kfollett 12/07/2011	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		
/2	pgrant 12/12/2011	kfollett 12/13/2011	rschluet 12/08/2011	_____	sbasford 12/08/2011		
/3	pgrant	lrb_editor	rschluet	_____	sbasford		

1415
12/15
12/15
To
Zmp 12/15

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/15/2011		12/13/2011	_____	12/13/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Fred Clark (608) 266-7746

By/Representing: Andy Gill

May Contact:

Drafter: chanaman

Subject: Criminal Law - crimes agnst kids
Criminal Law - guns and weapons

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Clark@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1	chanaman 12/07/2011	kfollett 12/07/2011	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		
/2	pgrant 12/12/2011	kfollett 12/13/2011	rschluet 12/08/2011	_____	sbasford 12/08/2011		
/3			rschluet 12/13/2011	_____	sbasford 12/13/2011		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Fred Clark (608) 266-7746

By/Representing: Andy Gill

May Contact:

Drafter: chanaman

Subject: Criminal Law - crimes agnst kids
Criminal Law - guns and weapons

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Clark@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1	chanaman 12/07/2011	kfollett 12/07/2011	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		
/2		13/jf 12/13	rshluet 12/08/2011	_____	sbasford 12/08/2011		

FE Sent For:

Handwritten notes:
12/13
rshluet
12/08/2011
12/13

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing: **Andy Gill**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - crimes agnst kids
Criminal Law - guns and weapons**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/22/2011	kfollett 11/30/2011		_____			
/1		12/9/11 12/17	jfrantze 11/30/2011	_____	ggodwin 11/30/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 11/22/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Fred Clark (608) 266-7746

By/Representing: Andy Gill

May Contact:

Drafter: chanaman

Subject: Criminal Law - crimes agnst kids
Criminal Law - guns and weapons

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Clark@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Adding kindergarten to the definition of school for guns and schools law

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman	11/27 11/30	JG	11/30			

FE Sent For:

<END>

Hanaman, Cathlene

From: Gill, Andy
Sent: Friday, November 18, 2011 1:45 PM
To: Hanaman, Cathlene
Subject: FW: Gun-Free School Zone Law

Hi Cathlene-

Below you'll see a brief discussion Fred had with a school district administrator in our district. After talking with Larry Konopacki at Leg Council we've decided to ask for a bill draft that would change the definition of 'school' in S 948.61(1)(b). In order to encompass stand-alone kindergartens under the concealed carry law, they would have to be explicitly defined in this definition.

We'd like to word it to include the traditional 5 year-old, full time kindergarten. For the time being we are going to stay away from including 4 year kindergarten because they so often contract with community daycares.

Thanks in advance, have a good weekend.

Andy Gill
Research Assistant
Office of Rep. Fred Clark
608-266-7746

-----Original Message-----

From: Clark, Fred
Sent: Friday, November 18, 2011 10:26 AM
To: Crystal Ritzenthaler
Cc: Gill, Andy
Subject: RE: Gun-Free School Zone Law

Thanks for this message Crystal - this is very alarming if accurate. I will get looking into that question asap and we will follow up with you.

Fred

Fred Clark
42nd Assembly District Representative
Room 9 North
State Capitol
P.O. Box 8952
Madison, WI 53708
Rep.clark@legis.wisconsin.gov
(608) 266-7746

-----Original Message-----

From: Crystal Ritzenthaler [mailto:critzenthaler@barabooschools.net]
Sent: Thu 11/17/2011 6:34 PM
To: Clark, Fred
Subject: Gun-Free School Zone Law

Fred,

Tonight we were reviewing our Firearms and Other Weapons Board Policy. Our attorney advised us that school is defined as a school with grades between grades 1 and 12. How can the statute ignore schools that house only kindergarten programs for five year olds, such as our West School? This needs to be updated to reflect the new mandatory school attendance for kindergarten students.

Crystal Ritzenthaler, Ed. D.
District Administrator
Baraboo School District
101 Second Avenue
Baraboo, WI 53913
(608) 355-3950, Ext. 1010



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3529/1
CMH:...

WED per request

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: adding kindergarten to definition of school for the
2 purposes of the gun-free school zone law and the prohibition against weapons
3 on school premises.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition so that it includes a five-year-old kindergarten.

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

4 SECTION 1. 948.61 (1) (b) of the statutes is amended to read:

1 948.61 (1) (b) "School" means a public school, parochial or private school, or
2 tribal school, as defined in s. 115.001 (15m), which provides an educational program
3 for one or more grades between grades ~~1~~ 5-year-old kindergarten and 12 and which
4 is commonly known as ~~an~~ a 5-year-old kindergarten, elementary school, middle
5 school, junior high school, senior high school, or high school.

6 **History:** 1987 a. 332; 1991 a. 17; 1993 a. 336; 1995 a. 27, 77; 2001 a. 109; 2005 a. 290; 2007 a. 27; 2009 a. 302.

(END)

Hanaman, Cathlene

From: Gill, Andy
Sent: Wednesday, December 07, 2011 2:35 PM
To: Hanaman, Cathlene
Subject: LRB 3529 changes

Hi Cathlene-

We would like to change some language in LRB 3529/1 (including kindergarten to definition of school relating to gun-free school zone laws). We have decided to remove 5-year-old kindergarten and simply have it say kindergarten to grade 12.

Thanks in advance, let me know if you have any questions.

Andy Gill

Research Assistant
Office of Rep. Fred Clark
608-266-7746



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3529/f 2
CMH:kjf:jf

Thus please

2011 BILL

1 **AN ACT to amend** 948.61 (1) (b) of the statutes; **relating to:** adding kindergarten
2 to definition of school for the purposes of the gun-free school zone law and the
3 prohibition against weapons on school premises.

Analysis by the Legislative Reference Bureau

X Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition so that it includes a five-year-old kindergarten. 97

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

4 **SECTION 1.** 948.61 (1) (b) of the statutes is amended to read: ✓



2011 BILL

1 **AN ACT to amend** 948.61 (1) (b) of the statutes; **relating to:** adding kindergarten
2 to definition of school for the purposes of the gun-free school zone law and the
3 prohibition against weapons on school premises.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition so that it includes kindergarten.

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

4 **SECTION 1.** 948.61 (1) (b) of the statutes is amended to read:

Grant, Peter

From: Gill, Andy
Sent: Monday, December 12, 2011 2:40 PM
To: Grant, Peter
Subject: RE: Gun-free school zone bill draft question

Let's move forward with changing the 'school' definition as you suggested and deleting the change on page 2, line 4. Can you take care of that or should we work through Cathlene Hanaman again?

Thanks for pointing out the other statutes that use this definition, we will be looking into making the same changes pertaining to those statutes.

Andy Gill

Research Assistant
Office of Rep. Fred Clark
608-266-7746

From: Grant, Peter
Sent: Monday, December 12, 2011 11:32 AM
To: Gill, Andy
Subject: RE: Gun-free school zone bill draft question

Thanks, Andy.

How about something like this: "School" includes a separately housed prekindergarten, 4-year-old kindergarten, or 5-year-old kindergarten program unless the program is integrated with a child care [or day care] facility.

In conjunction with this addition to the definition of "school," I would delete the change on page 2, line 4 of the bill.

You also might want to take a look at ss. 118.257 (1) (d) [dealing with liability for referral to police], 125.09 (2) (a) 2. [prohibiting the possession of alcohol beverages on school grounds], and 939.632 (1) (a) [relating to violent crime in s school zone]. These all use the definition of "school" that's used in s. 948.61 (1) (b). If you modify the definition in s. 948.61, do you want to make the same change in these other definitions? The one you might want to seriously consider is the definition in 939.632 (1) (a), regarding violent crime in a school zone.

I hope this is helpful. Write or call if you have any questions.

Peter
7-3362

From: Gill, Andy
Sent: Monday, December 12, 2011 10:19 AM
To: Grant, Peter
Subject: RE: Gun-free school zone bill draft question

It was brought to our attention that there are a number of separately housed 4 and 5 year-old kindergartens in the state and current law (948.61(1)(b)) regarding gun-free school zones defines a school as only being from grades 1 to 12. This was leaving stand-alone kindergartens exempt from the law. We are running into some issues because a lot of 4 year old kindergartens contract with daycare facilities, which we don't want to address in this bill. Leg Council responded that they think the draft would need to specify prekindergarten, 4-year-old kindergarten and 5-year-old kindergarten operated in a building owned by a school district. Our intention is to have this bill cover all public, parochial or private, and tribal school at pre-k, 4K, and 5K levels. It was suggested that we could use language from 115.01(2) to clarify this.

Hope this helps, let me know if you have any questions.

Andy Gill

Research Assistant
Office of Rep. Fred Clark
608-266-7746

From: Grant, Peter
Sent: Monday, December 12, 2011 9:53 AM
To: Gill, Andy
Subject: RE: Gun-free school zone bill draft question

Sure. Could you give me an idea of what the problem is, or what you're trying to accomplish?

From: Gill, Andy
Sent: Monday, December 12, 2011 9:51 AM
To: Grant, Peter
Subject: Gun-free school zone bill draft question

Hi Peter-

I've attached a bill draft that I'd like to get some assistance with. We are having some trouble with defining a 'school' in a gun-free zone bill and it was suggested that you could help fix that problem. Are you available today for a brief discussion?

<< File: 5K Gun Free Zone Part 2 - 11-35292.pdf >>

Andy Gill
Research Assistant
Office of Rep. Fred Clark
608-266-7746



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3529/2
CMH:kjf:rs

3

True if possible

2011 BILL

[Handwritten signature]

a prekindergarten, kindergarten, or 4 year-old or 5 year-old five

Reger

1 AN ACT to amend 948.61 (1) (b) of the statutes; relating to: adding kindergarten
2 to definition of school for the purposes of the gun-free school zone law and the
3 prohibition against weapons on school premises.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition so that it includes kindergarten.

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

4 SECTION 1. 948.61 (1) (b) of the statutes is amended to read:

program unless the program is integrated with a child care center

BILL

1 948.61 (1) (b) "School" means a public school, parochial or private school, or
 2 tribal school, as defined in s. 115.001 (15m), which provides an educational program
 3 for one or more grades between grades 1 kindergarten and 12 and which is commonly
 4 known as ^{no strike} ~~an~~ ^{plain} a kindergarten, elementary school, middle school, junior high school,
 5 senior high school, or high school.

(END)

"School" includes a separately housed
 prekindergarten, 4-year-old kindergarten,
 or 5-year-old kindergarten program
 unless the program is integrated with a
 child care center.



State of Wisconsin
2011 - 2012 LEGISLATURE

TSDAE



LRB-3529/3
CMH/kjf/rs

APG

2011 BILL

Regen

1 AN ACT *to amend* 948.61 (1) (b) of the statutes; **relating to:** adding kindergarten
2 to definition of school for the purposes of the gun-free school zone law and the
3 prohibition against weapons on school premises.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition, so that it includes a prekindergarten, four-year-old kindergarten, or five-year-old kindergarten program ~~unless the program is integrated with a child care center.~~

of school

and specifies that it must be

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

a facility dedicated to educational programming

Barman, Mike

From: Gill, Andy
Sent: Tuesday, December 20, 2011 9:53 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3529/4 Topic: Adding kindergarten to the definition of school for guns and schools law

Please Jacket LRB 11-3529/4 for the ASSEMBLY.