



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Assembly Bill 603**

**Assembly Amendment 1**

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*Current law* prohibits a person from carrying or displaying a facsimile firearm in a way that would alarm, intimidate, threaten, or terrify another person. The penalty for this offense is a forfeiture not to exceed \$500. A facsimile firearm is any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm.

Also under current law, a person who commits a crime while possessing, using, or threatening to use a dangerous weapon or an article used or fashioned in a manner that the victim believes is a dangerous weapon is subject to a penalty enhancer for the underlying crime.

*Assembly Bill 603* increases the penalty for carrying or displaying a facsimile firearm in a way that would alarm, intimidate, threaten, or terrify another person to a Class A misdemeanor.

The bill also provides that a person who commits a crime while possessing, using, or threatening to use a facsimile firearm is subject to the penalty enhancer that applies to a person who commits a crime while possessing, using, or threatening to use a dangerous weapon.

*Assembly Amendment 1* applies the penalty enhancer only to circumstances under which a person commits a crime while using or threatening to use a facsimile firearm. Therefore, a person who commits a crime while possessing a facsimile firearm is not subject to an increased penalty under the amendment.

### *Legislative History*

Representative Kleefisch offered Assembly Amendment 1. On February 27, the Assembly Committee on Criminal Justice unanimously recommended adoption of the amendment and unanimously recommended passage of the bill, as amended.

AS:wu