



STATE REPRESENTATIVE
STEVE DOYLE

WISCONSIN STATE ASSEMBLY

94TH DISTRICT

Assembly Committee on Criminal Justice and Public Safety
Public Hearing on AB 111
April 20, 2017

Good morning Chairman Spiros, and members of the Assembly Committee on Criminal Justice and Public Safety. Thank you for holding a hearing and giving me the chance to talk to you today on Assembly Bill 111. This bill was drafted at the request of a local sheriff and district attorney to close a current loophole in the law that makes it difficult to charge a person who makes a threat to use a firearm to injure or kill people in a school zone.

In the case I referenced, an individual threatened to “bring a gun to school and kill you all.” Without the specific threat to hurt a named individual, a local district attorney found himself unable to charge the person with anything more than a misdemeanor. In contrast, Wisconsin’s bomb scare laws allow DAs to charge individuals with a felony for making a bomb threat or a threat to release chemical, biological or radioactive substances. This bill models our gun threat laws on the successful bomb scare laws by making it a Class I felony to knowingly make a false threat to use a firearm to harm or kill another person in a school zone.

In the time since this bill was introduced last session, I have heard stories from school districts around the state who have faced similar situations. And as you can see, this bill has earned support from the Association of Wisconsin School Administrators, the Wisconsin Association of School Business Officials, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Personnel Administrators, and the Wisconsin Council for Administrators of Special Services.

Last Session, the Assembly version of this bill passed the full Assembly on a voice vote, and the Senate version passed the Senate Committee on Judiciary and Public Safety on a 5-0 vote, but never got to the full Senate for a vote.

Again, thank you for taking the time to hold a hearing on this bill. I would be happy to answer any questions you may have.



SENATOR JANET BEWLEY
WISCONSIN STATE SENATE

Assembly Committee on Criminal Justice and Public Safety
Public Hearing on Assembly Bill 111
April 20, 2016

Good morning Chairman Spiros and committee members. Thank you for this opportunity to testify in support of Assembly Bill 111. I am proud to be working with Rep. Doyle on this bill and I appreciate the unanimous support this bill received from this committee and the full Assembly last year. I'm hopeful we can get this through both houses this session.

AB 111 is the result of a request from local law enforcement and prosecutors to close a loophole that makes it difficult to charge a person who makes a general threat to use a firearm to injure or kill people at a school or school event.

Unfortunately, state law currently does not address instances when a person makes a threat to bring a gun to school and shoot un-named people. The bill would bring this penalty into line with our current bomb scare prohibition and make it a Class I felony to knowingly make a false threat to use a firearm to injure or kill another person in a school zone.

Under current law it is difficult to charge anything more than a misdemeanor without a specific threat to hurt a named individual. As a result, a defendant can avoid the threat of a meaningful penalty, which strips both law enforcement and school officials of the tools they need to address the situation. The law regarding bomb scares has been effective as both a deterrent and a way to convince offenders to recognize and address the seriousness of threats that often close schools and create real dangers for students and staff.

This bill is strongly supported by law enforcement and school officials, including Officer Nathan Emmons from the City of Barron who came down to testify this morning about the need for this bill and a situation that occurred at the high school in our community.

Assembly Bill 111 was drafted to include an amendment adopted by this committee last session that replaces "school zone" with a more limited definition. Instead of encompassing property within 1000 feet of a school, the amended version would apply to threats to shoot people on property owned or leased by a school or school district, on transportation provided by a school or school district, or at a school sanctioned event.

In addition, members of the Senate Committee have expressed interest in amending the bill to include threats made with any deadly or dangerous weapon. We are certainly open to that change and look forward to working with this committee and the rest of our colleagues to close this loophole and give law enforcement the tools they need to effectively address, and hopefully prevent, these threats.

Thank you for your time and consideration and for your committee's dedication to law enforcement and public safety.



25th Senate District

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Mike Freeman
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Testimony at Assembly Public Hearing Committee on Criminal Justice and Public Safety Thursday, April 20, 2017

Good morning Chairman John Spiros and Committee Members. I appreciate the opportunity to speak with you this morning reference Assembly Bill 111. I want to thank Senator Bewley and those who have helped in getting this bill before you today.

My name is Nathan Emmons and I work for the City of Barron Police Department in Barron, Wisconsin. I am our departments Investigator and K9 Officer.

Last year I worked with Senator Bewley in presenting a similar bill before the Senate and the Assembly. That bill gained support but fell just short of getting to the floor for a final vote. I am trusting that Assembly Bill 111 will make it to the floor and be approved during this session. I am passionate about this Bill getting approved and that's why I am again before you.

The reason that I approached Senator Bewley, who is the Senator for our community, was the result of a threat that was made at our local high school. A 17 year old male student wrote on the wall in one of the men's bathrooms, "I'm going to bring a gun to school and kill you all." A search of the student's computer showed that on the same day he wrote the threat he did several internet searches on how to kill people. Several other schools in our state have had similar threats.

These threats continue to happen in our state and across our country. This week on Fox News web site they had stories about two separate threats of gun violence at schools. Fortunately these threats were determined to be not credible in that the person who made the threat didn't plan on following through on it. Just because a threat turns out not to be a credible threat doesn't mean it doesn't have a negative impact on a community.

Most of these threats are made because students want the day off because there is something going on at school that they want to avoid. Others do it because they get mad at a teacher, principle or other students. I see a growing trend of what I call disruptive behaviors even down to the elementary level.

These threats cost the tax payers of Wisconsin thousands of dollars. Our incident cost the district an estimated \$25,000. Our department had over 100 man hours into solving the case.

The real cost is that students no longer feel school is a safe place to be. Parents become fearful and keep students home from school. From our incident alone I estimate that over 1,950 hours of instruction were lost.

Currently Wisconsin State Statute 947.015 only deals with making a bomb threats and Wisconsin State Statute 947.017 only deals with the threat to release chemical, biological, or radioactive substances.

I realize that passing this bill will not end all the threats. The purpose of this bill is not to create more felons; just as the law regarding bomb threats has not created more felons. I do believe it can serve as a deterrent as people think about the consequences they could face by making such threats. This will require educating our students of the consequences of making such threats. I believe threats to bring a gun to school and harm people are more likely to happen over bomb threats and as such needs at least the same legal consequences as bomb threats.

Many of today's young people believe there is little to no negative consequence for what they do. The student who wrote the threat in our high school went on to commit several other crimes in our community after being expelled from school. Since he was only being charged with a disorderly conduct he never went before a judge, there was no intervention recommended and his parents paid the fine. Perhaps had this bill been in place he would have received the necessary intervention that could have impacted his future choices for the better.

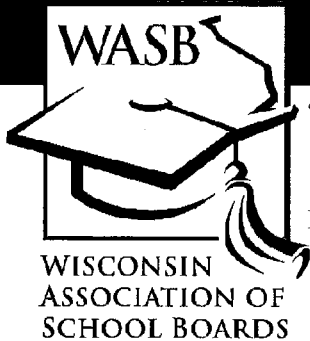
Today, I ask that you send a strong message to the young people of Wisconsin that we take threats of any kind to their safety seriously and that we will do all that we can to protect them and make our schools a safe zone by seeing that this bill is passed.

Thank you for your time this morning.

Sincerely,

A handwritten signature in black ink that reads "Nathan Emmons". The signature is written in a cursive style with a large initial 'N'.

Nathan Emmons
Investigator/K9 Officer



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

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TO: Members, Assembly Committee on Criminal Justice and Public Safety
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: April 20, 2017
RE: SUPPORT for Assembly Bill 111, relating to threats to use a firearm on school property to injure or kill a person and providing a criminal penalty.

Mr. Chairman, members of the committee, my name is Dan Rossmiller. I am the Government Relations Director for the Wisconsin Association of School Boards (WASB). I am here on behalf of the 422 locally elected school boards in our state. Thank you for the opportunity to testify in support of Assembly Bill 111.

Assembly Bill 111 creates a felony crime for intentionally conveying any threat or false information concerning an attempt to use a firearm to injure or kill a person on school property, on transportation provided by a school, or at an event sanctioned by a school. A person who is convicted of the crime established by Assembly Bill 111 is guilty of a Class I felony, which is punishable by a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

Assembly Bill 111 is a redraft of a bill that was introduced last session as 2015 Assembly Bill 273 at the request of the Barron County Sheriff's Department and the Barron Police Department. That bill passed the Assembly on a voice vote but did not receive a floor vote in the Senate. The WASB supported AB 273 last session. Ensuring student safety is of paramount concern to school board members. Threats to use firearms on school property to cause injury or death are disruptive and result in the school being evacuated and the community becoming unsettled.

Under current law, Wisconsin has felony criminal statutes specifically addressing bomb threats or threats to release chemical or biological agents but no statute specifically addressing threats to bring a gun to school and shoot unnamed persons.

Testimony offered last session in support of AB 273 and its Senate companion bill indicated that it is difficult to prosecute these gun threat cases under current statutes as anything more than a misdemeanor offense such as disorderly conduct. This bill would create new offense with a penalty (a Class I felony) identical to the penalty for creating a bomb scare or making a threat to release chemical, biological, or radioactive substances.

We are aware that during the 2015-16 school year, firearm threat incidents that would be covered by this bill were reported in the Menomonie, Eau Claire and Oconomowoc school districts.

In our view Assembly Bill 111 would provide prosecutors with an additional tool that is straightforward. Under Assembly Bill 111, a prosecutor would have to prove only that the actor intentionally conveyed any threat or false information concerning an attempt to use a firearm to injure or kill a person on school property, on transportation provided by a school, or at an event sanctioned by a school.

We encourage your support for Assembly Bill 111.