



## SENATOR JANET BEWLEY

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### WISCONSIN STATE SENATE

#### **Senate Committee on Judiciary and Public Safety Public Hearing on Senate Bill 82 March 22, 2016**

Good morning Chairman Wanggaard and committee members. Thank you for this opportunity to testify in support of Senate Bill 82. I am proud to be working with Rep. Doyle on this bill and I appreciate the unanimous support this bill received from members of this committee last session and thank you for this opportunity to discuss the bill today

This bill 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 make this penalty uniform 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.

Without a specific threat to hurt a named individual, it becomes difficult to charge anything more than a misdemeanor. As a result, a defendant can avoid the threat of a meaningful penalty, thereby stripping 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 the behavior.

This bill is strongly supported by law enforcement and school officials, including the law enforcement officials in Barron County who requested the bill to address a situation that occurred at the high school in our community. I know several of you heard from Officer Nathan Emmons of the Barron Police Department about the circumstances that led to the drafting of this bill last year. I have also distributed copies of testimony Officer Emmons submitted last year. While he was not able to make the trip down today I know he would welcome the chance to discuss this bill with any of you ahead of a potential committee vote.

Senate Bill 82 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.

Rep. Doyle and I would be happy to answer any questions you have. Thank you for your time and consideration and for your committee's dedication to addressing issues important to law enforcement and public safety.



#### **25th Senate District**

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**Testimony at Senate Public Hearing**  
**Committee on Judiciary and Public Safety**  
**Thursday, January 7, 2016**  
**Senate Bill 197**

Good morning Chairman Wanggaard and Committee Members. I appreciate the opportunity to speak with you today regarding Senate Bill 197. I want to thank Senator Janet Bewley for drafting the bill and those who have sponsored the bill.

My name is Nathan Emmons and I work for the City of Barron Police Department in Barron, Wisconsin. I am our department's Investigator and K9 Officer. Today I'm joined by my Chief, Byron Miller. Prior to my career in Law Enforcement I was a pastor for over 30 years.

Senate Bill 197 has its roots in an incident that occurred on October 22, 2014 at the Barron High School. At approximately 4:00 PM that afternoon I received a phone call from the High School Principle Kirk Haugestuen. Principle Haugestuen stated that a threat had been found written in a men's bathroom at the High School. Upon arrival at the High School Principle Haugestuen showed me the threat. The threat read, "I'm Going to bring a gun to school and kill you all."

The threat was written by a 17 year old male student who was mad because the principle had gotten after him for goofing around and not doing his school work. Just prior to writing the threat that student did a google search on his school issued computer on "how to kill people you like."

Just recently the Menomonie, Eau Claire, and Oconomowoc schools have had gun threats.

These threats cost the tax payers of Wisconsin thousands of dollars. Our high school population is about 390 students and the one day school canceled on account of the threat cost our school district an estimated \$25,000. Our department had over 120 hours involved with this one case. Each threat must be taken seriously and dealt with immediately to ensure the safety of our students no matter how much it may cost.

But the real cost of these threats can not be measured monetarily. The real cost is the since that school is no longer a safe place to be. Our young people become fearful of going to school. Parents are afraid and keep their children home from school. I have friends whose kids go to the Menomonie Schools. They kept their kids home Monday and Tuesday and school was canceled on Wednesday. For our high school to be closed for one day means our students lose approximately 1,950 hours of instruction based on 5 hours of classroom time and 390 students.

When I took our case to the Barron County District Attorney's Office I was told that the only thing we could charge the student with was Disorderly Conduct, which is basically of small fine. Wisconsin State Statute 947.015 only deals with Bomb Threats and Wisconsin State Statute 947.017 only deals with the Threat to release chemical, biological, or radioactive substances.

Thus began my journey to where I am today, speaking to you on behalf of Senate Bill 197. I have called Senators and Representatives. I have written many letters. I have called or emailed Senator Bewley's office

several times so that this bill doesn't die along the way. I am passionate about protecting the young people of Wisconsin and ask that you join me in that passion by supporting this bill.

I realize that passing this bill will not end all the threats. But I believe it will discourage many as people think about the consequences they could face by 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 consequences as bomb threats. Many of today's young people believe there is little to no negative consequence to what they do.

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. I would be happy to answer any questions you may have.



Senate Committee on Judiciary and Public Safety  
Public Hearing on SB 82  
March 22, 2017

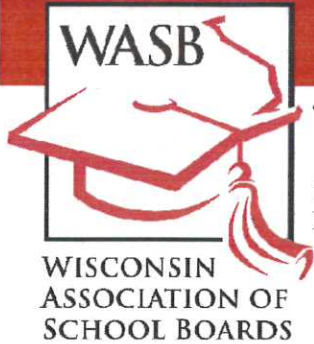
Good morning Chairman Wanggaard, and members of the Senate Committee on Judiciary and Public Safety. Thank you for holding a hearing and giving me the chance to talk to you today on Senate Bill 82. This bill was drafted at the request of a local sheriff and district attorney to close a current loophole 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.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

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TO: Members, Senate Committee on Judiciary and Public Safety  
FROM: Dan Rossmiller, WASB Government Relations Director  
DATE: March 22, 2017  
RE: SUPPORT for Senate Bill 82, 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 Senate Bill 82.

Senate Bill 82 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 Senate Bill 82 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.

Senate Bill 82 is a redraft of a bill that was introduced last session as 2015 Senate Bill 197 at the request of the Barron County Sheriff's Department and the Barron Police. The WASB supported SB 197 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 SB 197 indicated 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 Senate Bill 82 would provide prosecutors with an additional tool that is straightforward. Under Senate Bill 82, 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 Senate Bill 82.