



State of Wisconsin  
2001 - 2002 LEGISLATURE

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## 2001 SENATE BILL 363

January 8, 2002 - Introduced by Senators BAUMGART, DARLING and ROESSLER, cosponsored by Representatives KAUFERT, FREESE, HAHN, HINES, JESKEWITZ, LADWIG, M. LEHMAN, LIPPERT, D. MEYER, MUSSER, OLSEN, OTT, OWENS, PETROWSKI, RYBA, URBAN and VRAKAS. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1     **AN ACT** *to repeal* 343.237 (3) (d), 940.20 (2m) (a) 2., 940.20 (4), 940.20 (5),  
2           940.203, 940.205, 940.207, 941.31, 943.013, 943.015, 947.012 (1) (a), 947.0125  
3           (2) (a), 947.0125 (2) (b) and 947.015; *to renumber* 947.02, 947.04, 947.06 and  
4           968.40 (1); *to renumber and amend* 440.475 (1), 939.648 (2) (c), 940.41,  
5           940.42, 940.43, 940.44, 940.45, 940.46, 940.47, 940.48, 940.49, 946.64, 968.26  
6           and 968.30 (5); *to consolidate, renumber and amend* 940.20 (2m) (a) (intro.)  
7           and 1.; *to amend* 48.685 (5) (bm) 4., 59.54 (6), 115.31 (2g), 118.19 (4) (a), 165.55  
8           (3), 165.70 (1) (b), 301.048 (2) (bm) 1. a., 786.36 (4), 895.01 (1) (g), 895.035 (4a)  
9           (a) 2., 938.396 (2) (j), 938.78 (3), 939.22 (21) (k), 939.22 (21) (L), 939.31, 939.32  
10          (1) (c), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 939.648 (2) (intro.), (a) and (b) (intro.),  
11          939.648 (3) and (4), 940.20 (2), 940.20 (2m) (title), 940.20 (2m) (b), 940.20 (6) (b)  
12          (intro.), 940.201 (1) (b), 941.26 (1) (a), 941.26 (2) (a), 941.26 (3), 941.27 (2),  
13          941.38 (1) (b) 11., 941.38 (1) (b) 12., 943.011 (1) (b), 943.017 (2m) (a) 2., 943.05,  
14          943.201 (1) (a), 946.82 (4), 968.27 (intro.), 968.28, 968.30 (1) (intro.), 968.30 (4)

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1 (intro.), 968.30 (7) (d) (intro.), 968.31 (3), 969.02 (4m), 969.03 (2m), 969.08 (10)  
2 (b), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; **to repeal and recreate** 968.31  
3 (2m) (intro.); and **to create** 165.25 (2m), 440.475 (1) (b), 440.475 (1) (c), 939.22  
4 (21) (Lo), 939.32 (1) (f) and (g), 939.32 (1) (h), 939.648 (2) (c) 3., 940.204, 941.375,  
5 941.38 (1) (b) 12o., 943.0135, 943.20 (3) (e), 946.605 (1c), 946.605 (1e), 946.64  
6 (2), 946.64 (3), 946.78, 946.79, 947.03, 947.05, 947.07, 947.08, 968.26 (2),  
7 968.265, 968.27 (14m), 968.275, 968.30 (6m), 968.30 (11), 968.31 (2) (am),  
8 968.31 (2g), 968.40 (1) (a) and 971.367 of the statutes; **relating to:** prohibitions  
9 related to explosives, destructive devices, detonators, or weapons of mass  
10 destruction; increased penalties for crimes committed with intent to terrorize;  
11 causing bodily harm or threatening to cause bodily harm to a public officer or  
12 employee and threatening to damage the property of a public officer or  
13 employee; communicating with or harassing or intimidating jurors;  
14 threatening to cause bodily harm or property damage; providing or soliciting  
15 material support for acts of terrorism; money laundering; making false  
16 statements to financial institutions and the definition of personal identification  
17 document; prohibitions related to automatic weapons; theft of a firearm or a  
18 machine gun; interfering with disarmament of an explosive or a destructive  
19 device; crimes that may entail the interception of wire, electronic, or oral  
20 communication, interception of communications in emergency situations,  
21 roving electronic surveillance, and providing assistance to persons authorized  
22 to engage in electronic surveillance; grand jury authority; John Doe  
23 proceedings; court orders for disclosure of the existence of depository accounts  
24 with financial institutions; court orders for disclosure regarding subscribers of  
25 electronic communications services; access to license and identification card

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1           photographs; the procedure for making a legal name change; and providing  
2           penalties.

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***Analysis by the Legislative Reference Bureau***

This bill makes a number of changes in the criminal code to create new criminal offenses and to revise or repeal existing prohibitions, most of which relate to terrorism and certain types of threats. It also makes a number of changes in the law relating to criminal procedure and investigations. The rest of this analysis describes relevant provisions of current law in general terms and describes the changes made by this bill.

**TERRORISM AND OTHER CRIMES*****Prohibitions related to explosives, destructive devices, detonators, and weapons of mass destruction***

Under current law, it is a Class C felony to make, buy, transport, possess, or transfer explosives with intent to use the explosives to commit a crime or knowing that another intends to use the explosives to commit a crime. (See below, ***Penalties for crimes created by this bill***, for a listing of the maximum fine, term of confinement, and sentence length for each of the offenses described in this analysis.) It is a Class E felony to make, buy, sell, transport, possess, use, or transfer an improvised explosive device, regardless of whether any person has intent to use the improvised explosive device to commit a crime. An improvised explosive device is defined as a device that contains explosive material and a means of detonating the explosive material, and which is capable of causing bodily harm, great bodily harm, death, or property damage.

The bill expands the prohibitions concerning explosives and threats. The bill defines a “destructive device” as a device that contains an explosive or an incendiary and is designed or configured to cause substantial bodily harm, death, or property damage, including a bomb, grenade, rocket, missile or mine. “Destructive device” also includes an overpressure device, which is defined as a container filled with an explosive gas or an expanding gas or liquid that is designed or constructed to break, fracture, or rupture in a manner capable of causing substantial bodily harm, death, or property damage. A “weapon of mass destruction” is defined as a poisonous gas, a toxic chemical, a precursor of a poisonous gas or toxic chemical, or a biological agent; a device that is designed or intended to release any such substance; or a device that is designed or intended to release radiation or radioactivity at a level that is dangerous to human life.

The bill makes it a crime to manufacture, buy, sell, offer to sell, transfer, distribute, or possess an explosive, destructive device, or a weapon of mass destruction, regardless of the actor’s intent. If the crime concerns an explosive or a destructive device it is a Class C felony, and if it concerns a weapon of mass destruction, it is a Class A felony. It is also a Class C felony to engage in any of these activities with respect to a detonator with intent to commit a crime. The bill also makes it a Class C felony to manufacture, buy, sell, offer to sell, transfer, distribute,

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or possess a component of a destructive device or a component of a weapon of mass destruction with intent that the component be used to construct or assemble a destructive device or weapon of mass destruction, whichever is applicable.

The bill makes it a Class B felony to use or attempt to use an explosive or a weapon of mass destruction, and a Class A felony to use or attempt to use a weapon of mass destruction. The bill also makes it a Class B felony to use or attempt to use a detonator with intent to commit a crime.

Under the bill, a person who manufactures, possesses, transfers, transports, delivers, distributes, displays, or deploys a facsimile of a destructive device or a weapon of mass destruction with intent to alarm, intimidate, threaten, terrify, or harass another is guilty of a Class D felony.

The bill creates several exemptions to the prohibitions related to explosives, destructive devices, detonators, and weapons of mass destruction. The crimes do not apply to military or law enforcement personnel acting within the scope of their official duties; to persons authorized to manufacture, deal in, transport, or use explosives, destructive devices, or detonators, with respect to the authorized activities; or to persons conducting research or education at a university, college, technical college, or secondary school, if the activity is authorized by the institution and not otherwise prohibited by law. The prohibitions are also inapplicable to otherwise lawful activities related to fireworks, pesticides, ammunition for firearms, and explosives used in medicines.

***Terrorism penalty enhancer***

Current law authorizes increased penalties for certain felonies (crimes punishable by incarceration in prison) that are committed with intent to terrorize. The penalty enhancer is applicable to felonies committed under one of the following circumstances: 1) the felony results in bodily harm or death to another; 2) the felony results in damage of \$25,000 or more to the property of another; or 3) the felony involves the use of force or violence or the threat of force or violence. A person has intent to terrorize if he or she has intent to influence the policy of a governmental unit or to punish a governmental unit for a prior policy decision. If a person is convicted of a felony and the terrorism enhancer is found to apply, the maximum fine for the underlying felony may be increased by up to \$50,000, and the maximum term of imprisonment for the underlying felony may be increased by up to ten years.

The bill expands intent to terrorize to include intent to do any of the following: influence the conduct of a governmental unit; influence an official policy decision or the official conduct of a public officer or public employee; punish a public officer or public employee for a prior policy decision, other official decision, or official conduct; or intimidate or coerce a civilian population. The bill also makes criminal damage to property, which is a misdemeanor (a crime punishable by incarceration in jail), a crime to which the terrorism penalty enhancer may apply if it is committed with intent to terrorize.

***Threats involving public harm***

Current law prohibits a person from intentionally conveying or causing to be conveyed any false information, knowing such information to be false, concerning an

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attempt to destroy property by means of an explosive. This crime of making a bomb scare is a Class E felony.

Under this bill, no person may threaten to cause the death of or bodily injury to any person or to damage any person's property by any means under any of the following circumstances: 1) the actor intends to prevent the occupation of or cause the evacuation of a building, dwelling, school premises, vehicle (which is defined to include any bus, train, boat, or airplane), facility of public transportation, or place of public assembly or any room within a building, dwelling, or school premises; 2) the actor intends to cause serious public inconvenience; 3) the actor intends to cause an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service; or 4) the actor creates an unreasonable and substantial risk of causing one of the occurrences described in items 1 to 3 of this paragraph and is aware of that risk. A person who violates this prohibition is guilty of a Class E felony, unless the person thereby contributes to the death of any person. In that case, the person is guilty of a Class C felony.

The bill expands the bomb scare crime to prohibit making or conveying a threat, knowing it to be false, to use or attempt to use an explosive, a destructive device, or a weapon of mass destruction. The threat crime is a Class E felony. However, if a person makes or conveys a threat to use or attempt to use an explosive, a destructive device, or a weapon of mass destruction under any of the four circumstances listed in the previous paragraph, the person is guilty of a Class C felony.

***Battery and threats against a public officer or employee; battery against a public transit vehicle passenger***

Under current law, no person may intentionally cause bodily harm to another person without the other person's consent. A person who violates this prohibition is guilty of a Class A misdemeanor. More severe penalties apply if the victim suffers substantial bodily harm or great bodily harm. For example, if a person causes substantial bodily harm to another with intent to cause substantial bodily harm, the person is guilty of a Class D felony. Current law also provides more severe penalties for battery committed under certain circumstances against any of the following: 1) an elected or appointed state or local public officer; 2) an officer or employee of a technical college district or school district; 3) an officer or employee of a prison or detention facility; 4) a probation, extended supervision, or parole agent or a person authorized to supervise a juvenile on aftercare; 5) a law enforcement officer or fire fighter; 6) a person working in a hospital emergency room, an emergency medical technician, a first responder (a person employed or assigned to provide emergency medical care to another before the arrival of an ambulance), or an ambulance driver; or 7) an operator of a vehicle providing transportation service to the general public (a public transit vehicle). In all of these "special circumstances" battery cases, other than those in which the victim is a public officer, the prosecutor must prove that the actor knew that the victim was one of the individuals described above or that the victim was acting in his or her official capacity at the time of the battery or both. In cases involving a public officer, the prosecutor must show that the battery was committed in order to influence the action of the public officer or as a result of any

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action taken within an official capacity. A person who commits special circumstances battery is guilty of a Class D felony, unless the victim was a public officer, an officer or employee of a technical college district or school district, or the operator of a public transit vehicle, in which case the offense is a Class E felony.

Finally, a person committing battery is guilty of a Class E felony if the bodily harm is inflicted: 1) while the victim was a passenger of a public transit vehicle; 2) after the offender forces or directs the victim to leave a public transit vehicle; or 3) as the offender prevents, or attempts to prevent, the victim from gaining lawful access to a public transit vehicle.

Through separate statutory provisions, current law also prohibits intentionally causing bodily harm or threatening to cause bodily harm to a judge or an official, employee, or agent of the department of revenue, commerce, or workforce development (a covered government employee) or a family member of a covered government employee. This prohibition applies if: 1) the actor knows or should have known that the victim is a covered government employee or a member of his or her family; 2) the covered government employee is acting in an official capacity at the time of the act or threat or the act or threat is in response to any action taken in an official capacity; and 3) there is no consent by the person harmed or threatened. A person violating one of these prohibitions is guilty of a Class D felony.

This bill repeals the special circumstances battery provisions that apply exclusively to state or local government employees and the battery/threats prohibitions applicable to covered government employees and creates a new offense applicable to all state or local public officers or employees. Under this bill, no person may intentionally cause bodily harm or threaten to cause bodily harm to any state or local public officer or employee if all of the following apply: 1) the actor knows or should have known that the victim is a state or local public officer or employee or a member of his or her family; 2) the state or local public officer or employee is acting in an official capacity at the time of the act or threat, the act or threat, is intended to influence an action by the public officer or employee in an official capacity, or the act or threat is in response to any action taken in an official capacity; and 3) there is no consent by the person harmed or threatened. A person violating this prohibition is guilty of a Class D felony. The bill also makes battery against an operator, passenger, or potential passenger of a public transit vehicle into a Class D felony.

***Unlawful communications with jurors***

Current law prohibits communicating with a person summoned or serving as a juror with the intent to influence the person with respect to his or her involvement in a legal proceeding, unless the communication occurs in the regular course of the legal proceeding. A person who violates this prohibition is guilty of a Class E felony. This bill makes that prohibition applicable to communications made with the same intent to family members of the person summoned or serving as a juror. It also specifies that the prohibition applies to both direct and indirect communication. In addition, under the bill, no person may communicate directly or indirectly with a juror, a former juror, or a family member of a juror or former juror with the intent to annoy, harass, frighten, threaten, abuse, or intimidate the juror, the former juror, or the family member because of a verdict returned by the juror or because of the

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juror's participation in any criminal or civil trial or matter. A person who violates this prohibition is guilty of a Class E felony.

This bill establishes a higher penalty for either of these juror-related offenses if any of the following applies: 1) the act is accompanied by force or violence, or attempted force or violence, upon the juror, the prospective juror, or the former juror or one of his or her family members; 2) the act is accompanied by damage to the property of the juror, the prospective juror, or the former juror or one of his or her family members; 3) the act is accompanied by an express or implied threat of force, violence, or property damage; 4) the act is in furtherance of any conspiracy; 5) the person has a prior conviction for juror, witness, or victim intimidation under any federal or state law; or 6) the act is committed at another person's request and for monetary gain or some other benefit. (These circumstances are the same as those that differentiate the Class A misdemeanor version of witness or victim intimidation from the Class E felony version of witness or victim intimidation.) A person who violates either of the prohibitions described in the preceding paragraph under any of these circumstances is guilty of a Class D felony.

Finally, this bill makes certain other statutes that relate to witness or victim intimidation applicable to these juror-related offenses. Thus, a person who attempts to commit any of the juror-related offenses described in this section of the analysis is guilty of the offense he or she attempts. By contrast, a person attempting to commit a typical Class D or Class E felony is subject to one-half the maximum penalty for the completed offense. In addition, if a court having jurisdiction over a criminal matter is provided evidence that any of these juror-related offenses has occurred or is reasonably likely to occur, the court may issue certain orders to prevent the offense from occurring or recurring. Finally, this bill permits a court to revoke the release of a defendant who commits or causes or encourages another person to commit any of these juror-related offenses.

***Threats to cause death, bodily harm, or property damage***

Under current law, no person may make a telephone call and threaten to cause bodily harm to another person or to damage any person's property if the call and the threat are made with intent to frighten, intimidate, threaten, abuse, or harass the other person. In addition, no person, with intent to frighten, intimidate, threaten, abuse, or harass another person (the victim), may: 1) send the victim electronic mail (e-mail) or any other computerized message threatening to cause bodily harm to any person or to damage any person's property; or 2) send any e-mail or any other computerized message, with the reasonable expectation that the victim will receive it, threatening to cause bodily harm to any person or to damage any person's property. A person who violates one of these prohibitions is guilty of a Class B misdemeanor. (A person convicted of a Class B misdemeanor may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.)

Under this bill, no person may threaten to cause the death of or bodily harm to another person or to damage another person's property with intent to frighten, intimidate, threaten, abuse, or harass any person. A person who violates this prohibition is guilty of a Class A misdemeanor.

**SENATE BILL 363*****Material support for terrorism***

Under current law, a person is a party to a crime and may be convicted of committing the crime if the person directly commits the crime, intentionally aids and abets the commission of the crime, is a party to a conspiracy to commit the crime, or hires, counsels, or otherwise procures another to commit the crime. A person may be convicted of solicitation, if the person with intent that a felony be committed, advises another to commit that felony. The penalty for solicitation is generally less than the penalty for commission of the crime. A person may also be convicted of conspiracy if the person, with intent that a crime be committed, agrees or combines with another to commit the crime, as long as one of the parties to the conspiracy commits an act to effect the object of the conspiracy. The penalty for conspiracy is generally the same as the penalty for the completed crime, except that a person may not be imprisoned for life upon conviction of conspiracy.

The bill prohibits a person from soliciting or collecting material support if he or she knows or has reason to know that the material support is intended to be used to plan, prepare, commit, or escape after committing an act of terrorism. The bill also prohibits a person from providing material support to another if he or she knows or has reason to know that the material support is intended to be used to plan, prepare, commit, or escape after committing an act of terrorism. An act of terrorism is a crime to which the terrorism penalty enhancer (see above, ***Terrorism penalty enhancer***) applies, or an act committed outside this state that would be a crime to which the terrorism penalty enhancer would apply if committed in this state. The crimes relating to soliciting or collecting material support for acts of terrorism are Class C felonies.

Current law requires a charitable organization to be registered with the department of regulation and licensing (DRL) in order to be able to solicit contributions in this state. Current law also requires professional fund-raisers (persons paid to solicit charitable contributions) and fund-raising counsel (persons paid to plan, manage, or give advice concerning the solicitation of charitable contributions) to be registered with DRL. DRL may deny, limit, suspend, or revoke the registration of a charitable organization, professional fund-raiser, or fund-raising counsel that does any of the following: 1) makes a false statement in a registration statement, annual report, or other information required to be filed with DRL; or 2) violates a statute or rule that regulates the solicitation of charitable contributions. This bill provides that DRL may deny, limit, suspend, or revoke the registration of a charitable organization, professional fund-raiser, or fund-raising counsel that violates the prohibitions created in the bill against soliciting or collecting material support that is intended to be used to plan, prepare, commit, or escape after committing acts of terrorism.

***Money laundering***

Current law provides various penalties for theft and related property crimes. This bill prohibits various types of money laundering and provides penalties for violations. Examples of the money laundering that the bill prohibits include: 1) acquiring proceeds that a person knows or has reason to know are derived from a felony, if the person knows or has reason to know the acquisition is designed to



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conceal the nature, location, source, ownership or control of the proceeds; 2) transferring or possessing currency or other monetary instruments that a person knows or has reason to know are intended to be used to commit a felony; and 3) planning the transfer of proceeds that a person knows or has reason to know are derived from a felony, if the person knows or has reason to know that the transfer is designed to conceal the nature, location, source, ownership or control of the proceeds. The bill makes money laundering a Class D felony, except that a person convicted of money laundering may be fined not more than \$10,000 or twice the value of the proceeds or monetary instruments involved in the crime, whichever is greater.

***False statements to financial institutions***

Current law prohibits various fraudulent acts related to financial transaction cards, including making false statements for the purpose of obtaining a financial transaction card and forging a financial transaction card. Current law also prohibits the use of another's personal identifying information or a personal identification document belonging to another without that person's consent to obtain credit, money, goods, services, or anything else of value. These offenses are penalized as Class A misdemeanors or Class E, D, or C felonies, depending on the circumstances.

The bill prohibits making various false statements in connection with a transaction with a financial institution. The prohibited activities include: 1) falsifying or concealing the identity of a person; 2) making a false statement or representation regarding a person; 3) making or using a writing that contains false information regarding the identity of a person; or 4) using or presenting a false personal identification document or false personal identifying information. The crimes related to false statements to financial institutions are Class E felonies.

***Crimes related to firearms***

Under current law theft of property that does not exceed \$2,500 in value is a Class A misdemeanor. Theft of property that exceeds \$2,500 in value, or theft of a firearm is a Class D felony. The bill makes theft of a firearm that is owned by a law enforcement agency, the U.S. armed forces, a reserve component of the U.S. armed forces, or the National Guard, or theft of a machine gun, an explosive, or a destructive device, regardless of who owns the machine gun, explosive, or destructive device, a Class C felony.

Under current law it is a Class E felony to sell, possess, use, or transport a machine gun or other fully automatic weapon. The bill makes this crime a Class D felony and specifically prohibits transferring a machine gun or fully automatic weapon, even if the transfer does not constitute a sale. The bill also clarifies the exceptions under which the prohibitions regarding machine guns do not apply.

***Interfering with disarmament of explosives***

Under current law the following acts are crimes; interfering with fire fighting (which, in the variant having the most severe penalty, is Class E felony); obstructing a law enforcement officer (which is either a Class A misdemeanor or a Class D felony); or obstructing emergency or rescue personnel (which is a Class E misdemeanor if it endangers another's safety or a Class C felony if it contributes to another's death). The bill makes it a Class E felony to interfere with or obstruct a public safety official

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while that official is searching for, disarming, or destroying an explosive or a destructive device.

**CRIMINAL PROCEDURE AND INVESTIGATIONS*****Electronic surveillance***

Current law generally prohibits the interception of many types of communications, including telephone calls, e-mail, and face-to-face conversations. Current law, however, authorizes law enforcement officers and prosecutors to engage in electronic surveillance, and intercept communications, under certain circumstances if the interception may provide or has provided evidence of the commission of the offense of homicide, felony murder, kidnapping, commercial gambling, bribery, extortion, dealing in controlled substances, the commission of certain computer crimes, or the conspiracy to commit any of those offenses. In order for a law enforcement officer or a prosecutor to engage in electronic surveillance, the attorney general and the district attorney must jointly apply in writing and under oath to the chief judge for the judicial administrative district in which the electronic surveillance is to occur for an order authorizing the electronic surveillance. The court may grant the order if it determines, based on the information presented, that: 1) there is probable cause to believe that an individual is committing, has committed, or is about to commit one of the offenses listed above; 2) there is probable cause to believe that particular communications concerning that offense will be obtained through the electronic surveillance; 3) other investigative procedures have been tried and have failed, are unlikely to succeed if tried, or are too dangerous to try; and 4) there is probable cause to believe that the facilities from which or the place where the interception is to occur are or will be used in the commission of the offense or are leased to, listed in the name of, or commonly used by the person committing or about to commit the offense. The court's order may authorize electronic surveillance for no longer than 30 days, although it may be extended for up to an additional 30 days. The order must specify, among other things, the nature and location of the communications facilities being used or the place being used for the communications that will be intercepted.

This bill makes several changes to these provisions. First, under the bill, a court may authorize electronic surveillance if it may provide or has provided evidence of the commission any felony that is dangerous to life, limb, or property, not just one of the crimes listed in the first paragraph of this section of the analysis.

Second, the bill permits a law enforcement officer or a prosecutor to obtain an order permitting electronic surveillance in an emergency situation (a situation involving immediate danger of death or great bodily harm) based on an application made under oath by telephone, radio, or other means of electronic communication. The application must be approved in advance by either the attorney general or the district attorney (as opposed to by both of them). In order to grant the order, the court, in addition to making the determinations listed in the first paragraph of this section of the analysis, must determine, based on information presented by the applicant, that requiring a written application may increase or prolong the risk of death or great bodily harm that the emergency situation involves.

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An order authorizing an emergency wiretap expires, at the latest, 48 hours after its issuance. Before that time period expires, the applicant must apply to the chief judge in writing -- in the same manner as if he or she were applying in a nonemergency situation -- for approval of the electronic surveillance. The court must grant or deny the application (applying the law governing nonemergency situations) within 48 hours after entering the emergency wiretap order. If the court grants the application, the electronic surveillance may continue under the same terms as any nonemergency order. If the court denies the application or if the applicant for the emergency wiretap order never files a subsequent written application, the emergency wiretap order expires immediately, and evidence from any communication intercepted under the emergency wiretap order may be excluded from evidence in court.

Third, the bill authorizes law enforcement officers and prosecutors to obtain "roving interception orders." A roving interception order permits the interception of communications of a given individual without specifying the nature and location of the communications facilities being used or the place being used for the communications that will be intercepted. To obtain such an order, a law enforcement officer or prosecutor must demonstrate to the court, in the context of his or her application for authorization to engage in electronic surveillance, either: 1) that it is not practical to identify the facilities being used or the place being used for the communications that will be intercepted; or 2) that there is probable cause to believe that the person committing or about to commit the relevant offense could thwart interception from a specified facility or place. An order that is based on the second option is valid only while the person in is or was reasonably close to the instrument through which the communications will be or was transmitted.

Fourth, the bill authorizes a person to provide information, facilities, or technical assistance to another person who is legally engaged in electronic surveillance if one of the following applies: 1) the judge authorizing the interception has ordered the person to provide the specified assistance and the person has been provided with a copy of the court's order; or 2) the attorney general, the district attorney, or a person authorized to intercept communications under an emergency wiretap order provides the person a written certification that states that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required. The order or certification must specify the information, facilities, or technical assistance required and must set forth the period of time during which the provision of the specified assistance is authorized. The bill also generally prohibits the person from disclosing information regarding the electronic surveillance.

***Statewide grand jury and John Doe proceedings***

Under current law, a grand jury proceeding is a formal criminal investigative proceeding in which jurors may hear evidence of possible crimes, call and examine witnesses, and, if appropriate, issue subpoenas. By returning indictments, the grand jury may charge persons with specific crimes. A John Doe proceeding is a procedure available to determine if a crime has probably been committed and, if so, who probably committed that crime. A judge conducts the John Doe proceeding, at

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which he or she examines the complainant and other witnesses. The judge also determines the scope of the proceeding, and he or she may conduct the proceeding secretly. If the judge determines that there is probable cause to believe that a crime was committed and that a specific person committed that crime, a criminal complaint may be prepared. If there is a criminal complaint, an arrest warrant must be issued. Grand jury and John Doe proceedings both relate to offenses committed within a single county.

The bill provides a procedure for conducting a grand jury proceeding with statewide jurisdiction. Under the bill, the attorney general may petition a chief judge to convene a grand jury having statewide jurisdiction if: 1) there is reason to believe that there is criminal activity that is statewide in nature, importance or influence or that relates to dangerous drugs, gambling or other specified offenses; and 2) there is reason to investigate the suspected criminal activity in a county within the chief judge's judicial administrative district. The chief judge may preside over any such grand jury or assign it to another judge in the district. Similarly, the bill allows the attorney general to petition for a John Doe proceeding that has statewide investigative jurisdiction. The attorney general may petition the chief judge of a judicial administrative district in which there is reason to believe that there is criminal activity that is statewide in nature, importance or influence or that relates to dangerous drugs, gambling or other specified offenses. If the chief judge orders this type of John Doe proceeding, he or she may conduct it or assign another judge to do so. The attorney general represents the state at any such proceeding.

***Orders for disclosure of depositor or subscriber information***

Under current law, the attorney general or a district attorney may obtain a court order requiring the disclosure of documents that constitute evidence of a crime if the attorney general or district attorney shows that there is probable cause that a crime has been committed. This bill allows the attorney general or a district attorney to obtain a court order for the disclosure of certain information upon a showing that the information is relevant to a criminal investigation. The information covered by this provision includes information as to whether a specific person has, or at a specific time in the past had, a depository account with a financial institution. The provision also covers the following information held by an electronic communications service provider pertaining to a subscriber: the person's name and address, telephone connection records, start date and length of service, types of services provided, telephone numbers, network address or other subscriber identity information, and means of payment for services.

***Law enforcement access to driver's license and identification card photographs***

Under current law, the department of transportation (DOT) generally may not release photographs taken for a driver's license or an identification card, except to the person photographed. Thus, DOT may not release a photograph to a law enforcement agency solely for use as part of a photograph lineup or photograph array. However, DOT may release a photograph to a law enforcement agency for the purpose of investigating unlawful activity, investigating a missing person case, or identifying an accident victim or a deceased person. The bill eliminates the

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restriction on releasing photographs solely for use as part of a photograph lineup or a photograph array.

***Procedure for making a legal name change***

Current law provides that a person may petition a circuit court to enter an order changing the person's name. A person may also change his or her name by marriage or divorce or pursuant to an adoption. The Wisconsin Supreme Court has also ruled that a person may change his or her name under common law by consistent and continuous use of a new name, as long as the name change is not effected for a fraudulent purpose. *State v. Hansford*, 219 Wis. 2d 226 (1998). The bill specifies that petitioning a circuit court for a name change or changing one's name in connection with a marriage, divorce, or adoption are the only legitimate methods for making a name change.

***Penalties for crimes created by this bill***

<i>Crime</i>	<i>Maximum fine</i>	<i>Maximum term of confinement</i>	<i>Maximum sentence length</i>
Class A felony	N/A	Life	Life
Class B felony	N/A	40 years	60 years
Class C felony	\$10,000	10 years	15 years
Class D felony	\$10,000	5 years	10 years
Class E felony	\$10,000	2 years	5 years
Class A misdemeanor	\$10,000	9 months	9 months

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:
- 2           48.685 (5) (bm) 4. A violation of s. 940.19 (2), (3), (4), (5) or (6), 940.20, 940.203,
- 3           940.205 or 940.207 or 940.204 or an offense under ch. 961 that is a felony, if
- 4           committed not more than 5 years before the date of the investigation under sub. (2)
- 5           (am).
- 6           **SECTION 2.** 59.54 (6) of the statutes is amended to read:
- 7           59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to
- 8           preserve the public peace and good order within the county including, but not limited

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1 by enumeration, ordinances prohibiting conduct that is the same as or similar to  
2 conduct that is prohibited by ss. 947.01 and ~~947.02~~ 947.12, and provide a forfeiture  
3 for a violation of the ordinances.

4 **SECTION 3.** 115.31 (2g) of the statutes is amended to read:

5 115.31 **(2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall  
6 revoke a license granted by the state superintendent, without a hearing, if the  
7 licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, except ss.  
8 s. 940.08 and 940.205, for a violation that occurs on or after September 12, 1991.

9 **SECTION 4.** 118.19 (4) (a) of the statutes is amended to read:

10 118.19 **(4)** (a) Notwithstanding subch. II of ch. 111, the state superintendent  
11 may not grant a license to any person who has been convicted of any Class A, B, C,  
12 or D felony under ch. 940 or 948, except ss. s. 940.08 and 940.205, or of an equivalent  
13 crime in another state or country, for a violation that occurs on or after September  
14 12, 1991, for 6 years following the date of the conviction, and may grant the license  
15 only if the person establishes by clear and convincing evidence that he or she is  
16 entitled to the license.

17 **SECTION 5.** 165.25 (2m) of the statutes is created to read:

18 165.25 **(2m)** PETITION FOR AND REPRESENT STATE IN STATEWIDE JOHN DOE AND  
19 GRAND JURY PROCEEDINGS. Petition for and represent the state in John Doe  
20 proceedings having statewide jurisdiction under s. 968.26 (2) and in grand jury  
21 proceedings having statewide jurisdiction under s. 968.40.

22 **SECTION 6.** 165.55 (3) of the statutes is amended to read:

23 165.55 **(3)** When, in the opinion of the state fire marshal, investigation is  
24 necessary, he or she shall take or cause to be taken the testimony on oath of all  
25 persons supposed to be cognizant of any facts or to have any means of knowledge in

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1 relation to any case of damage to property by fire or explosives. If the state fire  
2 marshal is of the opinion that there is evidence sufficient to charge any person with  
3 a crime under s. 941.11, 943.01, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03 or 943.04  
4 or with an attempt to commit any of those crimes, he or she shall cause the person  
5 to be prosecuted, and furnish the prosecuting attorney the names of all witnesses and  
6 all the information obtained by him or her, including a copy of all testimony taken  
7 in the investigation.

8 **SECTION 7.** 165.70 (1) (b) of the statutes is amended to read:

9 165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to  
10 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33,  
11 944.34, 946.65, ~~947.02~~ 947.12 (3) and (4), and 948.08.

12 **SECTION 8.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

13 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,  
14 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,  
15 940.201, ~~940.203~~ 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2.,  
16 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, ~~940.43 (1) to (3)~~, ~~940.45 (1) to (3)~~,  
17 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, ~~943.013~~ 943.0135,  
18 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43,  
19 ~~947.015~~, 946.625 (1) to (3), 946.635 (1) to (3), 946.64 (4), 947.05, 947.07, 948.02 (1)  
20 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

21 **SECTION 9.** 343.237 (3) (d) of the statutes is repealed.

22 **SECTION 10.** 440.475 (1) of the statutes is renumbered 440.475 (1) (intro.) and  
23 amended to read:

24 440.475 (1) (intro.) The department may deny, limit, suspend, or revoke the  
25 registration of a charitable organization, fund-raising counsel, or professional

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1 fund-raiser, or may reprimand a charitable organization, fund-raising counsel, or  
2 professional fund-raiser that is registered under this subchapter, if the department  
3 finds that the charitable organization, fund-raising counsel, or professional  
4 fund-raiser has ~~made~~ done any of the following:

5 (a) Made a false statement in any registration statement, annual report, or  
6 other information required to be filed under, ~~or has otherwise violated~~, this  
7 subchapter or the rules promulgated under this subchapter.

8 **SECTION 11.** 440.475 (1) (b) of the statutes is created to read:

9 440.475 (1) (b) Violated this subchapter or the rules promulgated under this  
10 subchapter.

11 **SECTION 12.** 440.475 (1) (c) of the statutes is created to read:

12 440.475 (1) (c) Violated s. 947.08.

13 **SECTION 13.** 786.36 (4) of the statutes is amended to read:

14 786.36 (4) ~~Any change of~~ A petition under sub. (1) is the exclusive method for  
15 changing a name other than as authorized by law is void except if the name change  
16 is in connection with a marriage, divorce, or adoption or is made under s. 69.15 (4m).

17 **SECTION 14.** 895.01 (1) (g) of the statutes is amended to read:

18 895.01 (1) (g) Causes of action for a violation of s. 968.31 (2m) (2g) or other  
19 damage to the person.

20 **SECTION 15.** 895.035 (4a) (a) 2. of the statutes is amended to read:

21 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,  
22 943.05, 943.06 ~~or 947.015, 947.05, or 947.07 (5).~~

23 **SECTION 16.** 938.396 (2) (j) of the statutes is amended to read:

24 938.396 (2) (j) Upon request of a fire investigator under s. 165.55 (15) to review  
25 court records for the purpose of pursuing an investigation under s. 165.55, the court



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1 shall open for inspection by authorized representatives of the requester the records  
2 of the court relating to any juvenile who has been adjudicated delinquent or found  
3 to be in need of protection or services under s. 938.13 (12) or (14) for a violation of s.  
4 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03,  
5 943.04, 943.05, 943.06 or for an attempt to commit any of those violations.

6 **SECTION 17.** 938.78 (3) of the statutes is amended to read:

7 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.  
8 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,  
9 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.  
10 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
11 941.295, 941.298, 941.30, ~~941.31~~, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)  
12 (a), 943.23 (1g), (1m), or (1r), 943.32 (2), 947.07, 948.02, 948.025, 948.03, 948.05,  
13 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from  
14 a secured correctional facility, child caring institution, secured group home,  
15 inpatient facility, as defined in s. 51.01 (10), secure detention facility, or juvenile  
16 portion of a county jail, or from the custody of a peace officer or a guard of such a  
17 facility, institution, or jail, or has been allowed to leave a secured correctional facility,  
18 child caring institution, secured group home, inpatient facility, secure detention  
19 facility, or juvenile portion of a county jail for a specified time period and is absent  
20 from the facility, institution, home, or jail for more than 12 hours after the expiration  
21 of the specified period, the department or county department having supervision  
22 over the juvenile may release the juvenile's name and any information about the  
23 juvenile that is necessary for the protection of the public or to secure the juvenile's  
24 return to the facility, institution, home, or jail. The department of corrections shall

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1 promulgate rules establishing guidelines for the release of the juvenile's name or  
2 information about the juvenile to the public.

3 **SECTION 18.** 939.22 (21) (k) of the statutes is amended to read:

4 939.22 (21) (k) Intimidation of witnesses, as prohibited in s. ~~940.42 or 940.43~~  
5 946.62 or 946.625.

6 **SECTION 19.** 939.22 (21) (L) of the statutes is amended to read:

7 939.22 (21) (L) Intimidation of victims, as prohibited in s. ~~940.44 or 940.45~~  
8 946.63 or 946.635.

9 **SECTION 20.** 939.22 (21) (Lo) of the statutes is created to read:

10 939.22 (21) (Lo) Unlawful communication with a juror, as prohibited in s.  
11 946.64.

12 **SECTION 21.** 939.31 of the statutes is amended to read:

13 **939.31 Conspiracy.** Except as provided in ss. ~~940.43 (4), 940.45 (4)~~ 946.625  
14 (4), 946.635 (4), 946.64 (3) (d), and 961.41 (1x), whoever, with intent that a crime be  
15 committed, agrees or combines with another for the purpose of committing that  
16 crime may, if one or more of the parties to the conspiracy does an act to effect its  
17 object, be fined or imprisoned or both not to exceed the maximum provided for the  
18 completed crime; except that for a conspiracy to commit a crime for which the penalty  
19 is life imprisonment, the actor is guilty of a Class B felony.

20 **SECTION 22.** 939.32 (1) (c) of the statutes is amended to read:

21 939.32 (1) (c) Whoever attempts to commit a crime under ss. ~~940.42 to 940.45~~  
22 946.62 to 946.64 is subject to the penalty for the completed act, as provided in s.  
23 ~~940.46~~ 946.642.

24 **SECTION 23.** 939.32 (1) (f) and (g) of the statutes are created to read:

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1           939.32 (1) (f) Whoever attempts to commit a crime under s. 946.78 is subject  
2 to the penalty provided in that section for the completed act.

3           (g) Whoever attempts to commit a crime under s. 946.79 is subject to the  
4 penalty provided in that section for the completed act.

5           **SECTION 24.** 939.32 (1) (h) of the statutes is created to read:

6           939.32 (1) (h) Whoever attempts to commit a crime under s. 947.07 (3) is subject  
7 to the penalty provided in that subsection for the completed act.

8           **SECTION 25.** 939.632 (1) (e) 1. of the statutes is amended to read:

9           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1),  
10 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,  
11 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 946.625,  
12 946.635, 946.64, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055,  
13 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

14           **SECTION 26.** 939.632 (1) (e) 3. of the statutes is amended to read:

15           939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
16 (2), ~~940.42, 940.44~~, 941.20 (1), 941.23, 941.235, 941.24 or, 941.38 (3), 946.62, or  
17 946.63.

18           **SECTION 27.** 939.648 (2) (intro.), (a) and (b) (intro.) of the statutes are amended  
19 to read:

20           939.648 (2) (intro.) If a person does all of the following, the penalties for the  
21 underlying felony crime are increased as provided in sub. (3):

22           (a) Commits a felony under chs. 939 to 951 or a misdemeanor under s. 943.07.

23           (b) (intro.) Commits the felony crime under any of the following circumstances:

24           **SECTION 28.** 939.648 (2) (c) of the statutes is renumbered 939.648 (2) (c) (intro.)  
25 and amended to read:

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1           939.648 (2) (c) 2. (intro.) Commits the felony crime with the intent to  
2 accomplish any of the following:

3           1. To influence the policy or conduct of a governmental unit or to influence an  
4 official policy decision or the official conduct of a public officer or public employee.

5           2. To punish a governmental unit or a public officer or public employee for a  
6 prior policy decision, other official decision, or official conduct.

7           **SECTION 29.** 939.648 (2) (c) 3. of the statutes is created to read:

8           939.648 (2) (c) 3. To intimidate or coerce a civilian population.

9           **SECTION 30.** 939.648 (3) and (4) of the statutes are amended to read:

10           939.648 (3) The maximum fine prescribed by law for the felony crime may be  
11 increased by not more than \$50,000 and the maximum period of imprisonment  
12 prescribed by law for the felony crime may be increased by not more than 10 years.

13           (4) This section provides for the enhancement of the penalties applicable for  
14 the underlying felony crime. The court shall direct that the trier of fact find a special  
15 verdict as to all of the issues specified in sub. (2).

16           **SECTION 31.** 940.20 (2) of the statutes is amended to read:

17           940.20 (2) ~~BATTERY TO LAW ENFORCEMENT OFFICERS AND~~ VOLUNTEER FIRE FIGHTERS.  
18 ~~Whoever intentionally causes bodily harm to a law enforcement officer or fire fighter,~~  
19 ~~as those terms are defined in s. 102.475 (8) (b) and (c),~~ member of a volunteer fire  
20 department or company acting in an official capacity ~~and the person knows or has~~  
21 ~~reason to know that the victim is a law enforcement officer or fire fighter,~~ by an act  
22 done without the consent of the person so injured, is guilty of a Class D felony, if the  
23 actor knows that the person is a fire fighter.

24           **SECTION 32.** 940.20 (2m) (title) of the statutes is amended to read:

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1           940.20 (2m) (title) ~~BATTERY TO PROBATION, EXTENDED SUPERVISION AND PAROLE~~  
2           ~~AGENTS AND AFTERCARE AGENTS.~~

3           **SECTION 33.** 940.20 (2m) (a) (intro.) and 1. of the statutes are consolidated,  
4           renumbered 940.20 (2m) (a), and amended to read:

5           940.20 (2m) (a) In this subsection: 1. ~~“Aftercare,~~ “aftercare agent” means any  
6           person authorized by the department of corrections to exercise control over a juvenile  
7           on aftercare.

8           **SECTION 34.** 940.20 (2m) (a) 2. of the statutes is repealed.

9           **SECTION 35.** 940.20 (2m) (b) of the statutes is amended to read:

10          940.20 (2m) (b) Whoever intentionally causes bodily harm to ~~a probation,~~  
11          ~~extended supervision and parole agent or an aftercare agent,~~ acting in an official  
12          capacity ~~and the person knows or has reason to know that the victim is a probation,~~  
13          ~~extended supervision and parole agent or an aftercare agent,~~ by an act done without  
14          the consent of the person so injured, is guilty of a Class D felony, if the actor knows  
15          that the person is an aftercare agent.

16          **SECTION 36.** 940.20 (4) of the statutes is repealed.

17          **SECTION 37.** 940.20 (5) of the statutes is repealed.

18          **SECTION 38.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

19          940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another  
20          under any of the following circumstances is guilty of a Class ~~E~~ D felony:

21          **SECTION 39.** 940.201 (1) (b) of the statutes is amended to read:

22          940.201 (1) (b) “Witness” has the meaning given in s. ~~940.41~~ 946.605 (3).

23          **SECTION 40.** 940.203 of the statutes is repealed.

24          **SECTION 41.** 940.204 of the statutes is created to read:

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1           **940.204 Battery or threat to public officer or employee.** (1) In this  
2 section, “family member” means a parent, spouse, sibling, child, stepchild, foster  
3 child, or treatment foster child.

4           (2) Whoever intentionally causes bodily harm or threatens to cause bodily  
5 harm to the person or family member of any public officer or employee under all of  
6 the following circumstances is guilty of a Class D felony:

7           (a) At the time of the act or threat, the actor knows or should have known that  
8 the victim is a public officer or employee or a family member of a public officer or  
9 employee.

10           (b) The public officer or employee is acting in an official capacity at the time of  
11 the act or threat, the act or threat is intended to influence an action by the public  
12 officer or employee in an official capacity, or the act or threat is in response to any  
13 action taken in an official capacity.

14           (c) There is no consent by the person harmed or threatened.

15           **SECTION 42.** 940.205 of the statutes is repealed.

16           **SECTION 43.** 940.207 of the statutes is repealed.

17           **SECTION 44.** 940.41 of the statutes is renumbered 946.605, and 946.605 (intro.),  
18 as renumbered, is amended to read:

19           **946.605 Definitions.** (intro.) In ss. ~~940.42 to 940.49~~ 946.61 to 941.648:

20           **SECTION 45.** 940.42 of the statutes is renumbered 946.62 and amended to read:

21           **946.62 Intimidation of witnesses; misdemeanor.** Except as provided in s.  
22 ~~940.43~~ 946.625, whoever knowingly and maliciously prevents or dissuades, or who  
23 attempts to so prevent or dissuade any witness from attending or giving testimony  
24 at any trial, proceeding or inquiry authorized by law, is guilty of a Class A  
25 misdemeanor.

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1           **SECTION 46.** 940.43 of the statutes is renumbered 946.625, and 946.625 (intro.),  
2           (1), (2), (5) and (6), as renumbered, are amended to read:

3           **946.625 Intimidation of witnesses; felony.** (intro.) Whoever violates s.  
4           ~~940.42~~ 946.62 under any of the following circumstances is guilty of a Class D felony:

5           **(1)** Where the act is accompanied by force or violence or attempted force or  
6           violence, upon the witness, or ~~the spouse, child, stepchild, foster child, treatment~~  
7           ~~foster child, parent, sibling or grandchild of the witness or any person sharing a~~  
8           ~~common domicile with a family member of the witness.~~

9           **(2)** Where the act is accompanied by ~~injury or~~ damage to the real or personal  
10          property of any person covered under sub. (1).

11          **(5)** Where the act is committed by any person who has suffered any prior  
12          conviction for any violation under ss. ~~940.42 to 940.45~~ 946.62 to 946.64, s. 943.30,  
13          1979 stats., or any federal statute or statute of any other state which, if the act  
14          prosecuted was committed in this state, would be a violation under ss. ~~940.42 to~~  
15          ~~940.45~~ 946.62 to 946.64.

16          **(6)** Where the act is committed by any person for monetary gain or for any other  
17          consideration acting on the request of any other person. ~~All parties to the~~  
18          ~~transactions are guilty under this section.~~

19          **SECTION 47.** 940.44 of the statutes is renumbered 946.63, and 946.63 (intro.),  
20          as renumbered, is amended to read:

21          **946.63 Intimidation of victims; misdemeanor.** (intro.) Except as provided  
22          in s. ~~940.45~~ 946.635, whoever knowingly and maliciously prevents or dissuades, or  
23          who attempts to so prevent or dissuade, another person who has been the victim of  
24          any crime or who is acting on behalf of the victim from doing any of the following is  
25          guilty of a Class A misdemeanor:

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1           **SECTION 48.** 940.45 of the statutes is renumbered 946.635, and 946.635 (intro.),  
2 (1), (2), (5) and (6), as renumbered, are amended to read:

3           **946.635 Intimidation of victims; felony.** (intro.) Whoever violates s. ~~940.44~~  
4 946.63 under any of the following circumstances is guilty of a Class D felony:

5           (1) Where the act is accompanied by force or violence or attempted force or  
6 violence, upon the victim, or ~~the spouse, child, stepchild, foster child, treatment~~  
7 ~~foster child, parent, sibling or grandchild of the victim or any person sharing a~~  
8 ~~common domicile with a family member of the victim.~~

9           (2) Where the act is accompanied by ~~injury or~~ damage to the real or personal  
10 property of any person covered under sub. (1).

11           (5) Where the act is committed by any person who has suffered any prior  
12 conviction for any violation under ss. ~~940.42 to 940.45~~ 946.62 to 946.64, s. 943.30,  
13 1979 stats., or any federal statute or statute of any other state which, if the act  
14 prosecuted was committed in this state, would be a violation under ss. ~~940.42 to~~  
15 ~~940.45~~ 946.62 to 946.64.

16           (6) Where the act is committed by any person for monetary gain or for any other  
17 consideration acting on the request of any other person. ~~All parties to the~~  
18 ~~transactions are guilty under this section.~~

19           **SECTION 49.** 940.46 of the statutes is renumbered 946.642 and amended to  
20 read:

21           **946.642 Attempt prosecuted as completed act.** Whoever attempts the  
22 commission of any act prohibited under ss. ~~940.42 to 940.45~~ 946.62 to 946.64 is guilty  
23 of the offense attempted without regard to the success or failure of the attempt. The  
24 fact that no person was injured physically or in fact intimidated is not a defense  
25 against any prosecution under ss. ~~940.42 to 940.45~~ 946.62 to 946.635. The fact that



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1 no person was injured physically or in fact annoyed, harassed, frightened,  
2 threatened, abused, or intimidated is not a defense against any prosecution under  
3 s. 946.64.

4 **SECTION 50.** 940.47 of the statutes is renumbered 946.644 and amended to  
5 read:

6 **946.644 Court orders.** (intro.) Any court with jurisdiction over any criminal  
7 matter, upon substantial evidence, which may include hearsay or the declaration of  
8 the prosecutor, that ~~knowing and malicious prevention or dissuasion of any person~~  
9 ~~who is a victim or who is a witness~~ a violation of s. 946.62, 946.625, 946.63, 946.635,  
10 or 946.64 has occurred or is reasonably likely to occur, may issue orders including but  
11 not limited to any of the following:

12 (1) An order that a defendant not violate ss. ~~940.42 to 940.45~~ 946.62 to 946.64.

13 (2) An order that a person before the court other than a defendant, including,  
14 but not limited to, a subpoenaed witness or other person entering the courtroom of  
15 the court, not violate ss. ~~940.42 to 940.45~~ 946.62 to 946.64.

16 (3) An order that any person described in sub. (1) or (2) maintain a prescribed  
17 geographic distance from any specified witness ~~or, victim, or juror.~~

18 (4) An order that any person described in sub. (1) or (2) have no communication  
19 ~~with any specified witness or any victim,~~ except through an attorney under such  
20 reasonable restrictions as the court may impose, with any specified witness, victim,  
21 or juror.

22 **SECTION 51.** 940.48 of the statutes is renumbered 946.646, and 946.646 (intro.),  
23 (1) and (2), as renumbered, are amended to read:

24 **946.646 Violation of court orders.** (intro.) Whoever violates an order issued  
25 under s. 940.47 946.644 may be punished as follows:

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1 (1) If applicable, the person may be prosecuted under ss. ~~940.42 to 940.45~~  
2 946.62 to 946.64.

3 (2) As a contempt of court under ch. 785. A finding of contempt is not a bar to  
4 prosecution under ss. ~~940.42 to 940.45~~ 946.62 to 946.64, but:

5 (a) Any person who commits a contempt of court is entitled to credit for any  
6 punishment imposed therefor against any sentence imposed on conviction under ss.  
7 ~~940.42 to 940.45~~ 946.62 to 946.64; and

8 (b) Any conviction or acquittal for any substantive offense under ss. ~~940.42 to~~  
9 ~~940.45~~ 946.62 to 946.64 is a bar to subsequent punishment for contempt arising out  
10 of the same act.

11 **SECTION 52.** 940.49 of the statutes is renumbered 946.648 and amended to  
12 read:

13 **946.648 Pretrial release.** Any pretrial release of any defendant whether on  
14 bail or under any other form of recognizance shall be deemed to include a condition  
15 that the defendant neither do, nor cause to be done, nor permit to be done on his or  
16 her behalf, any act proscribed by ss. ~~940.42 to 940.45~~ 946.62 to 946.64 and any ~~wilful~~  
17 willful violation of the condition is subject to punishment as prescribed in s. 940.48  
18 946.646 (3) whether or not the defendant was the subject of an order under s. 940.47  
19 946.644.

20 **SECTION 53.** 941.26 (1) (a) of the statutes is amended to read:

21 941.26 (1) (a) No person may sell, transfer, possess, use, or transport any  
22 machine gun or other ~~full~~ fully automatic firearm.

23 **SECTION 54.** 941.26 (2) (a) of the statutes is amended to read:

24 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ D felony.

25 **SECTION 55.** 941.26 (3) of the statutes is amended to read:

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1           941.26 (3) This section does not apply to the sale, transfer, possession,  
2           modification, use, or transportation of any weapons or containers under sub. (1) or  
3           (1m) to or by any armed forces or national guard personnel in the line of duty, or any  
4           civil enforcement officer of the state or of any city or county. This section does not  
5           apply to the sale, transfer, possession, modification, use, or transportation of  
6           weapons under sub. (1) (a) or (1m) to or by any person duly authorized by the chief  
7           of police of any city or the sheriff of any county. This section does not apply to the  
8           restoration of any weapon under sub. (1) (a) or (1m) by a person having a license to  
9           collect firearms as curios or relics issued by the U.S. department of the treasury. The  
10          restriction on transportation contained in this section does not apply to common  
11          carriers.

12           **SECTION 56.** 941.27 (2) of the statutes is amended to read:

13           941.27 (2) EXCEPTIONS. Sections 941.25 and 941.26 shall not prohibit or  
14           interfere with the manufacture for, and sale of, machine guns to the military forces  
15           or the peace officers of the United States or of any political subdivision thereof, or the  
16           transportation required for that purpose; the possession of a machine gun for  
17           scientific purpose, or the possession of a machine gun not usable as a weapon and  
18           possessed as a curiosity, ornament, or keepsake; ~~or the possession of a machine gun~~  
19           ~~other than one adapted to use pistol cartridges for a purpose manifestly not~~  
20           ~~aggressive or offensive.~~

21           **SECTION 57.** 941.31 of the statutes is repealed.

22           **SECTION 58.** 941.375 of the statutes is created to read:

23           **941.375 Interfering with disarmament of explosives. (1)** In this section:

24           (a) "Destructive device" has the meaning given in s. 947.07 (1) (c).

25           (b) "Explosive" has the meaning given in s. 947.07 (1) (f).

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1 (c) "Public safety official" means any law enforcement officer, fire fighter,  
2 emergency management official, or other public safety or military personnel  
3 employed by the state, a subdivision of the state, or the United States.

4 (2) Whoever knowingly obstructs or interferes with a public safety official, or  
5 an animal or mechanical device used by a public safety official, while the public  
6 safety official is searching for, disarming, or destroying an explosive or a destructive  
7 device is guilty of a Class A misdemeanor.

8 (3) Whoever violates sub. (2) and reasonably believes that his or her  
9 obstruction of interference may endanger the safety of another is guilty of a Class E  
10 felony.

11 (4) Whoever violates sub. (3), if the obstruction or interference contributes to  
12 the death of another, is guilty of a Class C felony.

13 **SECTION 59.** 941.38 (1) (b) 11. of the statutes is amended to read:

14 941.38 (1) (b) 11. Intimidation of witnesses, as prohibited in s. ~~940.42 or 940.43~~  
15 946.62 or 946.625.

16 **SECTION 60.** 941.38 (1) (b) 12. of the statutes is amended to read:

17 941.38 (1) (b) 12. Intimidation of victims, as prohibited in s. ~~940.44 or 940.45~~  
18 946.63 or 946.635.

19 **SECTION 61.** 941.38 (1) (b) 12o. of the statutes is created to read:

20 941.38 (1) (b) 12o. Unlawful communication with a juror, as prohibited in s.  
21 946.64.

22 **SECTION 62.** 943.011 (1) (b) of the statutes is amended to read:

23 943.011 (1) (b) "Witness" has the meaning given in s. ~~940.41~~ 946.605 (3).

24 **SECTION 63.** 943.013 of the statutes is repealed.

25 **SECTION 64.** 943.0135 of the statutes is created to read:

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1           **943.0135 Damage or threat to property of public officer or employee.**

2           **(1)** In this section, “family member” means a parent, spouse, sibling, child, stepchild,  
3 foster child, or treatment foster child.

4           **(2)** Whoever intentionally causes or threatens to cause damage to any physical  
5 property that belongs to a public officer or employee or a family member of a public  
6 officer or employee under all of the following circumstances is guilty of a Class D  
7 felony:

8           (a) At the time of the act or threat, the actor knows or should have known that  
9 the person whose property is damaged or threatened is a public officer or employee  
10 or a family member of a public officer or employee.

11           (b) The public officer or employee is acting in an official capacity at the time of  
12 the act or threat, the act or threat is intended to influence an action by the public  
13 officer or employee in an official capacity, or the act or threat is in response to any  
14 action taken in an official capacity.

15           (c) There is no consent by the person whose property is damaged or threatened.

16           **SECTION 65.** 943.015 of the statutes is repealed.

17           **SECTION 66.** 943.017 (2m) (a) 2. of the statutes is amended to read:

18           943.017 **(2m)** (a) 2. “Witness” has the meaning given in s. 940.41 946.605 (3).

19           **SECTION 67.** 943.05 of the statutes is amended to read:

20           **943.05 Placing of combustible materials an attempt.** Whoever places any  
21 combustible or explosive material or device in or near any property with intent to set  
22 fire to or blow up such property is guilty of an attempt to violate either s. 943.01,  
23 943.012, ~~943.013~~ 943.0135, 943.02, 943.03 or 943.04, depending on the facts of the  
24 particular case.

25           **SECTION 68.** 943.20 (3) (e) of the statutes is created to read:

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1           943.20 (3) (e) If the value of the property does not exceed \$2,500 and any of the  
2 following circumstances exists, is guilty of a Class C felony:

3           1. The property is a machine gun, as defined in s. 941.27 (1).

4           2. The property is a firearm that is owned by a law enforcement agency, the U.S.  
5 armed forces, a reserve component of the U.S. armed forces, or the National Guard.

6           3. The property is an explosive, as defined in s. 947.07 (1) (d), or a destructive  
7 device, as defined in s. 947.07 (1) (b).

8           **SECTION 69.** 943.201 (1) (a) of the statutes is amended to read:

9           943.201 (1) (a) “Personal identification document” means a ~~birth certificate~~  
10 document made or issued under the authority of the federal government, a state, a  
11 political subdivision of a state, a foreign government, or a political subdivision of a  
12 foreign government that is intended or commonly accepted for the purpose of  
13 identifying individuals, or a financial transaction card, as defined in s. 943.41 (1)  
14 (em).

15           **SECTION 70.** 946.605 (1c) of the statutes is created to read:

16           946.605 (1c) “Family member” means a spouse, child, stepchild, foster child,  
17 treatment foster child, parent, sibling, or grandchild of another or any person  
18 sharing a common domicile with another.

19           **SECTION 71.** 946.605 (1e) of the statutes is created to read:

20           946.605 (1e) “Juror” includes any person who is or has been a grand juror, petit  
21 juror, or inquest juror and any person who has been summoned as a prospective juror  
22 under s. 756.05.

23           **SECTION 72.** 946.64 of the statutes is renumbered 946.64 (1) and amended to  
24 read:

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1           946.64 (1) Whoever, with intent to influence any person, ~~summoned or serving~~  
2           as a juror, in relation to any matter which is before ~~that person~~ or which may be  
3           brought before ~~that person~~ him or her, communicates directly or indirectly with ~~him~~  
4           or her the juror or the juror's family member otherwise than in the regular course  
5           of proceedings in the trial or hearing of that matter is guilty of a Class E felony.

6           **SECTION 73.** 946.64 (2) of the statutes is created to read:

7           946.64 (2) Whoever, with intent to annoy, harass, frighten, threaten, abuse, or  
8           intimidate any juror or any juror's family member because of a verdict returned by  
9           the juror or the participation of the juror in any criminal or civil trial or matter,  
10          communicates directly or indirectly with the juror or any of the juror's family  
11          members is guilty of a Class E felony.

12          **SECTION 74.** 946.64 (3) of the statutes is created to read:

13          946.64 (3) Whoever violates sub. (1) or (2) is guilty of a Class D felony if any  
14          of the following applies:

15          (a) The act is accompanied by physical force or violence or attempted physical  
16          force or violence.

17          (b) The act is accompanied by damage to real or personal property.

18          (c) The act is accompanied by any express or implied threat of physical force,  
19          violence, injury, or damage described in pars. (a) and (b).

20          (d) The act is in furtherance of any conspiracy.

21          (e) The act is committed by any person for monetary gain or for any other  
22          consideration acting on the request of any other person.

23          **SECTION 75.** 946.78 of the statutes is created to read:

24          **946.78 Money laundering. (1)** In this section:

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1 (a) "Felony" means any act punishable as a felony under the laws of this state  
2 or, if the act occurred within another jurisdiction, any act punishable by  
3 incarceration for one year or more under the laws of the other jurisdiction.

4 (b) "Monetary instrument" includes any of the following:

5 1. Coin or currency of the United States or any other country.

6 2. Traveler's check, personal check, money order, or share draft or other draft  
7 for payment.

8 3. Investment security or negotiable instrument, in bearer form or other form  
9 that provides that title to the security or instrument passes upon delivery of the  
10 security or instrument.

11 4. Precious metals, stones, or jewels.

12 (c) "Transaction" means the acquisition or disposition of property by any  
13 means, including any of the following:

14 1. The purchase, sale, trade, transfer, transmission, exchange, loan, pledge,  
15 investment, delivery, deposit, or withdrawal of a monetary instrument.

16 2. The use of a safe deposit box.

17 3. The extension of credit.

18 **(2)** Whoever does any of the following is subject to the penalties under sub. (4):

19 (a) Receives or acquires proceeds, or engages in a transaction involving  
20 proceeds, that the person knows or has reason to know are derived from a felony, if  
21 the person also knows or has reason to know that the receipt or acquisition of the  
22 proceeds or the transaction is designed in whole or in part to conceal or disguise the  
23 nature, location, source, ownership, or control of the proceeds of the felony.

24 (b) Gives, sells, transfers, trades, invests, conceals, possesses, transports, or  
25 otherwise makes available one or more monetary instruments that the person knows



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1 or has reason to know are intended to be used to commit or further the commission  
2 of a felony.

3 (c) Directs, plans, organizes, initiates, finances, manages, supervises, or  
4 facilitates the transportation or transfer of proceeds that the person knows or has  
5 reason to know are derived from a felony, if the person also knows or has reason to  
6 know that the transportation or transfer is designed in whole or in part to conceal  
7 or disguise the nature, location, source, ownership, or control of the proceeds of the  
8 felony.

9 (3) (a) In a prosecution under sub. (2) (a) or (c), the state is not required to prove  
10 that the defendant knew the specific felony from which the proceeds were derived,  
11 or that the defendant knew that the act from which the proceeds were derived  
12 constituted a felony.

13 (b) In a prosecution under sub. (2) (b), the state is not required to prove that  
14 the defendant knew the specific felony for which the monetary instrument was  
15 intended to be used, or that the defendant knew that the act for which the monetary  
16 instrument was intended to be used constituted a felony.

17 (4) Whoever violates sub. (2) is guilty of a Class D felony, except that,  
18 notwithstanding the maximum fine specified in s. 939.50 (3) (d), the person may be  
19 fined not more than \$10,000 or twice the value of the proceeds or monetary  
20 instruments involved in the violation, whichever is greater.

21 **SECTION 76.** 946.79 of the statutes is created to read:

22 **946.79 False statements to financial institutions.** (1) In this section:

23 (a) "Financial institution" means a bank, savings bank, savings and loan  
24 association, credit union, insurance company, trust company, a securities broker or

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1 dealer, a pawnbroker, as defined in s. 134.71 (1) (e), a telegraph company, or a dealer  
2 in precious metals, stones, or jewels.

3 (b) "Personal identification document" has the meaning given in s. 943.201 (1)

4 (a).

5 (c) "Personal identifying information" has the meaning given in s. 943.201 (1)

6 (b).

7 (d) "Transaction" has the meaning given in s. 946.78 (1) (c).

8 **(2)** Whoever knowingly does any of the following with respect to information  
9 that is requested by or submitted to a financial institution in connection with a  
10 transaction with that financial institution is guilty of a Class E felony:

11 (a) Falsifies or conceals or attempts to falsify or conceal the identity of a person.

12 (b) Makes a false or fraudulent statement or representation regarding the  
13 identity of a person.

14 (c) Makes or uses a false writing knowing that the writing contains false  
15 information regarding the identity of a person.

16 (d) Uses or presents a false personal identification document or false personal  
17 identifying information.

18 **SECTION 77.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,  
19 is amended to read:

20 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
21 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
22 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
23 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
24 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
25 940.19 (3) to (6), 940.20, 940.201, ~~940.203~~ 940.204, 940.21, 940.30, 940.305, 940.31,

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1 941.20 (2) and (3), 941.26, 941.28, 941.298, ~~941.31~~, 941.32, 943.01 (2), (2d), or (2g),  
2 943.011, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,  
3 943.20 (3) (c) ~~and (d)~~ to (3), 943.201, 943.23 (1g), (1m), (1r), (2), and (3), 943.24 (2),  
4 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41  
5 (8) (b) and (c), 943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e),  
6 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10,  
7 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65,  
8 946.72, 946.76, ~~947.015~~, 946.78, 946.79, 947.05, 947.07, 948.05, 948.08, 948.12, and  
9 948.30.

10 **SECTION 78.** 947.012 (1) (a) of the statutes is repealed.

11 **SECTION 79.** 947.0125 (2) (a) of the statutes is repealed.

12 **SECTION 80.** 947.0125 (2) (b) of the statutes is repealed.

13 **SECTION 81.** 947.015 of the statutes is repealed.

14 **SECTION 82.** 947.02 of the statutes is renumbered 947.12.

15 **SECTION 83.** 947.03 of the statutes is created to read:

16 **947.03 Threat to cause death, bodily harm, or property damage.**

17 Whoever, with intent to frighten, intimidate, threaten, abuse, or harass another  
18 person, threatens to cause the death of or bodily harm to any person or to damage  
19 any person's property is guilty of a Class A misdemeanor.

20 **SECTION 84.** 947.04 of the statutes is renumbered 947.14.

21 **SECTION 85.** 947.05 of the statutes is created to read:

22 **947.05 Terrorist threats. (1)** Whoever, under any of the following  
23 circumstances, threatens to cause the death of or bodily harm to any person or to  
24 damage any person's property is guilty of a Class E felony:

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1 (a) The actor intends to prevent the occupation of or cause the evacuation of a  
2 building, dwelling, school premises, vehicle, facility of public transportation, or place  
3 of public assembly or any room within a building, dwelling, or school premises.

4 (b) The actor intends to cause serious public inconvenience.

5 (c) The actor intends to cause an interruption or impairment of governmental  
6 operations or public communication, of transportation, or of a supply of water, gas,  
7 or other public service.

8 (d) The actor creates an unreasonable and substantial risk of causing a result  
9 described in par. (a), (b), or (c) and is aware of that risk.

10 (2) Any person who violates sub. (1) and thereby contributes to any individual's  
11 death is guilty of a class C felony.

12 **SECTION 86.** 947.06 of the statutes is renumbered 947.16.

13 **SECTION 87.** 947.07 of the statutes is created to read:

14 **947.07 Explosives, destructive devices, detonators, and weapons of**  
15 **mass destruction. (1) DEFINITIONS.** In this section:

16 (a) "Biological agent" means a microorganism or an infectious substance, or any  
17 naturally occurring, bioengineered, or synthesized toxin or component of a  
18 microorganism or an infectious substance, that is capable of causing death, disease,  
19 or other biological malfunction in a human, animal, plant, or other living organism.

20 (b) "Crop" means plants that are cultivated for the production of food, fiber, or  
21 other commercial products.

22 (c) "Destructive device" means an overpressure device, or a device that contains  
23 an explosive or an incendiary and is designed or configured to cause substantial  
24 bodily harm, death, or property damage, including any of the following devices:

25 1. A bomb.

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1           2. A grenade.

2           3. A rocket having a propellant charge of more than 4 ounces.

3           4. A missile having an explosive or incendiary charge of more than one-quarter  
4 ounce.

5           5. A mine.

6           (d) "Detonator" means a device containing an exploding charge used to initiate  
7 detonation in an explosive or a destructive device, or any device capable of initiating  
8 or setting off an explosive charge including, but not limited to, an impact device, a  
9 timing mechanism, a primer, primer or detonating cord, a detonating cap, detonating  
10 waves, electric blasting caps, blasting caps for use with safety fuses, a shock tube  
11 initiator, or detonating cord delay connectors.

12           (e) "Device component" means any equipment, product, or material of any kind  
13 that is used, designed for use, or primarily intended for use in constructing a  
14 destructive device or a weapon of mass destruction.

15           (f) "Explosive" means any chemical compound, other substance, or mechanical  
16 system that is intended to produce an explosion capable of causing substantial bodily  
17 harm, death, or property damage, including such a compound, substance, or system  
18 that contains oxidizing and combustible units in proportions or quantities that  
19 ignition, fire, friction, concussion, percussion, or detonation may produce an  
20 explosion; including, but not limited to, items on the list of explosive materials  
21 published pursuant to 18 USC 841 (d) and 27 CFR 55.23.

22           (g) "Facsimile device or substance" means a replica or imitation of an explosive,  
23 destructive device, detonator, or weapon of mass destruction, or an object that bears  
24 a reasonable resemblance to, or can reasonably be perceived to be, such an item, or

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1 an object that is represented to be such an item, but not an actual explosive,  
2 destructive device, detonator, or weapon of mass destruction.

3 (h) "Incendiary" means any material that causes or is capable of causing a fire  
4 when lit or ignited.

5 (i) "Livestock" has a meaning given in s. 943.76 (1).

6 (j) "Microorganism" includes a bacterium, virus, fungus, rickettsia, or  
7 protozoan.

8 (k) "Overpressure device" means a container filled with an explosive gas or an  
9 expanding gas or liquid that is designed or constructed to break, fracture, or rupture  
10 in a manner capable of causing substantial bodily harm, death, or property damage,  
11 including, but not limited to, a chemical reaction bomb, an acid bomb, a caustic bomb,  
12 or a dry ice bomb.

13 (L) "Poisonous gas" means a gas that through its chemical action on life  
14 processes can cause death, temporary incapacitation, or permanent harm to humans  
15 or other living organisms.

16 (m) "Site" means a building, dwelling, school premises, vehicle, facility of public  
17 transportation, a place of public assembly, or any room within a building, dwelling,  
18 or school premises.

19 (n) "Toxic chemical" means a chemical that through its chemical action on life  
20 processes can cause death, temporary incapacitation, or permanent harm to human  
21 or other living organisms.

22 (o) "Weapon of mass destruction" means any of the following:

23 1. A poisonous gas or toxic chemical, a precursor of a poisonous gas or toxic  
24 chemical, or a biological agent

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1           2. A device that is designed or intended to release or disseminate a poisonous  
2 gas or a toxic chemical, a precursor of a poisonous gas or toxic chemical, or a biological  
3 agent.

4           3. A device that is designed or intended to release radiation or radioactivity at  
5 a level that is dangerous to human life.

6           **(2) MANUFACTURE, TRADE, OR POSSESSION.** (a) Whoever manufactures, buys,  
7 sells, offers to sell, transfers, distributes, or possesses an explosive or a destructive  
8 device is guilty of a Class C felony.

9           (b) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
10 possesses a detonator with intent to commit a crime is guilty of a Class C felony.

11           (c) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or  
12 possesses a weapon of mass destruction is guilty of a Class A felony.

13           (d) Whoever manufactures, buys, sells, offers to sell, transfers, distributes,  
14 uses, or possesses a device component with intent that the device component be used  
15 to construct or assemble a destructive device or a weapon of mass destruction is  
16 guilty of a Class C felony.

17           **(3) USE.** (a) Whoever uses an explosive or a destructive device is guilty of a  
18 Class B felony.

19           (b) Whoever uses a detonator with intent to commit a crime is guilty of a Class  
20 B felony.

21           (c) Whoever uses a weapon of mass destruction is guilty of a Class A felony.

22           **(4) FACSIMILE DEVICES OR SUBSTANCES.** Whoever, with intent to alarm,  
23 intimidate, threaten, terrify, or harass another, manufactures, possesses, transfers,  
24 transports, delivers, distributes, displays, or deploys a facsimile device or substance

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1 is guilty of a Class D felony if another reasonably believes that the facsimile device  
2 or substance is real.

3 **(5) THREATS.** (a) Whoever knowing the threat to be false makes or  
4 communicates a threat to use or attempt to use an explosive, a destructive device,  
5 or a weapon of mass destruction, if another reasonably believes the threat to be true,  
6 is guilty of a Class E felony.

7 (b) Whoever violates par. (a) under any of the following circumstances is guilty  
8 of a Class D felony:

9 1. With intent to cause an evacuation or to prevent occupation of a site, or with  
10 reckless disregard of the risk of causing an evacuation or preventing occupation of  
11 a site is guilty of a Class D felony.

12 2. With intent to cause serious public inconvenience or with reckless disregard  
13 of the risk of causing serious public inconvenience.

14 3. With intent to cause an interruption or impairment of governmental  
15 operations or public communication, of transportation, or a supply of water, gas, or  
16 other public service, or with reckless disregard of the risk of causing such an  
17 interruption or impairment.

18 (c) Whoever makes or communicates a threat to use a weapon of mass  
19 destruction to kill or sicken livestock or a crop owned by another without the consent  
20 of the owner or to damage public natural resources including public parkland,  
21 surface water, groundwater, or wildlife, if another reasonably believes the threat to  
22 be true, is guilty of a Class B felony.

23 **(6) EXCEPTIONS FOR CERTAIN PERSONS.** Subsections (2) and (3) do not apply to the  
24 following persons:



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1 (a) Persons licensed under federal or state law to import, manufacture, or deal  
2 in explosives, destructive devices, or detonators, persons granted permits under  
3 federal or state law to use explosives, destructive devices, or detonators, or persons  
4 authorized under federal or state law to transport explosives, destructive devices, or  
5 detonators in commerce with respect to the activity that is authorized.

6 (b) Members of the U.S. armed forces, the national guard, or a reserve  
7 component of the U.S. armed forces, while on active duty or in training, who are  
8 authorized to use explosives, destructive devices, or detonators.

9 (c) Law enforcement officers or fire fighters, while on active duty or in training,  
10 who are authorized to use explosives, destructive devices, or detonators.

11 (d) Persons conducting research or education concerning explosives,  
12 destructive devices, detonators, or weapons of mass destruction on behalf of a  
13 university, college, technical college, or secondary school, if the research or education  
14 is authorized by the university, college, technical college, or secondary school and is  
15 not otherwise prohibited by law.

16 **(7) EXCEPTIONS FOR CERTAIN ACTS.** Subsections (2) and (3) do not apply to the  
17 manufacture, purchase, sale, offer to sell, transfer, distribution, or possession of the  
18 following:

19 (a) Fireworks, as defined in s. 167.10 (1), by persons authorized under s. 167.10  
20 to manufacture, sell, transport, use, or possess fireworks except if the firework is  
21 used as a component of a destructive device or a weapon of mass destruction.

22 (b) Pesticides approved for use under federal law or fertilizer, if the pesticides  
23 or fertilizer are intended to be used for agricultural purposes.

24 (c) Ammunition for firearms or components for ammunition for firearms that  
25 are designed to shoot no more than one shot without manual reloading.

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1 (d) An explosive for use in a medicine as prescribed in the most recent U.S.  
2 pharmacopoeia and national formulary.

3 (8) EVIDENCE. A photograph, electronic image, videotape, or other identifying  
4 evidence of an explosive, destructive device, detonator, or weapon of mass  
5 destruction that is properly authenticated as provided under ch. 909 is admissible  
6 as evidence in lieu of the actual explosive, destructive device, detonator, or weapon  
7 of mass destruction in any action or proceeding concerning an explosive, destructive  
8 device, detonator, or weapon of mass destruction.

9 **SECTION 88.** 947.08 of the statutes is created to read:

10 **947.08 Material support of terrorism.** (1) In this section:

11 (a) "Act of terrorism" means a crime that satisfies s. 939.648 (2) (a), (b), and (c)  
12 or an act that would satisfy s. 939.648 (2) (a), (b), and (c) if committed in this state.

13 (b) "Material support" means any of the following:

14 1. Currency or securities.

15 2. Financial services.

16 3. Personnel.

17 4. Transportation.

18 5. Training, expert advice, or assistance.

19 6. Lodging, safe houses, or other facilities.

20 7. False documentation or identification.

21 8. Any physical assets, including communications equipment, dangerous  
22 weapons, poisonous substances, and explosives.

23 (c) "Solicit" means to request, directly or indirectly, a grant or pledge of material  
24 support, whether or not the person soliciting receives any grant or pledge of material  
25 support.

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1           **(2)** No person may do any of the following:

2           (a) Solicit or collect material support if he or she knows or has reason to know  
3 that the material support is intended to be used in whole or in part to plan, prepare,  
4 commit, or escape after committing an act of terrorism.

5           (b) Provide material support to another if he or she knows or has reason to know  
6 that the material support is intended to be used in whole or in part to plan, prepare,  
7 commit, or escape after committing an act of terrorism.

8           **(3)** A person who violates sub. (2) is guilty of a Class C felony.

9           **SECTION 89.** 968.26 of the statutes is renumbered 968.26 (1) and amended to  
10 read:

11           968.26 **(1)** If a person complains to a judge that he or she has reason to believe  
12 that a crime has been committed within his or her jurisdiction, the judge shall  
13 examine the complainant under oath and any witnesses produced by him or her and  
14 may, and at the request of the district attorney shall, subpoena and examine other  
15 witnesses to ascertain whether a crime has been committed and by whom committed.  
16 The extent to which the judge may proceed in the examination is within the judge's  
17 discretion. The examination may be adjourned and may be secret. Any witness  
18 examined under this section subsection may have counsel present at the  
19 examination but the counsel shall not be allowed to examine his or her client,  
20 cross-examine other witnesses or argue before the judge. If it appears probable from  
21 the testimony given that a crime has been committed and who committed it, the  
22 complaint may be reduced to writing and signed and verified; and thereupon a  
23 warrant shall issue for the arrest of the accused. Subject to s. 971.23, if the  
24 proceeding is secret, the record of the proceeding and the testimony taken shall not  
25 be open to inspection by anyone except the district attorney unless it is used by the

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1 prosecution at the preliminary hearing or the trial of the accused and then only to  
2 the extent that it is so used. A court, on the motion of a district attorney, may compel  
3 a person to testify or produce evidence under s. 972.08 (1). The person is immune  
4 from prosecution as provided in s. 972.08 (1), subject to the restrictions under s.  
5 972.085.

6 **SECTION 90.** 968.26 (2) of the statutes is created to read:

7 968.26 (2) Upon his or her own initiative or at the request of a district attorney,  
8 the attorney general may petition the chief judge of any judicial administrative  
9 district within which there is reason to investigate unlawful activity under s. 165.70  
10 for an order convening a John Doe proceeding having statewide investigative  
11 jurisdiction. If the chief judge grants the order, he or she may conduct the proceeding  
12 or assign another judge to conduct the proceeding. The attorney general shall  
13 represent the state in the proceeding. The venue of any criminal action resulting  
14 from the proceeding is prescribed in s. 971.19.

15 **SECTION 91.** 968.265 of the statutes is created to read:

16 **968.265 Order for disclosure of depositor information.** (1) In this  
17 section:

18 (a) "Depository account" means any account at a financial institution in which  
19 a person may deposit money, or a safe deposit box in which a person may deposit  
20 property.

21 (b) "Financial institution" means a bank, savings bank, savings and loan  
22 association, credit union, insurance company, trust company, securities broker or  
23 dealer, a pawnbroker, as defined in s. 134.71 (1) (e), a telegraph company, or a dealer  
24 in precious metals, stones, or jewels.

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1           **(2)** Upon the request of the attorney general or a district attorney and a  
2 showing that the information requested is relevant to a criminal investigation, a  
3 court shall issue an order requiring any financial institution to disclose to the  
4 attorney general or district attorney whether the person named in the order has a  
5 depository account with the financial institution or whether the person has had a  
6 depository account with the financial institution at a prior specified time. Any  
7 person who intentionally violates such an order may be punished under ch. 785.

8           **SECTION 92.** 968.27 (intro.) of the statutes is amended to read:

9           **968.27 Definitions.** (intro.) In ss. ~~968.28~~ 968.275 to 968.37:

10          **SECTION 93.** 968.27 (14m) of the statutes is created to read:

11          **968.27 (14m)** “Roving interception order” means an order granting an  
12 application made under s. 968.30 (1) or (6m) with respect to which the requirements  
13 of s. 968.30 (11) (a) or (b) have been met.

14          **SECTION 94.** 968.275 of the statutes is created to read:

15          **968.275 Order for disclosure of subscriber information.** (1) Upon the  
16 request of the attorney general or a district attorney and a showing that the  
17 information requested is relevant to a criminal investigation, a court shall issue an  
18 order requiring any electronic communications service provider to disclose to the  
19 attorney general or district attorney whether the person identified in the order is or  
20 was a subscriber or customer of the service provider at a specified time and, if the  
21 person is or was a subscriber or customer, requiring the electronic communications  
22 service provider to provide the following information regarding the person:

23           (a) Name.

24           (b) Address.

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1 (c) Local and long distance telephone connection records, or records of times  
2 and duration of service usage.

3 (d) Start date and length of service.

4 (e) Types of services provided.

5 (f) Telephone or instrument number or other subscriber number or identity,  
6 including any temporarily assigned network address.

7 (g) The means and sources of payment for services, including any credit card  
8 or bank account number used.

9 **(2)** Any person who intentionally violates an order under sub. (1) may be  
10 punished under ch. 785.

11 **SECTION 95.** 968.28 of the statutes is amended to read:

12 **968.28 Application for court order to intercept communications.** The  
13 attorney general together with the district attorney of any county may approve a  
14 request of an investigative or law enforcement officer to apply to the chief judge of  
15 the judicial administrative district for the county where the interception is to take  
16 place for an order authorizing or approving the interception of wire, electronic or oral  
17 communications. The chief judge may under s. 968.30 grant an order authorizing or  
18 approving the interception of wire, electronic or oral communications by  
19 investigative or law enforcement officers having responsibility for the investigation  
20 of the offense for which the application is made. The authorization shall be permitted  
21 only if the interception may provide or has provided evidence of the commission of  
22 the offense of homicide, felony murder, kidnapping, commercial gambling, bribery,  
23 extortion, dealing in controlled substances or controlled substance analogs, a  
24 computer crime that is a felony under s. 943.70, any felony that is dangerous to life,  
25 limb, or property, or any conspiracy to commit any of the foregoing offenses.

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1           **SECTION 96.** 968.30 (1) (intro.) of the statutes is amended to read:

2           968.30 (1) (intro.) Each application for an order authorizing or approving the  
3 interception of a wire, electronic or oral communication shall be made in writing  
4 upon oath or affirmation to the court and shall state the applicant's authority to  
5 make the application and may be upon personal knowledge or information and belief.  
6 ~~Each~~ Subject to sub. (11), each application shall include the following information:

7           **SECTION 97.** 968.30 (4) (intro.) of the statutes is amended to read:

8           968.30 (4) (intro.) ~~Each~~ Subject to sub. (11), each order authorizing or  
9 approving the interception of any wire, electronic or oral communication shall  
10 specify:

11           **SECTION 98.** 968.30 (5) of the statutes is renumbered 968.30 (5) (a) and  
12 amended to read:

13           968.30 (5) (a) No order entered under this section may authorize or approve the  
14 interception of any wire, electronic or oral communication for any period longer than  
15 is necessary to achieve the objective of the authorization, nor in any event longer  
16 than 30 days. The 30-day period begins on the earlier of the day on which the  
17 investigative or law enforcement officer first begins to conduct an interception under  
18 the order or 10 days after the order is entered. Extensions of an order may be  
19 granted, but only upon application for an extension made in accordance with sub. (1)  
20 and the court making the findings required by sub. (3). The period of extension shall  
21 be no longer than the authorizing judge deems necessary to achieve the purposes for  
22 which it was granted and in no event be for longer than 30 days. Every order and  
23 extension thereof shall contain a provision stating that it terminates upon  
24 attainment of the authorized objective or in any event in 30 days. This paragraph  
25 does not apply to an order entered under sub. (6m).

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1           (b) Every order entered under this section and every extension of such an order  
2           shall contain a provision stating that the authorization to intercept shall be executed  
3           as soon as practicable, and shall be conducted in such a way as to minimize the  
4           interception of communications not otherwise subject to interception under this  
5           chapter, ~~and must terminate upon attainment of the authorized objective, or in any~~  
6           ~~event in 30 days.~~ In the event the intercepted communication is in a code or foreign  
7           language, and an expert in that foreign language or code is not reasonably available  
8           during the interception period, minimization may be accomplished as soon as  
9           practicable after the interception.

10           **SECTION 99.** 968.30 (6m) of the statutes is created to read:

11           968.30 **(6m)** (a) In this subsection:

12           1. "Applicant" means a person applying for an order under this subsection.

13           2. "Chief judge" means the chief judge of the judicial administrative district in  
14           which the interception of a communication has occurred or is to occur.

15           3. "Emergency situation" means a situation involving immediate danger of  
16           death or great bodily harm.

17           4. "Great bodily harm" has the meaning given in s. 939.22 (14).

18           5. "Interceptable communication" means a communication the interception of  
19           which is permitted under an order entered under par. (e).

20           (b) Notwithstanding sub. (1), in an emergency situation, an investigative or law  
21           enforcement officer may apply by telephone, radio, or other means of electronic  
22           communication under pars. (c) and (d) for an order authorizing the interception of  
23           wire, electronic, or oral communications if all of the following apply:

24           1. The attorney general or the district attorney for the county in which the  
25           interception is to occur has authorized the application.



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1           2. If only one of the attorneys listed in subd. 1. has authorized the application,  
2           the attorney who has done so has provided written notice to the other attorney of his  
3           or her authorization.

4           3. Complying with sub. (1) may increase or prolong the risk of death or great  
5           bodily harm that the emergency situation involves.

6           (c) An investigative or law enforcement officer may apply for an order under  
7           this subsection with the chief judge. At the outset of his or her communication with  
8           the court, the applicant shall identify himself or herself and the purpose of the  
9           communication. The court shall then place under oath the applicant and any other  
10          person providing information in support of the application. Each oath and all of the  
11          remaining communication must be recorded, transcribed, and filed in the same  
12          manner as an application for a search warrant under s. 968.12 (3) (d), except that the  
13          transcript and any recording must be filed within 48 hours after the entry of an order  
14          granting an application under this subsection.

15          (d) The applicant shall provide the court the following:

16           1. The name of the attorney authorizing the application.

17           2. The information described under sub. (1) (b), (c), and (e).

18           3. Evidence that an emergency situation exists.

19           4. Evidence that complying with sub. (1) may increase or prolong the risk of  
20          death or great bodily harm that the emergency situation involves.

21          (e) The court shall grant the application if it finds that that an emergency  
22          situation exists, that compliance by the applicant with sub. (1) would increase or  
23          prolong the risk of death or great bodily harm that the emergency situation involves,  
24          and that sub. (3) (a) to (d) applies. The court shall record on the order the time at  
25          which it is entered and shall include in the order a provision stating that the order

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1 expires upon the attainment of the authorized objective, the denial of a written  
2 application filed under par. (f), or the passage of 48 hours, whichever occurs first.

3 (f) Within 48 hours after the entry of an order under par. (e), the applicant shall  
4 file a retroactive application under sub. (1) with the chief judge asking the court to  
5 approve the interception of communications which has occurred, is occurring, or will  
6 occur under the order entered under par. (e). The court shall proceed as if the  
7 application were an original application and shall, within that 48 hour time period,  
8 approve or deny the application.

9 (g) Any order entered under par. (e) shall expire immediately if any of the  
10 following occur:

11 1. The interceptable communication is intercepted.

12 2. Forty-eight hours pass after the entry of the order, and the applicant does  
13 not file an application under par. (f).

14 3. The chief judge denies the application under par. (f).

15 (h) Unless the chief judge approves an application under par. (f) relating to an  
16 order entered under par. (e), any communication intercepted in reliance on the order  
17 shall be treated as having been unlawfully intercepted.

18 **SECTION 100.** 968.30 (7) (d) (intro.) of the statutes is amended to read:

19 968.30 (7) (d) (intro.) Within a reasonable time but not later than 90 days after  
20 the filing of an application for an order of approval under par. (b) which is denied or  
21 the termination of the period of an order or extensions thereof, the issuing or denying  
22 judge shall cause to be served on the persons named in the order or the application  
23 and such other parties to intercepted communications as the judge determines is in  
24 the interest of justice, an inventory which shall include notice of all of the following:

25 **SECTION 101.** 968.30 (11) of the statutes is created to read:

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1           968.30 (11) (a) Subsections (1) (b) 2., (3) (d), and (4) (b) do not apply to an  
2 application for the interception of an oral communication made under sub. (1) or (6m)  
3 if all of the following apply:

4           1. The application identifies the person committing the offense described in  
5 sub. (1) (b) 1. and whose communications are to be intercepted.

6           2. The application contains a full and complete statement as to why complying  
7 with sub. (1) (b) 2. is not practical.

8           3. The judge finds that it is not practical for the applicant to comply with sub.  
9 (1) (b) 2.

10          (b) Subsections (1) (b) 2., (3) (d), and (4) (b) do not apply to an application for  
11 the interception of a wire or electronic communication made under sub. (1) or (6m)  
12 if all of the following apply:

13          1. The application identifies the person believed to be committing the offense  
14 described in sub. (1) (b) 1. and whose communications are to be intercepted.

15          2. Based on a showing by the applicant, the court finds that there is probable  
16 cause to believe that the actions of the person identified under subd. 1. could have  
17 the effect of thwarting interception from a specified facility or place.

18          3. The order authorizes the interception of communications only for the time  
19 during which it is reasonable to presume that the person identified under subd. 1.  
20 is or was reasonably close to the instrument through which the communications will  
21 be or was transmitted.

22          (c) If, after determining that the requirements of par. (a) have been met, the  
23 court issues a roving interception order, the order shall not take effect until the  
24 person implementing the order ascertains the facility from which or place where the  
25 communication is to be intercepted.

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1 (d) If, after determining that the requirements of par. (b) have been met, the  
2 court issues a roving interception order, a provider of wire or electronic  
3 communications service that receives the order may move the court to modify or  
4 quash the order on the ground that it cannot assist with the interception in a timely  
5 or reasonable fashion. The court, upon notice to the attorney general and the district  
6 attorney, shall decide such a motion expeditiously.

7 **SECTION 102.** 968.31 (2) (am) of the statutes is created to read:

8 968.31 (2) (am) 1. For a person to provide information, facilities, or technical  
9 assistance to any person authorized by law to intercept wire, oral, or electronic  
10 communications if any of the following apply:

11 a. The judge authorizing the interception has ordered the person to provide the  
12 specified assistance, the person has been provided with a copy of the court's order,  
13 and the order meets the requirements of subd. 2.

14 b. The attorney general, the district attorney, or a person authorized to  
15 intercept communications under an order entered under s. 968.30 (6m) provides the  
16 person a written certification that meets the requirements of subd. 2. and that states  
17 that no warrant or court order is required by law, that all statutory requirements  
18 have been met, and that the specified assistance is required.

19 2. An order or certification under subd. 1. shall specify the information,  
20 facilities, or technical assistance required and shall set forth the period of time  
21 during which the provision of the specified assistance is authorized.

22 3. No person providing assistance under this paragraph with respect to any  
23 interception or surveillance may disclose any information regarding the existence of  
24 the interception or surveillance or any information regarding any device used to  
25 accomplish the interception or surveillance unless all of the following apply:

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1 a. The person is required to disclose the information by legal process.

2 b. The person first notifies the attorney general or the district attorney.

3 **SECTION 103.** 968.31 (2g) of the statutes is created to read:

4 968.31 **(2g)** (a) Any person whose wire, electronic, or oral communication is  
5 intercepted, disclosed or used in violation of ss. 968.28 to 968.37 shall have a civil  
6 cause of action against any person who intercepts, discloses, or uses, or procures any  
7 other person to intercept, disclose, or use, the communication.

8 (b) Any person whose wire, electronic, or oral communication is intercepted has  
9 a cause of action against any person who violates sub. (2) (am) 3. with respect to that  
10 communication.

11 **SECTION 104.** 968.31 (2m) (intro.) of the statutes is repealed and recreated to  
12 read:

13 968.31 **(2m)** A person bringing an action under sub. (2g) who prevails in such  
14 an action shall be entitled to recover all of the following:

15 **SECTION 105.** 968.31 (3) of the statutes is amended to read:

16 968.31 **(3)** Good faith reliance on a court order ~~or on s. 968.30 (7)~~ shall constitute  
17 a complete defense to any civil or criminal action brought under ss. 968.28 to 968.37.

18 **SECTION 106.** 968.40 (1) of the statutes is renumbered 968.40 (1) (b).

19 **SECTION 107.** 968.40 (1) (a) of the statutes is created to read:

20 968.40 **(1)** (a) Upon his or her own initiative or at the request of a district  
21 attorney, the attorney general may petition the chief judge of any judicial  
22 administrative district within which there is reason to investigate unlawful activity  
23 under s. 165.70 for an order to select a grand jury list and impanel a grand jury  
24 having statewide jurisdiction. The grand jury may be selected in any county in the  
25 judicial administrative district. The chief judge may preside over the grand jury or

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1 assign another judge to preside. The attorney general shall represent the state in  
2 any proceeding under this paragraph. The venue of any indictment returned by the  
3 grand jury is as prescribed in s. 971.19.

4 **SECTION 108.** 969.02 (4m) of the statutes is amended to read:

5 969.02 (4m) Any person who is charged with a misdemeanor and released  
6 under this section shall comply with s. ~~940.49~~ 946.648. The person shall be given  
7 written notice of this requirement.

8 **SECTION 109.** 969.03 (2m) of the statutes is amended to read:

9 969.03 (2m) Any person who is charged with a felony and released under this  
10 section shall comply with s. ~~940.49~~ 946.648. The person shall be given written notice  
11 of this requirement.

12 **SECTION 110.** 969.08 (10) (b) of the statutes is amended to read:

13 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),  
14 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195  
15 (5), 940.20, 940.201, ~~940.203~~ 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.24,  
16 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 941.20 (2) or (3), 941.26,  
17 941.30, 941.327, 943.01 (2) (c), 943.011, ~~943.013~~ 943.0135, 943.02, 943.03, 943.04,  
18 943.06, 943.10, 943.23 (1g), (1m), or (1r), 943.30, 943.32, 946.01, 946.02, 946.43,  
19 ~~947.015~~, 947.05, 947.07, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06,  
20 948.07, or 948.30.

21 **SECTION 111.** 971.367 of the statutes is created to read:

22 **971.367 Crimes involving money laundering and false statements to**  
23 **financial institutions.** (1) In any case under s. 946.78 involving more than one  
24 violation, all violations may be prosecuted as a single crime if the violations were  
25 pursuant to a single intent and design.

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1           **(2)** In any case under s. 946.79 involving more than one violation, all violations  
2           may be prosecuted as a single crime if the violations were pursuant to a single intent  
3           and design.

4           **SECTION 112.** 971.37 (1m) (a) 2. of the statutes is amended to read:

5           971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of  
6           s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, ~~940.42, 940.43,~~  
7           ~~940.44, 940.45, 940.48,~~ 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
8           946.62, 946.625, 946.63, 946.635, 946.646, 947.01, 947.012, or 947.0125 and the  
9           conduct constituting the violation involved an act by the adult person against his or  
10          her spouse or former spouse, against an adult with whom the adult person resides  
11          or formerly resided or against an adult with whom the adult person has created a  
12          child.

13          **SECTION 113.** 973.055 (1) (a) 1. of the statutes is amended to read:

14          973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified  
15          in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
16          940.225, 940.23, 940.285, 940.30, 940.305, 940.31, ~~940.42, 940.43, 940.44, 940.45,~~  
17          ~~940.48,~~ 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 946.62, 946.625,  
18          946.63, 946.635, 946.646, 947.01, 947.012, or 947.0125 or of a municipal ordinance  
19          conforming to s. 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
20          947.01, 947.012, or 947.0125; and

21          **SECTION 114. Initial applicability.**

22          **(1) ACCESS TO LICENSE AND IDENTIFICATION CARD PHOTOGRAPHS.** The treatment of  
23          section 343.237 (3) (d) of the statutes first applies to requests for copies of  
24          photographs that are made on the effective date of this subsection.

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1           (2) NAME CHANGE. The treatment of section 786.36 (4) of the statutes first  
2 applies to name changes made on the effective date of this subsection.

3           (3) COURT ORDERS FOR DISCLOSURE OF INFORMATION. The treatment of sections  
4 968.265 and 968.275 of the statutes first applies to court orders for disclosure that  
5 are made on the effective date of this subsection.

6           (4) JOHN DOE PROCEEDINGS. The renumbering and amendment of section 968.26  
7 of the statutes and the creation of section 968.26 (2) of the statutes first apply to John  
8 Does proceedings commenced on the effective date of this subsection.

9           (5) GRAND JURY PROCEEDINGS. The renumbering of section 968.40 (1) of the  
10 statutes and the creation of section 968.40 (1) (a) of the statutes first apply to grand  
11 jury proceedings commenced on the effective date of this subsection.

12

(END)