

1987 Assembly Bill 607

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1987 Wisconsin Act 234

AN ACT to renumber 941.31; to amend 941.26 (1) and 941.31 (title); and to create 941.31 (2) of the statutes, relating to improvised explosive devices, tear gas bombs and providing a penalty.

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

SECTION 1. 941.26 (1) of the statutes is amended to read:

941.26 (1) No person may sell, possess, use or transport any machine gun or other full automatic firearm. No person may sell, possess, use or transport any tear gas bomb, hand grenade, projectile, or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

SECTION 2. 941.31 (title) of the statutes is amended to read:

941.31 (title) Possession of explosives.

SECTION 3. 941.31 of the statutes is renumbered 941.31 (1).

SECTION 4. 941.31 (2) of the statutes is created to read:

941.31 (2) (a) In this subsection, "improvised explosive device" means a destructive explosive device capable of causing bodily harm, great bodily harm, death or property damage; with some type of explo-

sive material and a means of detonating the explosive material, directly, remotely, or with a timer either present or readily capable of being inserted or attached; which may include a pipe or similar casing, with the ends of the pipe or casing capped, plugged or crimped, and a fuse or similar object sticking out of the pipe or casing; and made by a person not engaged in the legitimate manufacture or legitimate use of explosives, or otherwise authorized by law to do so. "Improvised explosive device" does not include ammunition for any rifle, pistol or shotgun.

(b) Whoever makes, buys, sells, transports, possesses, uses or transfers any improvised explosive device, or possesses materials or components with intent to assemble any improvised explosive device, is guilty of a Class E felony.

(c) This subsection does not apply to the transportation, possession, use or transfer of any improvised explosive device by any armed forces or national guard personnel or to any peace officer in the line of duty or as part of a duty-related function or exercise. The restriction on transportation in this subsection does not apply to common carriers.