



International Association
of
Arson Investigators

P.O. Box 645
Platteville, WI 53818

AB 387

June 25, 1996

Firefighter Frank Lockwood
St. Francis Fire Department
4235 South Nicholson Avenue
St. Francis, WI 53235

In Re: Juvenile Fire Setters

Dear Frank:

The Wisconsin Chapter of IAAI has always been a very strong supporter of Juvenile Fire Setter programs. For the past three years we have sponsored a separate seminar just on Juvenile Fire Setters.

The entire membership of our chapter made a commitment to take a pro active stand and to go out in the communities and give programs on Train The Trainor. Our members donate their time to get the message out to the citizens that a very serious problem exists with children setting fires.

We need all the help we can get to initiate a state law that prohibits the sale of ignition devices to minors. The Juvenile Fire Setters committee has the backing from the Officers, Directors and the membership of the Wisconsin Chapter of IAAI in this quest.

If you need anything further, please contact Bud Eastman, Director, from your area.

Sincerely,

Richard D. Johnson
Past President, Wisconsin Chapter 25

RDJ:mjw

**JESSICA GAYNOR, Ph.D.
630 SAINT FRANCIS BLVD
SAN FRANCISCO, CA. 94127-2026**

Phone/Fax (415) 753-3060

28 June 1996

**Frank Lockwood
St. Francis Fire Department
4235 S. Nicholson Ave.
St. Francis, WI 53235**

Dear Frank:

I am writing this letter to offer my unconditional support in your effort to develop city and state-wide ordinances prohibiting possession of ignition devices by minors.


I am a clinical psychologist who has specialized in the evaluation and treatment of juvenile firesetters and their families for twenty years. I have authored numerous studies and publications on the topic of juvenile arson, and my book, The Psychology of Child Firesetting, is considered a primary resource for fire and health professionals. I also continue to serve as a consultant to the United States Fire Administration on the development of community-based juvenile firesetter programs.

As you know, arson is the highest indexed crime for juveniles in the United States. In 1995, over 50% of those arrested for arson were under the age of eighteen. Firesetting and arson contribute significantly to the increasing national juvenile crime rate.

Research and clinical observation clearly demonstrate that the single-most dominant predictor of child-set fires is access to ignition sources. Studies show that children living in households where ignition sources are readily available are more likely to be involved in fireplay and firesetting incidents. It is estimated that child-set fires could be reduced by half if ignition sources were not available to juveniles. Therefore, it is imperative that ignition sources be kept out of the hands of minors.

If I can be of any assistance to you in your efforts to convince others of the importance of these ordinances, please do not hesitate to ask. In my opinion, the United States Congress also should be looking at this issue, given the relationship between youth involved in arson and the burgeoning national crime rate.

Sincerely,



Jessica Gaynor, Ph. D.



NATIONAL FIRE SERVICE SUPPORT SYSTEMS, INC.
CANAL PARK BUILDING • 20 NORTH MAIN STREET • PITTSFORD, NEW YORK 14534
716-264-0840 • FAX: 716-264-1754

August 9, 1996

Frank Lockwood
St. Francis Fire Department
4235 S. Nicholson Ave.
St. Francis, WI 53235

Dear Mr. Lockwood,

We at Fireproof Children are in receipt of your correspondence regarding Ordinance No. 919 "AN ORDINANCE CREATING SECTION 9.30 OF THE ST. FRANCIS CODE PROHIBITING POSSESSION OF IGNITION DEVICES BY MINORS AND DELIVERY OF SUCH TO MINORS".

Following the review of this material, including our phone conversations, I am pleased to offer our full support to the ordinance and to your commitment to the important community problem of children and fire. You, your department, your association and your community are to be commended for your action on this critical issue. It sends a distinct message not only in your area but also to other communities across the country.

Personally, now going into my 25th year in the fire service much of it dealing specifically with children and fire, I know how frustrating it can be to get a community mobilized on this issue. I will certainly bring your message to my own community and share it with others as I travel with my Fireproof Children team.

We wish you the very best in your efforts with the ordinance and your devotion to fire prevention.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Crandall".

Robert Crandall



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

Division of Criminal Investigation
Erik H. Erickson, Acting Administrator

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857
608/266-1671
V/TTY 608/267-8902

February 20, 1997

Mr. Frank Lockwood
St. Francis Fire Department
4235 S. Nicholson Avenue
Milwaukee, Wisconsin 53235

Dear Mr. Lockwood:

My assistant, Julie Newby, went through our case files for the past reporting year (July 1, 1995 - June 30, 1996). From these files she gathered information on the number of cases this office investigated involving juveniles.

The Division's Arson Bureau received 267 requests for assistance during the past reporting year, which covered 328 separate incidents. Many of these requests were for "cause and origin", and found to be accidental - such as electrical, heating, careless use of smoking materials. Julie found that "children playing with matches - unintentional" was the finding in five fires. Two of these fires resulted in fatalities. In one case a five and six year old died, and in the other a three and one year old died. In addition to the five fires attributed to children, two other were suspected to be the result of children playing with matches or lighters.

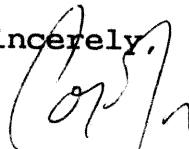
Aside from the "accidental" fires, we also investigated 33 fires which were the result of intentional acts by juveniles. Twenty five juveniles were referred to the juvenile system for setting these fires. In one case, a ten year old male burned down a large commercial structure in north-west Wisconsin. The boy admitted trying numerous times to set fire in order to destroy the building, and he also admitted that he had previously set twenty fires between the ages of two and six.

I hope that some of this information is useful. The Arson Bureau's statistics are probably not reflective of the state's

Mr. Frank Lockwood
February 20, 1997
Page 2

problem with child fire setters as more often than not local agencies handle such incidents on their own.

Sincerely,



Carolyn S. Kelly, Director
Arson Bureau

jln



ST. MARY'S HOSPITAL
M · I · L · W · A · U · K · E · E

April 25, 1997

Representative Sheldon Wasserman
State Capitol
PO Box 8953
Madison, WI 53708

Dear Representative Wasserman,

Please support Representative Rosemary Potter and Senator Richard Grobschmidt's bill to prohibit the sale or possession of ignition devices by minors. This bill is soon to be introduced and I would appreciate if you would sign on as co-sponsor.

This bill could help decrease the unnecessary deaths & injuries resulting from minors playing with lighters and matches. Statistics from the American Burn Association indicates a major problem with children playing with matches or lighters. At St. Mary's we teach that matches & lighters are tools not toys. Therefore, they have no place in the hands of a minor without adult supervision. The abuse of these tools cause three out of ten preschool fire deaths and curiosity about fire & flame result in many unfortunate accidents in the early and mid teen population.

At St. Mary's Burn Center we treat many accidental burn injuries, but we see many more which could have been prevented. Our mission includes education on fire prevention as well as treatment of burn injuries. Burns involving children playing with matches or lighters can always be prevented.

Once again, I would appreciate your consideration of this bill. After you have had a chance to review the bill, please let me know if you will be in support. Thank you.

Sincerely,

Renée A. Kielich RN
Director, St. Mary's
Burn Center





P . O . B o x 5 5 5 5
Fontana, California 92334-5555
Telephone: (909) 360-2100

May 1, 1997

Frank Lockwood
Coordinator
Public Education/Juvenile Fire Setter
City of St. Francis
4235 South Nicholson Avenue
St. Francis, Wisconsin 53235

Dear Mr. Lockwood:

Thank you for your April 23 letter.

I have taken the liberty of sending your letter on to the "Lighter Association" in Washington, D.C., which is the lobbying and public affairs group to which we belong.

I am sure your letter and Bill LRB 5861 - P1 will be discussed at an upcoming meeting.

Thanks again for your letter.

A handwritten signature in black ink, appearing to read "Fred O. Ashley". The signature is written in a cursive style with a long horizontal line extending to the left and a sharp downward stroke at the end.

Fred O. Ashley
Operating Director
Risk Management



May 14, 1997

Mr. Franklin Lockwood
St. Francis Fire Department
Public Education/Juvenile Firesetter
Program Coordinator
4235 South Nicholson Avenue
St. Francis, WI 53235

Dear Mr. Lockwood:

Thank you for your letter regarding a bill prohibiting juveniles from purchasing or possessing lighters and matches.

BIC Corporation is very supportive of such legislation. As a member of the Lighter Association, BIC, along with other manufacturers and distributors, firmly believes in promoting fire safety. As you mentioned in your letter, one example is BIC's *play safe! be safe!* fire safety education program, which is now in use in thousands of preschool classrooms.

We have asked the Lighter Association to contact you directly with its thoughts and suggestions regarding the proposed legislation. You should be receiving a letter from the Association in the very near future.

I can assure you that BIC, through its membership in the Lighter Association, will fully support the ignition bill. Thank you again for taking the time to contact us.

Sincerely,

Linda K. Kwong
Public Relations Manager

/lkk

CALUMET COUNTY SHERIFF'S DEPARTMENT

206 Court Street
Chilton, WI 53014
(920) 849-2335 - 24 Hours

Oscar E. Beilke, Sheriff
Paul A. Rusch, Captain

Appleton - 989-2700
Brillion - 756-2637

Radio Station - KGL 593
WI Teletype Code - CASO
Fax: (920) 849-1431

Monday - Friday
8:00 a.m. - 12:00 noon
1:00 p.m. - 4:30 p.m.

August 5, 1997

Rep. John P. Dobyms, Chairman
Government Operations Committee
Wisconsin State Assembly
Madison, WI 53708

Dear Rep. Dobyms:

The Government Operations Committee is holding a hearing on Wednesday, 7/13/97, on AB387, which deals with the possession and sale of ignition devices to children under the age of eighteen. I am unable to attend the hearing because of a previous commitment.

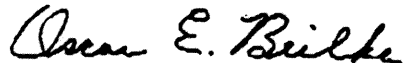
As President of the Wisconsin Chapter of The International Association of Arson Investigators, I am aware that children cause over half of the started fires throughout the United States. There is a need for AB 387 because of the large loss of property and lives that takes place each year because of children that were able to get their hands on an ignition device.

Municipalities in Milwaukee County and its surrounding area have adopted ordinances similar to AB 387, and have created some impressive results on the amount of incidents of children playing with fire.

AB 387 is a step in the right direction in stopping the growing problem of children playing with fire.

Thank you, in advance for your concern in this matter. Please feel free to contact me any time with any additional concerns you may have.

Sincerely,



Oscar E. Beilke, Sheriff



city of . . . **South
Milwaukee**
FIRE DEPARTMENT

929 Marshall Court, South Milwaukee, WI 53172

CAPT. JOSEPH KNITTER
Fire Investigations
Juvenile Firesetter Program

TEL. 768-8191

FAX 768-8193

August 6, 1996

SuperAmerica Store
Mr. Gus Engaas, Manager
3102 South Chicago Avenue
South Milwaukee, WI 53172

Dear Mr. Engaas:

As you are probably well aware, the City of South Milwaukee has taken a very proactive step in fire prevention towards reducing unnecessary property damage and senseless personal injuries and the threat to human life due to fires set with matches and lighters in the hands of juveniles. As of April 25, 1996, City of South Milwaukee Ordinance Number 1641 prohibits the possession of ignition devices by minors and forbids persons from selling, giving or making them accessible to them as well.

It was during a recent visit to your retail store that I witnessed the actions of one of your sales clerks that is deserving of special mention. When asked by an adult male customer for a pack of cigarettes, the clerk gladly complied by reaching above her head to the cigarette storage rack to fulfill the request. After acquiring the cigarettes, the customer looked about the counter area in search of a butane lighter. Finding none, he asked the clerk if there were lighters for sale. Without hesitation, she quickly reached below the counter and produced a rack of lighters from which he made his choice. The sale was completed and the satisfied customer was on his way.

The training you have provided to your staff and your efforts in limiting the accessibility of the ignition devices are excellent examples of how a small business can make a difference in our community and give rise to the resultant reduction in preventable fires. I commend you on your cooperation and the effort you put forth to do just that.

Once again, "*Thank You*" from the South Milwaukee Fire Department. Please feel free to contact me regarding the ordinance or any other fire prevention or public education topic.

Sincerely,

Fire Captain Joseph Knitter
Fire Captain Joseph Knitter



Serving the
Lodging Industry
for Over 100 Years

August 8, 1997

MEMO TO: Assembly Government Operations Committee

FROM: Trisha A. Pugal, CAE
President, CEO

RE: **AB387 Ignition Device Restrictions**

The Wisconsin Innkeepers Association opposes AB387 as it is written for the following reasons:

1. Section 167.09,3C: "No owner of a place of business may make ignition devices accessible to minors at the place of business" is too ambiguous, and without clarification offers substantial liability concerns.

What exactly will be meant by "accessible"? Does this mean that if a customer leaves a matchbook in the lobby of a hotel, the hotel owner is liable because a minor can access it? The scenario's and ramifications are endless for lodging properties and their restaurants.

2. The implication in this bill is that the owner of a property where matchbooks may be found, whether provided by a previous customer or the property itself as an amenity for its guests, is partially at fault for whatever damage a minor may cause. The potential liability from this is excessive.
3. How would one determine where the minor obtained the matches (or other ignition devices)? By the word of the minor? Or perhaps by the lodging property advertised on the matchbook cover, regardless if the minor took the matchbook from their parents or another adult?
4. An effective date is not clarified, as well as how a clear start can go into effect. What if a minor has a matchbook they (or their parents) picked up in a restaurant or motel six months before the bill was created? This same motel or restaurant could have removed all matchbooks and yet still be liable.

We would like to suggest other options to consider in a quest to reduce fire setting by minors:

- * Instead of legislation with unreasonable liability risks, ask related industries to undertake an education program that encourages a reduction in the accessibility of ignition devices by minors. The WIA would gladly assist in this for our industry.

509 W. Wisconsin Ave.
Suite 729
Milwaukee, WI 53203
414/271-2851
Fax# 414/271-3050
wia@execpc.com
<http://www.lodging-wi.com>





WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
Fax (608) 266-3830

DATE: August 8, 1997
TO: REPRESENTATIVE ROSEMARY POTTER
FROM: Richard Sweet, Senior Staff Attorney
SUBJECT: Potential Liability of Merchants Under 1997 Assembly Bill 387 (Sale of Ignition Devices to Minors)

This memorandum is written pursuant to your request for a discussion of the potential civil liability of merchants who illegally sell ignition devices to minors under the provisions of Assembly Bill 387 for acts of arson committed by the minors.

Assembly Bill 387 prohibits minors from possessing an ignition device (e.g., matches or a lighter) unless the minor is under the supervision of an adult. In addition, the Bill prohibits: (1) a person from selling an ignition device to a minor; (2) a seller or manufacturer of ignition devices from giving, delivering or making accessible an ignition device to a minor; and (3) an owner of a place of business from making ignition devices accessible to minors at the place of business.

With respect to the first two prohibitions above, proof of all of the following is a defense to prosecution for a violation: (1) that the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card; (2) that the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18; and (3) that the sale was made in good faith, in reasonable reliance on the identification card and the appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

The Bill provides penalties for minors who violate the prohibition on possession. In addition, persons who sell, give, deliver or make accessible ignition devices to minors in violation of Assembly Bill 387 are subject to a forfeiture of \$200. However, the Bill is silent with respect to the liability of a merchant or other person to an arson victim if the merchant or other person illegally provided the ignition device to a minor.

The question raised in your request (i.e., the potential liability of a merchant to a third party who is injured by a minor to whom the merchant illegally sells ignition devices) is

analogous to the situation addressed by the Wisconsin Supreme Court in a 1984 decision--*Sorensen v. Jarvis*, 119 Wis. 2d 627, 350 N.W.2d 108 (1984). The issue in *Sorensen* was whether a third party who was injured by an intoxicated minor could bring suit against a retailer who had illegally sold alcohol to the minor. The court discussed the common law doctrine that a seller of alcohol would generally not be liable to a third party for injuries caused by the purchaser and previous Wisconsin Supreme Court decisions that reached the same conclusion for different reasons. The court specifically discussed its previous decision in *Garcia v. Hargrove*, 46 Wis. 2d 724, 176 N.W.2d 566 (1970), in which the court stated that it was free to change the common law, but, for public policy reasons, would adhere to the conclusion of nonliability to third parties of persons who furnish liquor.

In *Sorensen*, the court adopted a dissenting opinion in a previous case, *Olsen v. Copeland*, 90 Wis. 2d 483, 280 N.W.2d 178 (1979), but applied it only to sales of alcohol to minors. The court stated as follows:

The vendor in this case was guilty of a negligent act if he sold intoxicating beverages to a person who he knew or should have known was a minor. If such negligence was a substantial factor in causing harm to a third person, the commercial vendor should be liable with the minor driver under the comparative negligence rule. [*Sorensen* at 117.]

The court stated that it is implicit in this rule that the sale to a minor is negligence *per se*, but that the vendor has all the defenses that would be available under the criminal statutes (which are substantially the same as those in Assembly Bill 387). The court also stated that if a jury is to impose liability on the vendor, it must find that the sale of the alcoholic beverage was a "substantial factor" in causing the injuries to the third party. The court in *Sorensen* went on to hold:

Accordingly, we hold that, where there is sufficient proof at trial, a vendor who negligently supplies intoxicating beverages to a minor and the intoxicants so furnished cause the minor to be intoxicated or cause the minor's driving ability to be impaired shall be liable to third persons in the proportion that the negligence in selling the beverage was a substantial factor in causing the accident or injuries as determined under the rules of comparative negligence. [*Sorensen* at 118.]

In 1985, the year after the *Sorensen* decision, the Wisconsin Supreme Court applied the holding in *Sorensen* to a social host who illegally provided alcohol to a minor who then injured a third party. [*Koback v. Crook*, 123 Wis. 2d 259, 366 N.W.2d 857 (1985).] The court stated that in this case, as in *Sorensen*, ". . . it is negligence *per se* to furnish liquor to a minor." [*Koback* at 860.] The court stated that if the negligence is a substantial factor with respect to an injury, ". . . liability will follow unless in the particular case, as a matter of policy to be determined by the court, the results are so unusual, remote, or unexpected that, in justice, liability ought not be imposed." [*Koback* at 884.]

Following the *Sorensen* and *Koback* decisions, the Legislature enacted s. 125.035, Stats. Under that statute, a person is immune from civil liability arising out of the act of procuring alcohol for or selling, dispensing or giving away alcohol to another person. This immunity from liability does not apply if the provider knew or should have known that the purchaser was under the legal drinking age and if the alcohol provided was a substantial factor in causing injury to a third party. Section 125.035 (4) (b), Stats., states that in determining whether a provider knew or should have known that the purchaser was underage, all relevant circumstances may be considered, including a listing of circumstances in the statute that are substantially the same as the defenses in Assembly Bill 387.

If a court adopted the rationale of the Wisconsin Supreme Court in *Sorensen*, under which a seller may be liable to a third party who is injured by a minor to whom the seller furnished alcohol, it is possible that a merchant who furnishes ignition devices in violation of Assembly Bill 387 could similarly be held liable to a third party. Under that decision, a court would need to find that the sale was a "substantial factor" in causing the injury. However, a distributor, wholesaler or manufacturer who supplied ignition devices to a merchant who then illegally provided them to a minor would not be in violation of Assembly Bill 387 and would not otherwise be acting in a negligent manner.

If you wish, Assembly Bill 387 may be amended either to specify that a merchant who provides ignition devices to a minor in violation of the Bill is civilly liable to an injured third party or to specify that a merchant who does so is not liable to an injured third party.

Feel free to contact me if I can be of further assistance.

RNS:rav:wu:jt



SCHOOL DISTRICT OF SOUTH MILWAUKEE

1225 Memorial Drive • South Milwaukee, WI 53172

DEVELOP
DEMONSTRATE
ENHANCE
BECOME

Dan Lockett, Ed.D
Superintendent of Schools
Phone: 414-768-6300
Fax: 414-768-0174

August 12, 1997

Representative Rosemary Potter
3113 South Pennsylvania Avenue
Milwaukee, Wisconsin 53207

Dear Representative Potter:

This letter is in support of Assembly Bill 387 regarding the use of ignition devices by minors. The South Milwaukee School District worked closely with the South Milwaukee Fire Department in developing a local ordinance that restricts the use of ignition devices by minors in our local community.. We agree with the South Milwaukee Fire Department that this proposed legislation would assist in protecting the safety and welfare of our children, and it is in the best interest of the public.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dan Lockett', written in black ink.

Dan Lockett, Ed.D.
Superintendent of Schools



STATE REPRESENTATIVE
Rosemary Potter

DEMOCRATIC CAUCUS CHAIR

August 13, 1997

This bill bans the possession of matches, lighters and other ignition devices from minors, unless supervised by an adult. It also bans the sale, distribution and accessibility of these items by merchants. It is modeled after a very successful municipal ordinance in 3 cities where all businesses stand behind it 100%. I can see why.

My constituent, firefighter Frank Lockwood, approached me about this bill and told me what it is like to walk into a burning house started by a child playing with matches. He also told me how frustrating it is because that fire could have been prevented. Fire fighters know that this law will help, they know that a little inconvenience at a grocery

■ Office: P.O. Box 8953
Madison, WI 53708
(608) 266-8588

■ Home: 3113 South Pennsylvania Avenue
Milwaukee, WI 53207
(414) 481-9252

■ Toll-free Legislative Hotline
1-800-362-9472
■ FAX (608) 266-7038

checkout is worth a person's life. Let's protect kids, not profits. I'd like to challenge the Milwaukee talk show host to go to St. Mary's burn center and then see if this bill is unnecessary. If we can save one lifeit's worth it!

According to our most recent statistics, children playing with matches and lighters started **112,300** fires in the U.S. There were **2,904** civilian injuries. There were **414** deaths. Most of the people killed in child-set fires are children under 6.

DATE: August 13, 1997

TO: Committee on Government Operations

FROM: Dawn Weiss, WI Taskforce on Children and Fire
Committee Member 414-653-2494

SUBJECT: 1997 Assembly Bill 387, Relating to possession of
ignition devices by minors and providing a penalty.

Good Morning Chairman and Members of Committee:

A good place to begin is to look at the FIVE MYTHS OF AB 387.

.....MYTH #1: THIS IS AN ANTI-SCOUTING BILL

Scouting, teaches fire education. It is always supervised and with permission...and stresses containment.

Language could be introduced to read something like... when in the accompaniment of a member of the Scout Leader or his/her designee, a peace officer, a member of the U.S. armed forces, a member of the national guard, or a parent.

.....MYTH #2: THERE ARE ALREADY LAWS IN EFFECT TO HANDLE THIS

Charging statutes differ in different counties from:

- careless use of smoking materials
- to negligent use of burning materials
- to arson

So, would you charge a 4 year old? and with which of the above?

WI Statutes 941.10 currently reads:

Whoever handles burning materials in a highly negligent manner is guilty of a Class A misdemeanor.

Burning material is handled in a highly negligent manner if handled with criminal negligence under s 939.25 or under circumstances inwhich the person should realize that a substantial and unreasonable risk of damage to another's property is created.

How do you enforce "shows highly negligent manner and that a person should realize" with a 4 year old?

.....MYTH #3: IT WOULD BE HARD TO ENFORCE

It would be too cumbersome for law enforcement when dealing with juveniles who are being cited say for cigarette possession to write out an additional ticket for possession of ignition devices? Law enforcement officials I spoke to about this one, stated they would not have a problem.

.....MYTH #4: THIS BILL HURTS THE GOOD PARENT AND THE GOOD KID

This bill is not being directed at the "good" responsible parent or the "good" responsible teenager...as a matter of fact we probably wouldn't see these folks. It's difficult to provide education to younger children (2-5) due to their cognitive level and experience..so the focus has to be with their parents and other responsible caregivers.

Right now, Senator Kohl is introducing language regarding gun trigger locks...the responsible parent here isn't upset by this legislation, and will probably purchase the device on their own.

The same people were addressing in AB 387 are the same parents who need to take lighters and matches out of the hands of their childrens hands.

.....MYTH #5: "I COULDN'T CALL HOME AND HAVE MY 17 YEAR OLD TEENAGER START THE GRILL FOR DINNER...BECAUSE I'M NOT IN SIGHT AND SOUND AS REQUIRED BY THIS BILL".

The purpose of this bill is not intended for this type of situation. And if mine, or your teen is acting responsibly, lights the grill, and resists the urge to douse the coals a second, or third time with lighters fluid to "really get the coals" going...I do not suspect a problem.

I have 4 teenagers and I have never called home to ask them to start the grill. Quite simply put they are kids! But, where do you stand on this one?

However with regards to teenagers, what need does a teenager have with ignition devices? Cigarettes are illegal to purchase or possess. How many parents do you know who give these out as birthday or Christmas presents?

Now that the myths of AB 387 have been dispelled, I have one question to pose: **ARE MATCHES AND LIGHTERS MORE DEADLY THAN GUNS?**

In the past five years, (how) many children caused (how) many people to die through the MISUSE OF MATCHES AND LIGHTERS in Wisconsin?

And if we were to use that same time period, children took (how) many lives through ACCIDENTIAL DISCHARGE OF A FIREARM? (these are UNintentional shootings and they do not include homicide or suicide).

I can't answer this question because Wisconsin doesn't keep this type of statistic.

However, local statistics for Kenosha for the year 1996, report that 46 fires (zero deaths) were started by juveniles with a estimated property loss value of \$230,000.

The Milwaukee Journal Sentinel January 3, 1997 reports that "just 10 people killed by fire in 1996". Ten people including six children in fires in Milwaukee during 1996 - tying two other years as the second lowest number of fire fatalities in the city since the 1950s. (10 deaths is still too many). Better prevention and education is created with this reduction.

In a national fire loss data record over a three year time period (1987-1989) showed that children under the age of 5 playing with lighters caused an estimated 5,800 residential fires, 170 deaths and nearly 1,200 injuries each year.

The Federal Bureau of Investigations Uniform Crime Report reflects that 40% of all people arrested for arson are juveniles. (This figure may be inflated because juvenile firesetters are more likely to be caught, it may also be an underestimate, because children often set fires which are never recorded.

Although statistics indicate that approximately half of the fires children set are acts of curiosity, not malice, the consequences of their actions are no less devastating or deadly.

According to the National Fire Protection Association's (NFPA) recently released annual report on arson trends and patterns found that juvenile's share of arrests in 1994 was 55% compared to 49% in 1993. The avg over the last fifteen years is approximately 40%.

According to NPFA, no other FBI index crime (the most serious felonies) has such a high rate of juvenile involvement, and the percentage of arson arrestees under age ten was 6.8%, the highest for any major or minor crime the FBI tracks. More than one-third of all 1994 arrestees were under age fifteen.

Children under five years old playing with cigarette lighters cause more than 5,000 residential fires each year according to the U.S. Consumer Product Safety Commission (CPSC). These fires result in 150 deaths and more than 1,000 injuries annually. Since approximately thirty million households own at least one lighter, the potential opportunities for children to have access to lighters are staggering.

I wholeheartedly support sending the message to retailers and restaurants that their help is needed in not making for sale, distributing or giving away matches or lighters to minors.

In addition I fully support a disposition that would allow that when a child was found in the careless use of firesetting materials that a referral on the youth and his/her parent to a fire education program is most appropriate. Successful completion could waive any monetary fine.

Firefighters run into this scenario all the time. Families of children who set fires have a history of moving on. When a five

year old sets a fire, and is talked to by a juvenile firesetter specialist at the initial scene parents are cooperative, and thankful, however when the follow up call is made, often a parent is unwilling to discuss the behavior on the phone, an appointment is made however the family doesn't show. Follow up phone calls are not returned, the phone is later disconnected and the family moves on. Until the next fire...AB387 creates the infraction of failure to supervise a child. The intent is to reduce the number of deaths and injuries caused by fires started by young children playing with these devices.

Whether the result of a curious child playing with matches or the malicious act of a troubled delinquent, juvenile firesetting is a serious and growing problem in Wisconsin.



To: Assembly Committee on Government Operations,
Representative John Dobyms, Chair

From: Bob Goldman, Information and Research Director

Date: August 13, 1997

Re: **Opposition to AB 387, relating to minors and matches**

The Wisconsin Restaurant Association represents almost 7000 restaurants, large and small, that do business and employ people in every community in Wisconsin. Our industry is one of the largest employers of teenagers in this state. These young people learn teamwork, reliability, and responsibility among other things, knowledge that serves them well wherever they take their futures. Most restaurant owners are very proud of, and count on, their teenage employees.

Assembly Bill 387 tries to address a serious problem, but its broadness creates many more problems. For example, restaurant kitchens frequently need matches easily available for lighting pilot lights or finicky burners on gas stoves. There are many times when a teenage worker is alone in the kitchen and needs to do the lighting himself, or is alone because another cook has stepped into the storage area for a few moments. These are responsible employees. Making them hunt up somebody else to light the pilot light is not very workable. Nor is hiding every match if a teenage dishwasher happens to be the last one out of the kitchen on a Saturday night.

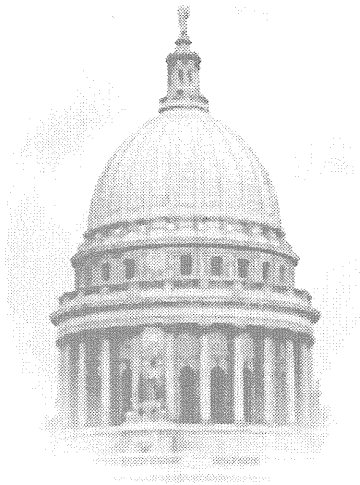
A second problem area is with promotional matchbooks. Many restaurants use this relatively inexpensive form of advertising, allowing guests to take a matchbook with the restaurant's name on it. Smokers use the matchbooks and often create excellent and irreplaceable word-of-mouth advertising by having a conversation about the fine experience they had at that restaurant. Collectors also like to take the matchbooks.

It is not fair to deny restaurants this avenue for advertising, which is certainly what AB 387 would do. No restaurant could keep their promotional matchbooks under lock and key so teenage employees and customers had absolutely no access and still make the matchbooks conveniently available to other customers. Also, would restaurants become liable in civil suits for fire damage if a minor was found at a fire scene with matches with a restaurant's name on them? What if these matches were dropped by an adult? AB 387, in its broadness, certainly opens the door to this attorneys' goldmine.

The Wisconsin Restaurant Association urges you to rewrite AB 387 in a much narrower form, so it can be productive without creating many new problems for innocent businesses and employees.

Thank you for your consideration.

31 SOUTH HENRY STREET
SUITE 300
MADISON, WI 53703-3110
608/251-3663 800/589-3211 FAX 608/251-3666
PROMOTION ■ PROTECTION ■ IMPROVEMENT ■ SINCE 1933



August 13, 1997

Jeff Plale
State Representative
21st Assembly District

Representative John Dobyms, Chair
Assembly Committee on Government Operations
Room 10 West
State Capitol
Madison, Wisconsin

Dear Representative Dobyms:

Please accept my sincere apologies for my absence at our committee meeting. A previous out of town commitment prevents me from attending.

Thank you for holding a hearing on Assembly Bill 387, regarding the access and possession of matches and lighters by minors. This bill has my unqualified support.

There are two important items that I want to stress. Please keep in mind that this is primarily an issue of saving the lives of children. You will hear many statistics during the course of the committee hearing, but if I could have you keep one in mind, it would be that in recent years, a third of the children who die in fire deaths, do so as a result of themselves -- or often an older sibling or neighbor -- playing with matches or lighters.

One more point is very important. This bill was brought to the sponsors by our fire chiefs and fire department personnel -- the front lines of fire protection in our communities. They first fought for local ordinances and now believe the State Legislature should take a stand on the issue. I wholeheartedly agree with them.

I urge the committee to vote in favor of Assembly Bill 387.

Again, thank you for holding a hearing on this important subject.

Sincerely,

JEFF PLALE
State Representative
21st Assembly District

OFFICE
P. O. Box 8953
Madison, WI 53708
(608) 266-0610

LEGISLATIVE HOTLINE
1-800-362-9472

LEGISLATIVE FAX
(608) 266-7038

HOME
621 Montana Avenue
South Milwaukee, WI 53172
(414) 764-5292

cc: Members, Assembly Committee on Government Operations
Representative Rosemary Potter
South Milwaukee Fire Chief Joseph Knitter

Committee Chairperson Dobyns

Committee Vice-Chairperson Wieckert

Committee Members

Kids playing with matches and lighters has been a major concern of the fire service for many, many years. Actually, for as long as matches and lighters have been available, the attraction to these deadly tools has warranted numerous hours of education by every fire department across the United States. Unfortunately, through the years, the curiosity that many kids have for fire, and the devices that produce flames has grown to major proportions as evident in the latest statistics from the NFPA. As an example, an Executive Summary dated November 1996 the NFIRS reports that over 102,000 fires were started by kids playing with fire. Although 7 out of 10 of these fires were in the outdoors they account for 414 civilian deaths, 2,904 civilian injuries and unbelievable 296.3 million dollars in property damage. 75% of the time, lighters are the ignition source of choice by kids, and why not? ^{the Lighter} They are colorful, ^{& matches} (lighters) inexpensive and easily accessible. Glance through your local papers or watch the news, there is a good chance that you will read an article, or see a story involving kids playing with lighters and matches (articles). These statistics are unacceptable and should not be tolerated. It is clear, that there is indeed, a need for a law that addresses this issue.

Through our fire investigations and with the cooperation and assistance of our police department St. Francis can annually attribute a percentage of it's fire incidents to "children playing" with matches and lighters (a percentage as high as 22% in '95) The trend of kids playing with ignition devices is growing, and this also mirrors statistics on the national level. Locally in 1995 our city's first fire incident caused \$10,000 damages to a single family residence, the result of a two and four year old playing with a lighter. Fortunately there were no physical injuries. However, in a conversation I had with the parents a week after the fire, both children were afraid to sleep or play in the room in

which the fire took place. In July of '95 our fire department responded to an emergency medical call. Upon arrival we found a four year old girl with burns to her stomach, hands and wrists. She had played with a lighter that her 10 year old cousin earlier purchased at a local grocery store with his allowance. She spent four days in St. Mary's Burn Center recovering from second and third degree burns to 18% of her body (T-shirt). 1996 our city again suffered it's share of "children playing with fire" incidents. None of the fires exceeded \$1500 in damage or resulted in injury or death. Thus far in 1997 we have had numerous grass fires and have had two residential structure fires all the result of kids playing with matches and lighters. Damage totals approximately \$75,000. Although there was one civilian injury both structure fires had the potential for lose of life and greater amounts of property damage.

Chairperson Dobyms, ladies and gentleman of this committee we can not let these types of incidents continue to happen. Assembly Bill 387, the act that would prohibit the sale and possession of matches, lighters and other ignition devices by persons under the age of 18 is a common sense law. There is no gray area. There is no logical reason for anyone under the age of eighteen to purchase or carry these potentially deadly devices. Matches and lighters are tools for responsible adults, not toys for kids. Children playing with matches and lighters is not only a fire department problem, it is a community problem, it is a problem in each and every township, village and city throughout our state. It effects you, it effects me. Chances are at sometime in our life each and everyone of us will somehow be touched by a juvenile playing with matches and lighters. We have the problem in the city of St. Francis, it is a problem in the State of Wisconsin, it's a problem across the entire United States. We have the chance to be the first in the nation to take a much needed historic step forward in fire safety. Let's be the leader. Let's make Wisconsin a safer place to live.

As a member of the St. Francis Fire Department, as a concern parent and as a citizen of the fine State of Wisconsin I ask you to vote yes on Assembly Bill 387. Thank You!

**MODEL ORDINANCE ON SALE OF
BUTANE, BUTANE LIGHTERS OR MATCHES TO MINORS**

SECTION I

(A) A person is guilty of a misdemeanor who **knowingly** sells, or gives away at no charge, **butane, a butane lighter or matches** to a person **under the age of 18**.

(B) It is an affirmative defense to a charge under this section if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith **relied on proof of age** in making the sale of, or giving away at no charge, the butane, butane lighter or matches.

SECTION II

(A) A person under the age of 18 is guilty of a misdemeanor who purchases **butane, a butane lighter or matches**.

SECTION III

(A) Butane is defined as any container of butane, n-butane, iso-butane, or mixture thereof.

(B) Butane lighter is defined as any disposable lighter containing any quantity or concentration of butane, n-butane, iso-butane, or mixture thereof.

(C) Matches are defined as any manufactured ignition device consisting of a group of book matches joined together and fastened within a cover, or any wooden stem matches packaged in boxes, or sold individually.

SECTION IV

(A) Penalties for violation of SECTION I and II shall be [as prescribed by existing state law] or not less than \$250 for the first violation and not less than \$500 for any subsequent violation.

WRITTEN
Comments From Chuck Potter - operator of
A PIGGLY WIGGLY STORE IN ST. FRANCIS.

I APOLOGIZE FOR MY INABILITY TO BE HERE IN PERSON TO EXPRESS MY VIEWS ON THIS VERY IMPORTANT AND NEEDED LEGISLATION. FIRST, WHILE WE DO SHARE THE SAME LAST NAME, I AM NOT RELATED TO THE SPONSOR OF THIS BILL.

MY STORE IS LOCATED IN THE CITY OF ST FRANCIS. WE'VE HAD ONE OF THE FIRST ORDINANCES REGARDING MINORS & IGNITION DEVICES IN PLACE FOR SOME TIME NOW. AS YOU KNOW IT HAS BECOME A MODEL FOR NUMEROUS OTHER COMMUNITIES AND NOW THE STATE OF WISCONSIN. THE INTENTION OF SUCH LEGISLATION IS A GOOD ONE (TO DETER JUENILE ARSON) FROM A GROCER'S STAND-POINT NOBODY CARES FOR MORE LAYERS OF REGULATION. SOMETIMES YOU HAVE TO ACCEPT THEM WHEN THE POTENTIAL RESULTS ARE SO IMPORTANT - SAVING LIVES! GRANTED, I DON'T CARE FOR MANDATED FINES, BUT THE AMENDMENT PROVIDES FOR "FIRST WARNINGS." AS WRITTEN "NO PERSON MAY SELL..." MEANS THE OFFENDING PERSON (CASHIER) WOULD BE 1ST WARNED, THEN FINED.

I DO HAVE A PROBLEM WITH (3)(b) "ACCESSIBLE" IT WOULD BE EXTREMELY EXPENSIVE TO REMOVE ALL IGNITION DEVICES FROM THE SALES AREA + PUT THEM BEHIND A COUNTER OR LOCKED UP. MY SERVICE DESIC IS AN ALREADY OVER BURDENED AREA WITH THE LOTTERY, UTILITY PAYMENTS, MONEY ORDERS, WESTERN UNION, VIDEO RENTALS, FILM PROCESSING, ETC. MY CUSTOMERS WOULD

FIND IT FAR MORE CONVENIENT TO PURCHASE A LIGHTER WHEN THEY "GASEN UP" THEIR CAR THAN WAIT IN MY SERVICE DESK LINE... THAT MEANS LOST REVENUE FOR THE STORE. IF A PROBLEM EXISTS WITH FREE, PROMOTIONAL MATCHES AT HOTELS, RESTAURANTS, BARS, ETC THAT COULD BE HANDLED AT THE LOCAL LEVEL OR ADDRESSED SPECIFICALLY. DON'T LUMP THIS PROBLEM INTO THE SUPERMARKET AREA. I SUGGEST THE FOLLOWING LANGUAGE:

- NO MINOR MAY POSSESS AN IGNITION DEVICE UNLESS THE MINOR IS UNDER THE SUPERVISION OF AN ADULT.

- NO PERSON MAY SELL AN IGNITION DEVICE TO A MINOR. NO SELLER^{OR} MANUFACTURER OF IGNITION DEVICES MAY GIVE OR DELIVER AN IGNITION DEVICE TO A MINOR.

THIS LANGUAGE GIVES THE NECESSARY "TEETH" WITH-OUT OVER BURDENING RETAILERS. THE COST TO MOVE + MAINTAIN THEM BEHIND THE COUNTER IS TOO GREAT.

RE: TRAINING

NEXT, I FEEL THE NEEDED TRAINING OF CASHIERS REGARDING THIS NEW LAW TO BE MINIMAL. WE ALREADY HAVE TO INFORM THEM OF NUMEROUS LAWS + STORE POLICIES. ADDING "IGNITION DEVICES" TO THE CURRENT TRAINING PROCEDURES WOULDNT

- 3 -

BE VERY DIFFICULT (WE ALREADY HAVE TO TRAIN THEM REGARDING FOOD STAMPS, W.I.C., TOBACCO, MARKERS, ALCOHOL, TAXES, ETC)

A VERY IMPORTANT ISSUE FOR ALL PARTIES - THE FIREFIGHTERS, LEGISLATIVE PEOPLE AND RETAILERS - IS NOT TO LOSE SIGHT OF THE REAL PURPOSE OF THIS BILL. DON'T LET RHETORIC BECOME AN OBSTACLE. SOME "GIVE & TAKE" MAY BE NECESSARY FROM ALL SIDES TO GET IT ACCOMPLISHED. I REALIZE THE FIREFIGHTERS HAVE A STRONG AGENDA AND THE GROCERS DON'T LIKE ADDITIONAL RULES & REGULATIONS, BUT SOME COMPROMISE MAY BE NEEDED ON BOTH SIDES TO GET THIS LEGISLATION PASSED TO ACHIEVE THE GOAL OF DETERRING JUVENILE ARSON. IF WE ONLY SAVE A SINGLE LIFE - IT WILL BE WORTH IT!

THANK YOU FOR YOUR TIME & THIS OPPORTUNITY TO EXPRESS MY VIEWS.

Charles R. Potter

WI Fire & EMS Legislative Coalition

Proposed Legislation Agreement

The Associations of the WI Fire & EMS Legislative Coalition Support in concept the proposed legislation being introduced related **To Prohibiting the Possession of Ignition Devices By Minors and Providing For Penalties**. The proposed legislation does not have a Bill number as of this date February 12, 1997.

Professional Firefighters of WI, Inc.

Mark D. Zinn

WI Chapter International Arson Investigators Association

Osceola E. Beilke

WI Fire Chiefs Education Association

Edward W. Mackay

WI Fire Inspectors Association

Timothy L. Fomson

WI Society of Fire Service Instructors

Robert W. Tuck

WI State Fire Chiefs Association

Ronald W. Snow

WI State Firefighters Association

Samuel J. Blumenthal



city of . . .
**South
Milwaukee**

FIRE DEPARTMENT

929 Marshall Court, South Milwaukee, WI 53172

Public Education Bureau

Juvenile Firesetter
Intervention Program

TEL. 768-8191

FAX 768-8193

Dear City of South Milwaukee Business Owner / Manager / Employee:

As you are probably aware, the City of South Milwaukee has recently taken a very proactive step in fire prevention towards reducing unnecessary property damage and senseless personal injuries and threat to human life due to fires set with matches and lighters in the hands of minors. **As of April 25, 1996, City of South Milwaukee Ordinance Number 1641 prohibits the possession of ignition devices by minors and the provision of such devices to minors.** Ignition devices, as defined in the ordinance, include matches, lighters, and any other materials when used for the purposes of ignition.

Similar to the state law prohibiting minors from possessing tobacco products, this ordinance not only prohibits minors from having ignition devices in their possession, *it prohibits persons from selling, giving, delivering, or making them accessible to minors.* We at the fire department have been made aware that these devices are still accessible to juveniles within your establishment. With this in mind, we ask that each and every business owner, manager, and employee assess the potential for minors to access the prohibited ignition devices within their establishments. The possible legal ramifications of leaving these devices accessible to the minors are many, not to mention the liability issues involved if they are able to obtain them from your establishment.

In addition, we also ask the business owners to educate their employees on the content of the ordinance and ways to prevent access to the ignition devices by minors. Now that it is illegal to sell the devices to minors, *we suggest that the lighters and matches be moved to a less accessible location* (for example, behind the counter where they would have to be asked for by adults). The success of the educational campaign and the resultant reduction in preventable fires depends on the cooperation of all involved.

Your help in getting the message out and restricting accessibility to lighters and matches by minors may very well prevent a unnecessary fire or senseless injury or death.

Thank you for your anticipated cooperation. Please feel free to contact the South Milwaukee Fire Department regarding this ordinance or any other fire prevention / public education topic.

MILWAUKEE JOURNAL / SENTINEL
MARCH 28, 1996

Boy reportedly sets classmate's hair afire

South Milwaukee — A 14-year-old South Milwaukee Middle School student started another seventh-grader's hair on fire at March 20 while they were in a morning class, according to a police report.

The boy's English teacher told police that she went to staple a piece of poster board to the wall and when she turned around she smelled something burning and noticed one of her students "slapping behind his shoulder."

The boy who started the fire told police that he held a lighter under his classmate's "rat tail" as a joke and didn't think the boy's hair would catch fire. Two to three inches of the boy's hair burned off during the incident, police said.

The 14-year-old was referred to the Children's Court Center in Wauwatosa.

SMOKING

State law prohibits smoking on premises owned or rented by a school board. The law applies to pupils and adults alike. This is also a violation of City Ord. 24.0 3 (B) and 24.24. State Law 48.983 (2)(c) states that a minor may not possess any cigarette or tobacco products.

The municipal code states that when signs are posted, smoking by minors is prohibited during the period one-half hour before until one-half hour after school hours on any school day on the following described streets, alleys, sidewalks and/or public rights of way:

- a. Memorial Drive
- b. Hawthorne Avenue within 150 feet of Memorial Drive
- c. Pine Street within 150 feet of Memorial Drive
- d. Fifteenth Avenue from the intersection of Chestnut Street to Oak Creek Parkway
- e. An area from one block east of Fifteenth Avenue to one block west of Fifteenth Avenue from Chestnut Street to Oak Creek Parkway
- f. All alleys within the borders of the above described areas

Smoking is hazardous to one's health and detracts from the environment necessary for the type of education offered at South Milwaukee High School. (Smoking means having a cigarette, lighted or not, in hand, or smoke coming from the student's mouth.)

Use of tobacco products is not allowed on school district premises, buses, or at any school-sponsored function held either on or off campus.

Students who smoke on school premises or at any school-sponsored function held either on or off campus will be subject to school rules which may include suspension and/or referral to legal authorities. Chronic violators will be asked to complete a "Stop Smoking" Program. Continued violation may result in expulsion.

IGNITION DEVICES

The sale and/or possession of any ignition devices to/by a minor is prohibited in the city of South Milwaukee. Ignition devices are defined as: matches, lighters, or any other materials when used for the purpose of ignition. This is per City of South Milwaukee Ordinance #1641.

ALCOHOL AND ILLEGAL DRUGS

No student shall possess, distribute, sell, or be under the influence of illegal drugs or intoxicants while on the school premises or while involved in any school related activity.

Students using, preparing, dispensing, or possessing drugs, intoxicants, or drug-related paraphernalia will, at the minimum, be