

1999 DRAFTING REQUEST

Bill

Received: **11/18/98**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Lasee (608) 266-9870**

By/Representing: **Mark**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Topic:

Placing bodily substances into edibles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 11/18/98	gilfokm 11/19/98	hhagen 11/20/98	_____	lrb_docadmin 11/20/98	lrb_docadmin 01/25/99	

FE Sent For:

<END>

Not Needed

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1?	olsenje	1-11-19 Kmg	11/20	11/20			

FE Sent For:

<END>

0918

Mark

F. Lasee

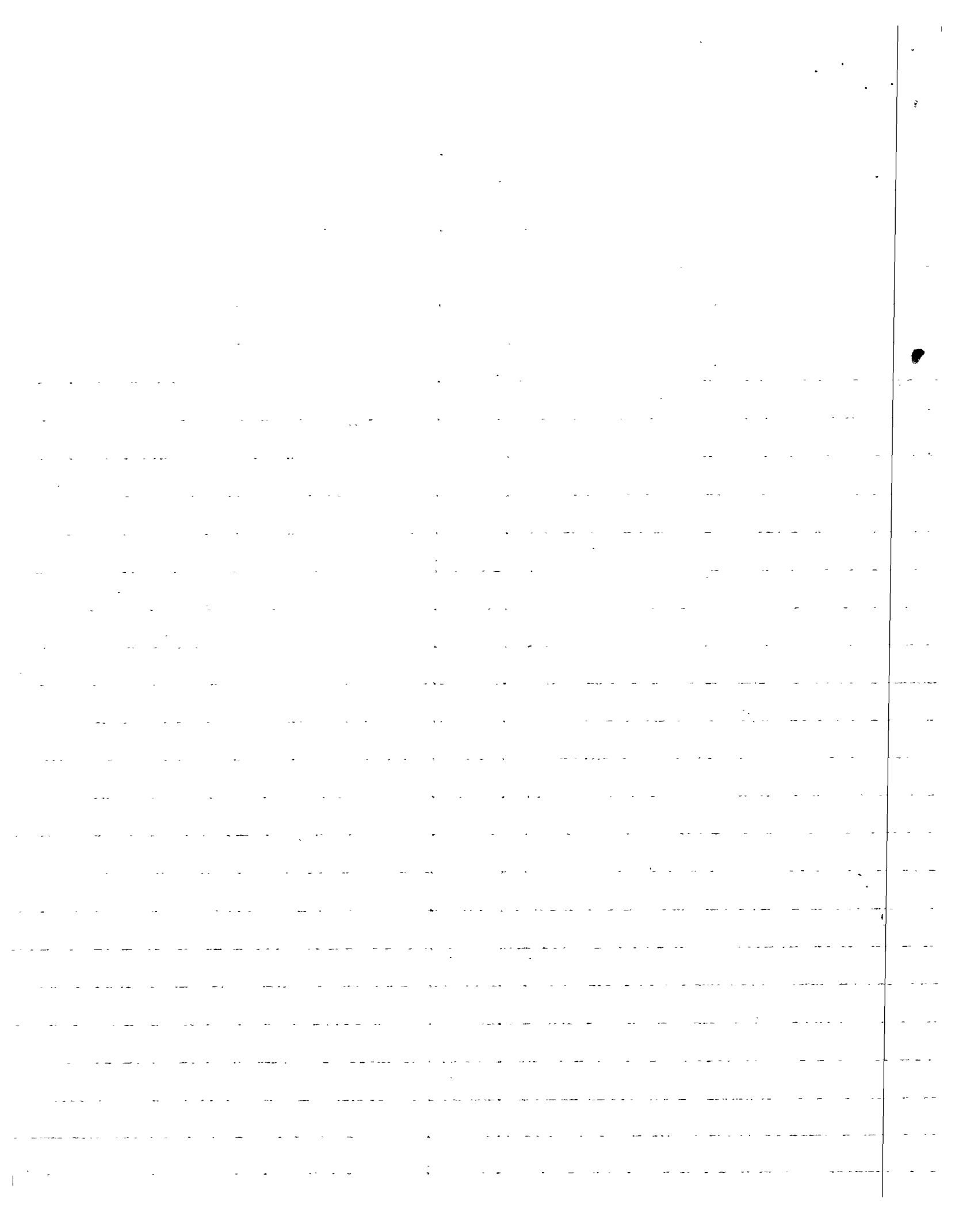
AB-242

chicosp. AA2

New prohibition ~~to be~~ an
A misdemeanor

1982 + a 0464

0



1997 ASSEMBLY BILL 242

April 3, 1997 - Introduced by Representatives F. LASEE, LINTON, MUSSER, LADWIG, SKINDRUD, WILLIAMS, PORTER, AINSWORTH, OLSEN, HASENOHRL, GRONEMUS, NOTESTEIN, SYKORA, ALBERS, SERATTI, LORGE, RYBA, LAZICH, GUNDERSON, ROBSON, VRAKAS, OTT and POWERS, cosponsored by Senators SHIBILSKI and DARLING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to renumber and amend** 941.325; and **to create** 939.66 (8) and 941.325
 2 (2) of the statutes; **relating to:** placing bodily substances in edibles and
 3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from placing objects, drugs or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 2 years or both.

This bill prohibits a person from placing blood, saliva, urine, feces or other bodily substances in candy or other liquid or solid edibles. The bill does not require that a person who violates this prohibition have the intent to cause bodily harm to another person. A person who violates the prohibition created in the bill may be fined not more than ~~\$10,000 or imprisoned for not more than 2 years or both~~. The bill also provides that a person may be convicted and punished for violating either the prohibition in current law or the prohibition created in the bill, but not both.

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

4 **SECTION 1.** 939.66 (8) of the statutes is created to read:

ASSEMBLY BILL 242

SECTION 1

1 939.66 (8) The crime specified in s. 941.325 (2) when the crime charged is
2 specified in s. 941.325 (1).

3 SECTION 2. 941.325 of the statutes is renumbered 941.325 (intro.) and amended
4 to read:

5 **941.325 (title) Placing foreign objects or bodily substances in edibles.**

(intro.) Whoever places does any of the following is guilty of a Class E/felony:

6 **(1) Places** objects, drugs or other substances in candy or other liquid or solid
7 edibles with the intent to cause bodily harm to another person is guilty of a Class E
8 felony.
9

10 SECTION 3. 941.325 (2) of the statutes is created to read:

11 941.325 (2) Places blood, saliva, urine, feces or other bodily substances in candy
12 or other liquid or solid edibles.

13 SECTION 4. Initial applicability.

14 (1) This act first applies to offenses occurring on the effective date of this
15 subsection.

16 (END)

AA 7
A must.

de
straight renumber

**ASSEMBLY AMENDMENT 2,
TO 1997 ASSEMBLY BILL 242**

May 8, 1997 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 12: after "edibles" insert "with the intent that the blood, saliva,
3 urine, feces or other bodily substances be consumed by another person without that
4 other person's knowledge".

5 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0918/1

JEO: /...
mmg

D-Note

1999 BILL

1 AN ACT ^{Gen Act.}; relating to: placing bodily substances in edibles and providing a
2 penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from placing objects, drugs or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ~~2~~ ^{two} years or both if the offense occurs before December 31, 1999. If the offense occurs on or after December 31, 1999, the person may be fined not more than \$10,000 or imprisoned for not more than ~~5~~ ^{five} years or both.

This bill prohibits a person from placing blood, saliva, urine, feces or other bodily substances in candy or other liquid or solid edibles with the intent that the blood, saliva, urine, feces or other bodily substances be consumed by another person without that other person's knowledge. The bill does not require that a person who violates this prohibition have the intent to cause bodily harm to another person. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than ~~9~~ ^{nine} months or both. The bill also provides that a person may be convicted and punished for violating either the prohibition in current law or the ~~law~~ prohibition created in the bill, but not both.

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

BILL

1 **SECTION 1.** 939.66 (8) of the statutes is created to read:

2 939.66 (8) The crime specified in s. 941.325 (2) when the crime charged is
3 specified in s. 941.325 (1).

4 **SECTION 2.** 941.325 (title) of the statutes is amended to read:

5 **941.325** (title) ^{check spaces} **Placing foreign objects or bodily substances in edibles.**

6 History: 1971 c. 72; 1977 c. 173; 1995 a. 410.

6 **SECTION 3.** 941.325 of the statutes is renumbered 941.325 (1).

7 **SECTION 4.** 941.325 (2) of the statutes is created to read:

8 941.325 (2) Whoever places blood, saliva, urine, feces or other bodily
9 substances in candy or other liquid or solid edibles with the intent that the blood,
10 saliva, urine, feces or other bodily substances be consumed by another person
11 without that other person's knowledge is guilty of a Class A misdemeanor.

12 **SECTION 5. Initial applicability.**

13 (1) This act first applies to offenses occurring on the effective date of this
14 subsection.

15

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0918/1dn

JEO:.....

kmq

This is a redraft of 1997 Assembly Bill 242, except that it includes the language added by assembly amendment 2 and provides that the crime created in the draft is a Class A misdemeanor instead of a Class E felony.

Jefren E. Olsen
Legislative Attorney
266-8906

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0918/1dn
JEO:kmg:hmh

Friday, November 20, 1998

This is a redraft of 1997 Assembly Bill 242, except that it includes the language added by assembly amendment 2 and provides that the crime created in the draft is a Class A misdemeanor instead of a Class E felony.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/20/98

To: Representative F. Lasee

Relating to LRB drafting number: LRB-0918

Topic

Placing bodily substances into edibles

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction _____
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

Not Needed

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906

