

1999 ASSEMBLY BILL 421

July 27, 1999 – Introduced by Representatives KREUSER, RHOADES, STEINBRINK, PORTER, AINSWORTH, CARPENTER, GUNDERSON, HAHN, HASENOHRL, KELSO, J. LEHMAN, MUSSER, PLALE, PLOUFF, SUDER and TURNER, cosponsored by Senators WIRCH, ROSENZWEIG, DARLING and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 946.82 (4) and 969.08 (10) (b); and **to create** 941.313 of the
2 **statutes; relating to:** facsimile explosive devices and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. A facsimile firearm under current law is a replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. A person who violates this prohibition relating to facsimile firearms is subject to a forfeiture (civil monetary penalty) of not more than \$500.

This bill prohibits a person from carrying or displaying a facsimile explosive device or placing a facsimile explosive device anywhere with intent to alarm, intimidate, threaten, terrify or harass another person. The bill defines a facsimile explosive device as a replica or imitation of an explosive device, an object that bears a reasonable resemblance to or can reasonably be perceived to be an explosive device or an object that is represented to be an explosive device. A facsimile explosive device does not include an actual explosive device.

A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999. This prohibition does not apply to a peace officer acting in the discharge of his or her official duties

ASSEMBLY BILL 421

or to a person engaged in military activities and acting in the discharge of his or her official duties.

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

1 **SECTION 1.** 941.313 of the statutes is created to read:

2 **941.313 Use of facsimile explosive devices. (1)** In this section:

3 (a) “Explosive device” means any chemical compound, mixture or device, the
4 primary or common purpose of which is to function by explosion or an object
5 containing such a chemical compound, mixture or device.

6 (b) “Facsimile explosive device” means a replica or imitation of an explosive
7 device, an object that bears a reasonable resemblance to or can reasonably be
8 perceived to be an explosive device or an object that is represented to be an explosive
9 device. “Facsimile explosive device” does not include an actual explosive device.

10 **(2)** Whoever, with intent to alarm, intimidate, threaten, terrify or harass
11 another person, carries or displays a facsimile explosive device or places a facsimile
12 explosive device anywhere is guilty of a Class E felony.

13 **(3)** This section does not apply to a peace officer acting in the discharge of his
14 or her official duties or a person engaged in military activities, sponsored by the state
15 or federal government, acting in the discharge of his or her official duties.

16 **SECTION 2.** 946.82 (4) of the statutes is amended to read:

17 **946.82 (4)** “Racketeering activity” means any activity specified in 18 USC 1961
18 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
19 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
20 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
21 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,

ASSEMBLY BILL 421

1 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
2 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.313, 941.32, 943.01 (2) or (2g),
3 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)
4 (b) to (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,
5 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b)
6 and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
7 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13,
8 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,
9 948.05, 948.08, 948.12 and 948.30.

10 **SECTION 3.** 969.08 (10) (b) of the statutes is amended to read:

11 969.08 **(10)** (b) “Serious crime” means any crime specified in s. 346.62 (4),
12 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
13 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
14 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
15 941.313, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06,
16 943.10, 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015,
17 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

18

(END)