

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/14/99**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing: **Nancy**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Facsimile explosive devices.

**Instructions:**

Companion bill to 1999 LRB-3034

**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>
/?	mdsida 06/17/99	ygeller 06/18/99		_____			
/1			mclark 06/18/99	_____	lrb_docadmin 06/18/99	lrb_docadmin 06/21/99	

FE Sent For:

<END>

*Not Needed*

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/?	mdsida	1 6/18 jg	MRC 6/18	MRC/JF 6/18			

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<END>



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3034/1

M6D+ JEO:jlg:km

↑  
stays

3210

1999 BILL

Companion  
NO CHANGES

Regen

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

**BILL**

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

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*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,

**BILL**

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)

Handwritten marks and scribbles in the top right corner.

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: 6/18/99

To: Representative Kreuser

Relating to LRB drafting number: LRB-3210

Topic

Facsimile explosive devices.

Subject(s)

Criminal Law - guns and weapons

1. **JACKET** the draft for introduction Tim Kreuser

in the Senate \_\_\_ or the Assembly X (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 Tim Kreuser

Not Needed.

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.

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.

Michael G. Dsida, Legislative Attorney  
Telephone: (608) 266-9867