

1999 DRAFTINGREQUEST

Bill

Received: **02/11/1999**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing: **Himself**

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of body armor by felons

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>
/P1	olsenje 04/05/1999	j geller 04/06/1999	hhagen 04/06/1999	_____	lrb-docadmin 04/06/1999		Local
/1	olsenje 01/13/2000	j geller 01/18/2000	jfrantze 01/18/2000	_____	lrb-docadmin 01/18/2000	lrb_docadmin	Local 01/21/2000

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **02/11/1999**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing: **Himself**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of body armor by felons

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>Reauired</u>
/P1	olsenje 04/05/1999	ygeller 04/06/1999	hhagen 04/06/1999	_____	lrb-docadmin 04/06/1999		Local
/1	olsenje 01/13/2000	ygeller 01/18/2000	jfrantxe 01/18/2000	_____	lrb-docadmin 01/18/2000		Local

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **02/11/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing: **Himself**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of body armor by felons

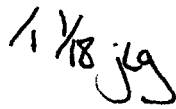
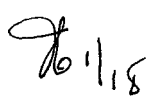

Instructions:

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>
/P1	olsenje 04/5/99	ygeller 04/6/99	hhagen 04/6/99	_____	lrb_docadmin 04/6/99		Local

FE Sent For:

1999 DRAFTING REQUEST

Bill

Received: 02/11/99

Received By: olsenje

Wanted: Soon

Identical to LRB:

For: John La Fave (608) 266-0486

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Ah. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of body armor by felons

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>
I?	olsenje	1/11 4/6 jlg	at 4/11	at 6/11 4/11			

FE Sent For:

<END>

Submit "P" drafts

JEO

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3567

BILL REQUEST FORM

To: LRB- Marc Shover

2199

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for BILL drafts. Attach more pages if necessary.

Date of request: 2/1/99	Legislator or agency requesting this draft: 3 0 HAN LA FAVE
Name/phone number of person submitting request: 266-0486	" "
Persons to contact for questions about this draft (names and phone numbers please): Also: Chief Doug Pettit, Oregon Police Dept. Ph. 835-6703	" " "
Describe the problem, including any helpful examples. How do you want to solve the problem? This legislation prohibits a felon from purchasing, owning or possessing body armor (with some suggestions). Attached is information from the state of California regarding their law. I've highlighted relevant sections. Use this as a model for this	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-234511 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Chief Doug Pettit, Village of Oregon

Do you consider this urgent? YES NO .If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

84:07:06 11:22 FIELD OPERATIONS - 414 891 5675
916 327 6633

NO. 877 PAGES 1039

MAR 24 '98 05:01PM PUBLIC SAFETY COMMITTEE

P. 2/5

AB 1707
Page 1Date of Hearing: March 24, 1998
Chief Counsel: Judith M. GarveyASSEMBLY COMMITTEE ON PUBLIC SAFETY
Robert M. Hertzberg, Chair

AB 1707 (Wildman) - As Amended: March 19, 1998

SUMMARY. Prohibits a felon from purchasing, owning or possessing body armor. Specifically, this bill:

- 1) Makes it a felony for a convicted felon to purchase, own, or possess body armor, as defined, punishable by 18 months, two or three years in state prison and a fine of up to \$10,000.
- 2) Allows the police chief or sheriff to grant an exception or limited relief where a petitioner's employment, livelihood, or safety depends on the ability to possess and use body armor and contains legislative intent relating to the exercise of broad discretion to fashion appropriate relief where warranted.
- 3) Provides that law enforcement officials who enforce the provisions of this bill against a person who has been granted relief will be immune from any liability for false arrest arising from enforcement unless specified circumstances are present.
- 4) Renames this Act as the "James Gueff Body Armor Act of 1998".

EXISTING LAW:

- 1) Does not prohibit ex-felons from owning or possessing body armor.
- 2) Provides that any person who wears a body vest in the commission or attempted commission of a violent offense, as defined, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or five years. (Penal Code Section 12022.2(b).)
- 3) Body vest means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer. (Penal Code Section 12022.2(c).)

COMMENTS:

- 1) Author's Statement. According to the author, "AB 1707 was introduced to help stem the tide of recent criminal incidents which create a dangerously threatening environment for both police officers and citizens.

Recent reports include a dangerous criminal, who in November of 1996, was able to fend off 120 armed police officers for 32 minutes. The gunman, protected by full body armor, killed a San Francisco police officer. Three years later, a bank robbery in North Hollywood led a one-hour confrontation between two criminals shielded by full body armor and 350 police officers. The encounter resulted in two deaths and injuries to

04/07/98 11:27 FIELD OPERATIONS - 414 691 5675

NO. 877 P007/008

916 327 6838

MAR 24 '98 05:01PM PUBLIC SAFETY COMMITTEE

P. 3/5

AG 1707

Page 2

more than ten other persons. Graphic videotape of the incident showed the police officers' bullets literally bouncing off of the armored gunman, delaying apprehension of the dangerous criminals.

Another incident in Los Angeles involved two gang members stopped by police for a traffic violation who were found to be wearing bulletproof body armor. Both suspects had been convicted of past violent felonies and gun violations.

Whenever these frightening and often lethal confrontations occur, the lives of innocent citizens and police officers are unnecessarily placed in jeopardy. This legislation will assist law enforcement personnel to prevent and mitigate situations similar to the North Hollywood incident.

2) Body Armor Definition. This bill defines body armor by referencing the definition contained within the California Code of Regulations, Section 942, Title 11. "Body armor" is popularly called a "bulletproof vest". For purposes of the regulations and this bill, "body armor" means those parts of a complete armor that provide ballistic resistance to the penetration of the test ammunition for which a complete armor is certified. In certain models, the body armor consists of ballistic panels without a carrier. Other models have a carrier from which the ballistic panels may be removed for cleaning or replacement.

3) Threatening Environment. The Los Angeles City Council supports this bill with one condition because "the wearing, owning and possession of bullet proof vests or body armor should be limited to the police or security personnel, in the opinion of both the police department and the police commission. The department is concerned that as more incidents occur and become known to the public, more persons of criminal intent, including ex-felons, will use body armor in the commission of their crimes. The use of body armor in the commission of crimes by ex-felons limits police officers' options in controlling criminal acts, thereby creating a dangerously threatening environment for both police and citizens.

4) Exemption. Under this bill, the chief of police or sheriff may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as he or she deems appropriate, based on a finding that the petitioner:

- a) Is likely to use body armor in a safe and lawful manner.
- b) Has a reasonable need for such protection under the circumstances.

This bill requires that a petitioner who has been granted relief, to agree to carry a certified copy of the law enforcement official's permission to possess and use body armor, including any conditions or limitations.

5) Officer James Guelff. This act will be known as the "James Guelff Body Armor Act of 1998". Officer James Guelff was a 13-year veteran of the San Francisco Police Department when he was brutally ambushed and murdered.

Officer Guelff was murdered by Victor Lee Boutwell who was armed with three assault rifles and two semiautomatic pistols. Boutwell was wearing a Kevlar helmet and full body armor. Boutwell sustained several hits from officers but continued to fire at the officers for 32 minutes. He was finally killed by a SWAT team sniper.

04/07/98 11:23 FIELD OPERATIONS → 414 681 5275

NO. 877 P008/008

916 327 6230

MAR 24 '98 05:02PM PUBLIC SAFETY COMMITTEE

P. 4/5

LB 1797
Page 3

Officer Gueliff was killed on November 13, 1994. He was 39 years old, survived by two children, Laura, eight years old and Landon, six years old. He was a highly decorated officer."

- 6) Legislative History. AB 1075 (Speier), Chapter 526, Statutes of 1991, created a sentence enhancement of one, two or three years for wearing a body vest during the commission or attempted commission of a violent felony.
- 7) Arguments in Support
- a) The California Organization of Police and Sheriffs (COPS). COPS support this bill because "it is quite evident after the bank shoot-out in Los Angeles with the suspects wearing body armor, this legislation is overdue."
- b) San Francisco Chief of Police. Chief Lau believes this bill "will protect the lives of police officers and citizens by helping to stem the tide of dangerously threatening incidents where convicted felons are protected by body armor during confrontations. These situations unnecessarily place the lives of law enforcement personnel and innocent citizens in jeopardy. Officer Gueliff was a distinguished member of the San Francisco Police Department who made the ultimate sacrifice performing his duties. Legislation that will protect peace officers is a significant legacy in memory of a fallen hero."
- c) Santa Ana Chief of Police. The Chief believes this bill "will protect the lives of police officers and citizens by helping to stem the tide of dangerously threatening incidents where convicted felons are protected by body armor during confrontations. These situations unnecessarily place the lives of law enforcement personnel and innocent citizens in jeopardy."
- 8) Arguments in Opposition. The California Attorneys for Criminal Justice oppose this bill because "providing felony penalties for possession of body armor by ex-felons will do little to aid law enforcement and instead will subject numerous persons with innocent reasons to possess such items to unjust criminal penalties. Persons who possess body armor and use it in the course of committing crimes and attempting to avoid apprehension by law enforcement are subject to harsh penalties under numerous other laws; the further penalties in this bill are unnecessary."

REGISTERED SUPPORT/OPPOSITION:

Support:

Police Chief Fred Lau, City and County of San Francisco
 Police Chief Paul Waters of the City of Santa Ana
 Association for Los Angeles Deputy Sheriffs
 The Los Angeles City Council
 Los Angeles Police Protective League
 California Organization of Police and Sheriffs
 California Peace Officers' Association
 California Police Chiefs' Association
 Attorney General's Office

11521

01/14/98 8:09 AM
R09800108 PAGE 2

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12370 is added to the Penal Code, to read:

12370. (a) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, who purchases, owns, or possesses body armor, as defined by Section 942 of Title 11 of the California Code of Regulations, except as authorized under subdivision (b), is guilty of a felony, punishable by imprisonment in a state prison for 16 months, or two or three years.

(b) Any person whose employment, livelihood, or safety is dependent on the ability to legally possess and use body armor, who is subject to the prohibition imposed by subdivision (a) due to a prior felony conviction, may file a petition with the chief of police or county sheriff of the jurisdiction in which he or she seeks to possess and use the body armor for an exception to this prohibition. The chief of police or sheriff may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as he or she deems appropriate, based on the following:

(1) A finding that the petitioner is likely to use body armor in a safe and lawful manner.

11521

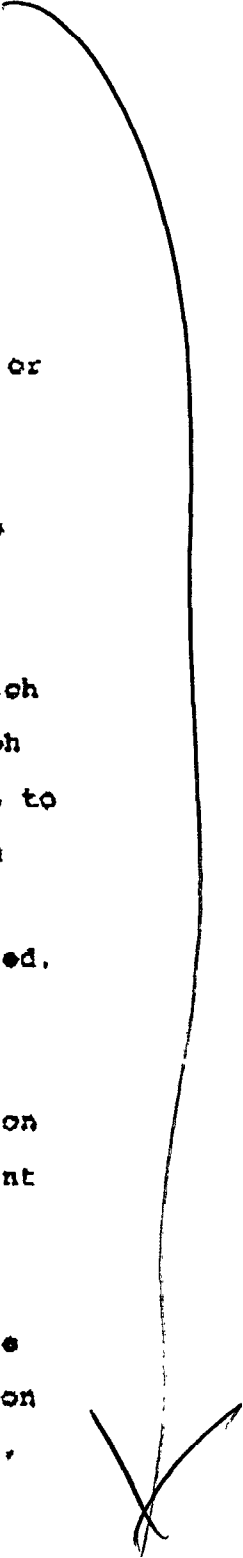
01/14/98 8:09 AM
RN9800108 PAGE 3

(2) A finding that the petitioner has a reasonable need for such protection under the circumstances.

In making its decision, the chief of police or sheriff shall consider the petitioner's continued employment, the interests of justice, any relevant evidence, and the totality of the circumstances. It is the intent of the Legislature that law enforcement officials exercise broad discretion in fashioning appropriate relief under this paragraph in cases in which relief is warranted. However, nothing in this paragraph shall be construed to require law enforcement officials to grant relief to any particular petitioner. Relief from this prohibition shall not relieve any other person or entity from any liability that might otherwise be imposed.

(c) The chief of police or sheriff shall require, as a condition of granting an exception under subdivision (b), that the petitioner agree to maintain on his or her person a certified copy of the law enforcement official's permission to possess and use body armor, including any conditions or limitations.

(d) Law enforcement officials who enforce the prohibition specified in subdivision (a) against a person who has been granted relief pursuant to subdivision (b), shall be immune from any liability for false arrest



11521

01/14/98 8:09 AM
RN9800108 PAGE 4

arising from the enforcement of this subdivision unless the person has in his or her possession a certified copy of the court order that granted the person relief from the prohibition. This immunity from liability shall not relieve any person or entity from any other liability that might otherwise be imposed.

(e) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States, another state, or a foreign jurisdiction, unless either of the following criteria is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) With respect to convictions imposed pursuant to federal law, the defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning

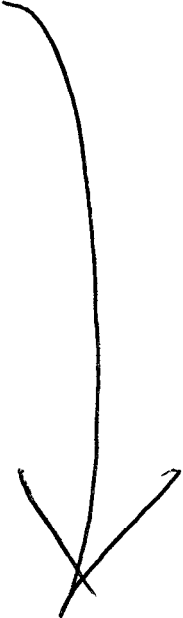
P.S

11521

01/14/98 8:09 AM
RN9800108 PAGE 5

of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



CALIFORNIA CODES
PENAL CODE
SECTION 12360-12370

12360. No **body armor** shall be acquired by the commissioner pursuant to Section 2259.5 of the Vehicle Code unless, pursuant to subdivision (a) of Section 12361, the Department of Justice has certified such **body armor**.

12361. (a) Before a **body armor** may be purchased for use by state peace officers the Department of Justice, after consultation with the Department of the California Highway Patrol, shall establish minimum ballistic performance standards, and shall determine that the **armor** satisfies those standards.

(b) Only **body armor** that meets state requirements under subdivision (a) for acquisition or purchase shall be eligible for testing for certification under the ballistic performance standards established by the Department of Justice; and only **body armor** that is certified as acceptable by the department shall be purchased for use by state peace officers.

12362. Any person engaged in the manufacture or sale of **body armor** may apply to the Department of Justice for certification that a particular type of **body armor** manufactured or sold by that person is acceptable. The applicant shall reimburse the state for any actual expenses incurred by the state in testing and certifying a particular type of **body armor**.

12363. Any application submitted pursuant to Section 12362 shall contain all of the following:

(a) Full written reports of any investigation conducted for the purpose of determining whether such **body armor** is acceptable.

(b) A full written statement of the design of such **body armor**.

(c) A full written statement of the methods used in, and the facilities and controls used for, the manufacture of such **body armor**.

(d) Such samples of **body armor** and its components as the department may require.

(e) Specimens of the instructions and advertisements used or proposed to be used for such **body armor**.

12364. The Department of Justice, in cooperation with the Office of Procurement of the Department of General Services, shall establish a schedule for ballistic testing for certification pursuant to subdivision (b) of Section 12361.

12365. The department shall issue an order refusing to certify a **body armor** as acceptable if, after due notice to the applicant, the department finds any of the following:

(a) That the **body armor** does not satisfy the ballistic performance standards established by the department pursuant to subdivision (b)

of Section 12361.

(b) That the application contains any misrepresentation of a material fact.

(c) That the application is materially incomplete.

(d) That the applicant has failed to reimburse the state as required by Section 12362.

12366. The department shall issue an order revoking certification if, after due notice to the applicant, the department finds any of the following:

(a) That the experience or additional testing show that the **body armor** does not comply with the department's ballistic performance standards.

(b) That the application contains any misrepresentation of a material fact.

(c) The **body armor** must be retested for certification under new department standards.

12367. The department shall adopt and promulgate regulations for the fair and efficient enforcement of this chapter.

12368. (a) All purchases of certified **body armor** under the provisions of this chapter shall be made by the Department of General Services on behalf of an authorized state agency or department. Purchases of **body armor** shall be based upon written requests submitted by an authorized state agency or department to the Department of General Services.

(b) The Department of General Services shall make certified **body armor** available to peace officers of the Department of Justice, as defined by Section 830.3 of the Penal Code, while engaged in law enforcement activities.

12369. The Department of General Services shall, pursuant to departmental regulation, after consultation with the Department of the California Highway Patrol, define the term "enforcement activities" for purposes of this chapter, and develop standards regarding what constitutes sufficient wear on **body armor** to necessitate replacement thereof.

12370. (a) Any person who has been convicted of a violent felony, as defined in subdivision (c) Section 667.5 under the laws of the United States, the State of California, or any other state, government, or country, who purchases, owns, or possesses **body armor**, as defined by Section 942 of Title 11 of the California Code of Regulations, except as authorized under subdivision (b), is guilty of a felony, punishable by imprisonment in a state prison for 16 months, or two or three years.

(b) Any person whose employment, livelihood, or safety is dependent on the ability to legally possess and use **body armor**, who is subject to the prohibition imposed by subdivision (a) due to a prior violent felony conviction, may file a petition with the chief of police or county sheriff of the jurisdiction in which he or she seeks to possess and use the **body armor** for an exception to this prohibition. The chief of police or sheriff may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the

prohibition, or otherwise grant relief from the prohibition as he or she deems appropriate, based on the following:

(1) A finding that the petitioner is likely to use **body armor** in a safe and lawful manner.

(2) A finding that the petitioner has a reasonable need for such protection under the circumstances.

In making its decision, the chief of police or sheriff shall consider the petitioner's continued employment, the interests of justice, any relevant evidence, and the totality of the circumstances. It is the intent of the Legislature that law enforcement officials exercise broad discretion in fashioning appropriate relief under this paragraph in cases in which relief is warranted. However, nothing in this paragraph shall be construed to require law enforcement officials to grant relief to any particular petitioner. Relief from this prohibition shall not relieve any other person or entity from any liability that might otherwise be imposed.

(c) The chief of police or sheriff shall require, as a condition of granting an exception under subdivision (b), that the petitioner agree to maintain on his **or** her person a certified copy of the law enforcement official's permission to possess and use **body armor**, including any conditions or limitations.

(d) Law enforcement officials who enforce the prohibition specified in subdivision (a) against a person who has been granted relief pursuant to subdivision (b), shall be immune from any liability for false arrest arising from the enforcement of this subdivision unless the person has in his or her possession a certified copy of the permission granting the person relief from the prohibition, as required by subdivision (c). This immunity from liability shall not relieve any person or entity from any other liability that might otherwise be imposed.

(e) For purposes of this section only, "violent felony" refers to the specific crimes listed in subdivision (c) of Section 667.5, and **to crimes** defined under the applicable laws of the United States or any other state, government, or country that are reasonably equivalent to the crimes listed in subdivision (c) of Section 667.5.

(c) For the purpose of this section, “**violent felony**” means any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (6) Lewd acts on a child under the age of 14 years as defined in Section 288.
- (7) Any **felony** punishable by death or imprisonment in the state prison for life.
- (8) Any **felony** in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any **felony** in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5, 12022.53, or 12022.55.
- (9) Any robbery perpetrated in an inhabited dwelling house, vessel, as defined in Section 21 of the Harbors and Navigation **Code**, which is inhabited and designed for habitation, an inhabited floating home as defined in subdivision (d) of Section 18075.55 of the Health and Safety **Code**, an inhabited trailer coach, as defined in the Vehicle **Code**, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that robbery.
- (10) Arson, in violation of subdivision (a) of Section 45 1.
- (11) The offense defined in subdivision (a) of Section 289 where the act is another rape accomplished against the victim’s will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (12) (12) Attempted murder
- (13) A violation of Section 12308. → at. murder w/ explosive device
- (14) Kidnapping, in violation of subdivision (b) of Section 207.
- (15) Kidnapping, as punished in subdivision (b) of Section 208.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215, if it is charged and proved that the defendant personally used a dangerous or deadly weapon as provided in subdivision (b) of Section 12022 in the commission of the carjacking.
- (18) Any robbery of the first degree punishable pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 213. → it - + w/ others
- (19) A violation of Section 264.1. → forcible rape

Attempt

940.01 1st degree murder in homicide

940.02 " "

940.21 Mayhem

940.225 (1) or (2) 1st / 2d degree sex assault

948.02 / .025

940.305 Taking hostage

940.31 Kidnapping

943.23 (1g) (1m) (1r) - carjacking

940.19 (4) (5) (6) ~~Agg~~ battery Serious

943.10 (2)

943.32

943.02



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2199/P1

JEO:

DeNebe
Jany Sofen

Jig

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT relating to: possession of bulletproof garments by persons convicted
2 of certain felony offenses and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

For further information **see** the **local** fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 938.3415 of the statutes is created to read:

4 **938.3415 Delinquency adjudication; restriction on bulletproof**
5 **garment possession. (1)** In this section, "violent felony" has the meaning given in
6 s. 941.291 (1) (c). ✓

7 (2) Whenever a court adjudicates a juvenile delinquent for an act committed
8 on or after the effective date of this subsection ✓ . . . [revisor inserts date], that if

1 committed by an adult in this state would be a violent felony, the court shall inform
2 the juvenile of the requirements and penalties under s. 941.291.

3 **SECTION 2.** 938.396 (2) (d) of the statutes is amended to read:

4 938.396 (2) (d) Upon request of a court of criminal jurisdiction or a district
5 attorney to review court records for the purpose of setting bail under ch. 969,
6 impeaching a witness under s. 906.09 ~~or~~, investigating and determining whether a
7 person has possessed a firearm in violation of s. 941.29 (2) or a bulletproof garment
8 in violation of s. 941.291 (2) or upon request of a court of civil jurisdiction or the
9 attorney for a party to a proceeding in that court to review court records for the
10 purpose of impeaching a witness under s. 906.09, the court assigned to exercise
11 jurisdiction under this chapter and ch. 48 shall open for inspection by authorized
12 representatives of the requester the records of the court relating to any juvenile who
13 has been the subject of a proceeding under this chapter.

14 History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 80, 95, 181, 205, 252, 258, 281; s. 13.93 (1) (b), (2) (c).

14 **SECTION 3.** 941.291 of the statutes is created to read:

15 **941.291 Possession of bulletproof garment. (1) DEFINITIONS.** In this
16 section:

17 (a) "Bulletproof garment" means a vest or other garment designed, redesigned
18 or adapted to prevent bullets from penetrating through the garment.

19 (b) "Chief law enforcement officer" means the chief of police of a city, village or
20 town or, for a village or town that does not have a police department, the sheriff of
21 the county in which the village or town is located.

22 (c) "Violent felony" means a violation or the attempt to commit a violation of
23 s. 940.01, 940.02, 940.19 (3), (4), (5) or (6), 940.21, 940.225 (1) or (Z), 940.305, 940.31,
24 943.02, 943.10 (2), 943.23 (lg), (1m) or (1r), 943.32, 948.02 (1) or (2) or 948.025.

1 (2) **PROHIBITION.** Except as provided in sub. (4), no person may possess a
2 bulletproof garment if any of the following applies to the person:

3 (a) The person has been convicted of a violent felony in this state.

4 (b) The person has been convicted of a crime elsewhere that would be a violent
5 felony if committed in this state.

6 (c) The person has been adjudicated delinquent for an act committed on or after
7 the effective date of this paragraph [revisor inserts date], that if committed by an
8 adult in this state would be a violent felony.

9 (d) The person has been found not guilty of a violent felony in this state by
10 reason of mental disease or defect.

11 (e) The person has been found not guilty of or not responsible for a crime
12 elsewhere that would be a violent felony in this state by reason of insanity or mental
13 disease, defect or illness.

14 (3) **PENALTY.** Whoever violates sub. (2) is guilty of a Class E felony.

15 (4) **EXEMPTION.** (a) A person who is prohibited from possessing a bulletproof
16 garment under sub. (2) may request a complete or partial exemption from the
17 prohibition if all of the following apply:

18 1. The person has a reasonable need to possess a bulletproof garment to ensure
19 his or her personal safety, to earn a livelihood or as a condition of employment.

20 2. The person is likely to use the bulletproof garment in a safe and lawful
21 manner.

22 (b) A person seeking an exemption from the prohibition under sub. (2) shall
23 request the exemption from the chief law enforcement officer of the jurisdiction in
24 which the person will possess the bulletproof garment. A request for an exemption
25 shall be made in the manner provided by the chief law enforcement officer. The chief

1 law enforcement officer may deny the request for an exemption, grant a complete
 2 exemption from the prohibition or grant a partial exemption by allowing possession
 3 of a bulletproof garment under certain specified circumstances only. In deciding
 4 whether a person satisfies the criteria specified in par. (a) 1. and 2. and, if so, whether
 5 to grant an exemption, the chief law enforcement officer shall consider the totality
 6 of the person's circumstances and any relevant evidence of those circumstances.

7 (c) If a chief law enforcement officer grants an exemption under par. (b), he or
 8 she shall issue a written certificate of exemption to the person who requested the
 9 exemption. The exemption is valid only in the jurisdiction of the chief law
 10 enforcement officer who issues the certificate of exemption. If the exemption is a
 11 partial exemption, the certificate shall specify the circumstances under which the
 1 2 person may possess a bulletproof garment. The person granted the exemption shall
 13 carry the certificate of exemption at all times during which he or she is in possession
 14 of a bulletproof garment.

15 SECTION 4. 971.17 (lh) of the statutes is created to read:

16 97 1.17 (lh) (a) In this subsection, "violent felony" has the meaning given in s.
 17 941.291 (1) (c).

18 (b) If the defendant under sub. (1) is found not guilty of a violent felony by
 19 reason of mental disease or defect, the court shall inform the defendant of the
 20 requirements and penalties under s. 941.291.

21 SECTION 5. 973.0335 of the statutes is created to read:

22 **973.0335 Sentencing; restriction on possession of bulletproof garment.**

23 (1) In this section, "violent felony" has the meaning given in s. 941.291 (1) (c).

1 (2) Whenever a court imposes a sentence or places a defendant on probation
2 for a violent felony conviction, the court shall inform the defendant of the
3 requirements and penalties under s. 941.291.

4 **SECTION 6. Initial applicability.**

5 (1) POSSESSION OF BULLETPROOF GARMENT. ✓ The treatment of section ✓ 941.291 of
6 the statutes first applies to the possession of bulletproof garments that occurs on the
7 effective date of this subsection, but does not preclude the counting of an act that was
8 committed before the effective date of this subsection for purposes of determining
9 whether a person has been convicted of a violent felony that makes him or her subject
10 to section ✓ 941.291 of the statutes.

11 (2) INFORMATION AT COMMITMENT HEARINGS. ✓ The treatment of section ✓ 971.17 (1h)
12 of the statutes first applies to commitment hearings that occur on the effective date
13 of this subsection. ✓

14 (3) INFORMATION AT SENTENCING. ✓ The treatment of section 973.0335 of the
15 statutes first applies to sentencing proceedings that occur on the effective date of this
16 subsection. ✓

17 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2199/P1dn

JEO:.....

JEO

Representative La Fave:

Please note the following when reviewing this draft:

1. The California statute on which this draft is based refers to "body armor". However, the draft refers to "bulletproof garment" instead because that term is already used in our statutes. The definition in the draft is identical to the definition provided under s. 939.64 (1), stats.

2. The definition of "violent felony" is based on the one referred to in the California statute. Please review it carefully to make sure that it includes the crimes that you want to cover.

3. The prohibition on the possession of bulletproof garments covers juveniles who have been adjudicated delinquent for a violent felony. Compare s. 941.29 (1) (bm), stats. Is that your intent? (It is not clear to me whether the California statute covers juveniles.)

4. The draft provides that a violation of the prohibition on the possession of bulletproof garments is a Class E felony (a fine of up to \$10,000 or imprisonment of not more than two years or both for crimes committed before 12/31/99; for crimes committed on or after 12/31/99, the maximum imprisonment is increased to five years). Compare s. 941.29 (2) (intro.), stats. Do you want to provide an increased penalty for a second or subsequent offense? Compare s. 941.29 (2m), stats,

5. Please review the procedure for granting an exemption to the prohibition on possession of bulletproof garments (see proposed s.341.291 (4)). It is rather sketchy, just like the California law on which it is based. Do you want to provide more detail? For instance, should the sheriff or police chief hold a hearing of some sort? Can they charge a fee for processing an exemption request? Should they be required to make a decision on an exemption request within a specified period of time? If a police chief or sheriff denies an exemption request, may the person appeal? (If the draft says nothing, the person may have the right to appeal to circuit court using a common law writ of certiorari, under which a circuit judge would engage in a limited review the denial.) Instead of having police chiefs and sheriffs process these requests, would you prefer to have courts do it?

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2199/P1dn
JEO:jlg:hmh

April 6, 1999

Representative La Fave:

Please note the following when reviewing this draft:

1. The California statute on which this draft is based refers to "body armor". However, the draft refers to "bulletproof garment" instead because that term is already used in our statutes. The definition in the draft is identical to the definition provided under s. 939.64 (1), stats.

2. The definition of "violent felony" is based on the one referred to in the California statute. Please review it carefully to make sure that it includes the crimes that you want to cover.

3. The prohibition on the possession of bulletproof garments covers juveniles who have been adjudicated delinquent for a violent felony. Compare s. 941.29 (1) (bm), stats. Is that your intent? (It is not clear to me whether the California statute covers juveniles.)

4. The draft provides that a violation of the prohibition on the possession of bulletproof garments is a Class E felony (a fine of up to \$10,000 or imprisonment of not more than two years or both for crimes committed before 12/31/99; for crimes committed on or after 12/31/99, the maximum imprisonment is increased to five years). Compare s. 941.29 (2) (intro.), stats. Do you want to provide an increased penalty for a second or subsequent offense? Compare s. 941.29 (2m), stats.

5. Please review the procedure for granting an exemption to the prohibition on possession of bulletproof garments (see proposed s. 941.291 (4)). It is rather sketchy, just like the California law on which it is based. Do you want to provide more detail? For instance, should the sheriff or police chief hold a hearing of some sort? Can they charge a fee for processing an exemption request? Should they be required to make a decision on an exemption request within a specified period of time? If a police chief or sheriff denies an exemption request, may the person appeal? (If the draft says nothing, the person may have the right to appeal to circuit court using a common law writ of certiorari, under which a circuit judge would engage in a limited review the denial.) Instead of having police chiefs and sheriffs process these requests, would you prefer to have courts do it?

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

1/12 Per Chief Petit

835-6703

✓ Body armor

✓ - Cover all felonies

✓ - Jare's - okay

✓ - Higher penalty for 2d/subsequent

✓ - Give exemption to court
- in city where armor used / ~~living~~

DA contacts appropriate law enforcement



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2199/1

JEO:jlg:hmh

r.m.r.

Soon D-Date

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

or adjudicated delinquent for a

body armor

Reger

1 **AN ACT** to amend 938.396 (2) (d); and to create 938.3415, 941.291, 971.17 (1h)

2 and 973.0335 of the statutes; **relating to:** possession of bulletproof garments

3 by persons convicted of ~~violent~~ felony offenses and providing a penalty.

ANALYSIS INSERT

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 938.3415 of the statutes is created to read:

body armor

5 **938.3415 Delinquency adjudication; restriction on bulletproof**

6 **garment possession.** (1) In this section, "violent felony" has the meaning given

7 in s. 941.291(1)(c).

NO \$

8 (2) Whenever a court adjudicates a juvenile delinquent for an act committed

no q

9 on or after the effective date of this ~~section~~ section ... [revisor inserts date], that if

1 committed by an adult in this state would be a ~~violent~~ felony, the court shall inform
2 the juvenile of the requirements and penalties under s. 941.291.

3 SECTION 2. 938.396 (2) (d) of the statutes is amended to read:

4 938.396 (2) (d) Upon request of a court of criminal jurisdiction or a district
5 attorney to review court records for the purpose of setting bail under ch. 969,
6 impeaching a witness under s. 906.09 ~~or~~, investigating and determining whether a
7 person has possessed a firearm in violation of s. 941.29 (2) ~~or bulletproof garment~~
8 in violation of s. 941.291 (2) or upon request of a court of civil jurisdiction or the
9 attorney for a party to a proceeding in that court to review court records for the
10 purpose of impeaching a witness under s. 906.09, the court assigned to exercise
11 jurisdiction under this chapter and ch. 48 shall open for inspection by authorized
12 representatives of the requester the records of the court relating to any juvenile who
13 has been the subject of a proceeding under this chapter.

body
armor

14 SECTION 3. 941.291 of the statutes is created to read:

B
body armor

15 **941.291 Possession of bulletproof garment.** (1) DEFINITIONS. In this

16 section, "body armor" ~~means~~ ^{no #}

17 (a) ~~"Bulletproof garment"~~ means ~~any~~ ^{any} ~~or other~~ ^{that is} garment designed, redesigned
18 or adapted to prevent bullets from penetrating through the garment.

19 (b) "Chief law enforcement officer" means the chief of police of a city, village or
20 town or, for a village or town that does not have a police department, the sheriff of
21 the county in which the village or town is located.

22 (c) "Violent felony" means a violation or the attempt to commit a violation of
23 s. 940.01, 940.02, 940.19 (3), (4), (5) or (6), 940.21, 940.225 (1) or (2), 940.305, 940.31,
24 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32, 948.02 (1) or (2) or 948.025.

1 (2) PROHIBITION. Except as provided in sub. (4), no person may possess a
2 body armor bulletproof garment if any of the following applies to the person:

3 (a) The person has been convicted of a ~~felony~~ felony in this state.

4 (b) The person has been convicted of a crime elsewhere that would be a ~~felony~~
5 felony if committed in this state.

6 (c) The person has been adjudicated delinquent for an act committed on or after
7 the effective date of this paragraph . . . [revisor inserts date], that if committed by an
8 adult in this state would be a ~~felony~~ felony.

9 (d) The person has been found not guilty of a ~~felony~~ felony in this state by
10 reason of mental disease or defect.

11 (e) The person has been found not guilty of or not responsible for a crime
12 elsewhere that would be a ~~felony~~ felony in this state by reason of insanity or mental
13 disease, defect or illness.

INS
3-14

14 (3) PENALTY. (a) Whoever violates sub. (2) is guilty of a Class E felony.

15 (4) EXEMPTION. (a) A person who is prohibited from possessing a body armor
16 body armor garment under sub. (2) may request a complete or partial exemption from the
17 prohibition if all of the following apply:

body armor

18 1. The person has a reasonable need to possess a bulletproof garment to ensure
19 his or her personal safety, to earn a livelihood or as a condition of employment.

20 2. The person is likely to use the bulletproof garment in a safe and lawful
21 manner.

INS
3-22

22 (b) A person seeking an exemption from the prohibition under sub. (2) shall
23 by filing a written motion in the circuit court for the county request the exemption
24 from the chief law enforcement officer of the jurisdiction in
25 body armor which the person will possess the bulletproof garment. A request for an exemption
shall be made in the manner provided by the chief law enforcement officer. ~~The chief~~

91 (c) A court deciding whether to grant a request for an exemption made under par (b) law enforcement officer may deny the request for an exemption, grant a complete exemption from the prohibition or grant a partial exemption by allowing possession of a bulletproof garment body armor only or in certain locations, or both. In deciding whether a person satisfies the criteria specified in par. (a) 1. and 2. and, if so, whether to grant an exemption, the court chief law enforcement officer shall consider the totality of the person's circumstances and any relevant evidence of the person's character and these circumstances.

(d) If a court chief law enforcement officer grants a request for an exemption under par. (b), he or she shall issue a written order certificate of exemption to the person who requested the exemption. The exemption is valid only in the jurisdiction of the chief law enforcement officer who issues the certificate of exemption jurisdiction of the chief law enforcement officer who issues the certificate of exemption. If the exemption is a partial exemption, the order certificate shall specify the circumstances under which the person may possess a copy of order a bulletproof garment. The person granted the exemption shall carry the order certificate of exemption at all times during which he or she is in possession of a body armor bulletproof garment.

the person's character, including the person's criminal records, including any relevant evidence submitted by the district attorney who received the copy of the motion under par. (b)

SECTION 4. 971.17 (1h) of the statutes is created to read:

971.17 (1h) (a) In this subsection, "violent felony" has the meaning given in s.

941.291 (1) (c).

(b) If the defendant under sub. (1) is found not guilty of a ~~violent~~ felony by reason of mental disease or defect, the court shall inform the defendant of the requirements and penalties under s. 941.291.

SECTION 5. 973.0335 of the statutes is created to read:

973.0335 Sentencing; restriction on possession of bulletproof garment.

(1) In this section, "violent felony" has the meaning given in s. 941.291 (1) (c).

INS
4-14

body armor, the locations in which the person may possess ~~the~~ body armor or, if applicable, both

(b) body armor

1 ^{no} ~~(2)~~ Whenever a court imposes a sentence or places a defendant on probation
 2 for a ~~felony~~ felony conviction, the court shall inform the defendant of the
 3 requirements and penalties under s. 941.291.

4 **SECTION 6. Initial applicability.**

^{CS}
 BODY ARMOR

5 (1) ~~POSSESSION OF BULLETPROOF GARMENT~~ The treatment of section 941.291 of
 6 the statutes first applies to the possession of ~~bulletproof garments~~ ^{body armor} that occurs on the
 7 effective date of this subsection, but does not preclude the counting of an act that was
 8 committed before the effective date of this subsection for purposes of determining
 9 whether a person has been convicted of a ~~violent~~ felony that makes him or her subject
 10 to section 941.291 of the statutes.

11 (2) **INFORMATION AT COMMITMENT HEARINGS.** The treatment of section 971.17 (lh)
 12 of the statutes first applies to commitment hearings that occur on the effective date
 13 of this subsection.

14 (3) **INFORMATION AT SENTENCING.** The treatment of section 973.0335 of the
 15 statutes first applies to sentencing proceedings that occur on the effective date of this
 16 subsection.

17 (END)

1

ANALYSIS INSERT:

Under current law, a person may not possess a firearm if he or she is a felony offender. A person is a felony offender if any of the following applies: 1) he or she has been found guilty of a felony; 2) he or she has been adjudicated delinquent as a juvenile for an act that would have been a felony if it had been committed by an adult; or 3) he or she has been found not guilty of a felony by reason of mental disease, defect or illness. If a felony offender violates the prohibition against possessing a firearm, he or she may be fined not more than \$10,000 or imprisoned for not more than five years or both for a first offense and may be fined not more than \$10,000 or imprisoned for not more than ten years or both for a second or subsequent offense.

Current law also provides that a felony offender may have the right to possess a firearm restored under certain circumstances. For instance, if a person found guilty of a felony is pardoned he or she may again possess a firearm unless the pardon provides that the person may not possess a firearm. A person adjudicated delinquent as a juvenile for an act that would have been a felony if it had been committed by an adult may again possess a firearm if a court determines that the person is not likely to act in a manner dangerous to public safety. Finally, a person who has been found not guilty of a felony by reason of insanity or mental disease, defect or illness may again possess a firearm if a court determines that the person is no longer insane or no longer has a mental disease, defect or illness and that the person is not likely to act in a manner dangerous to public safety.

This bill prohibits a felony offender from possessing body armor, which is defined as any garment that is designed, redesigned or adapted to prevent bullets from penetrating through the garment. A felony offender who violates the prohibition against possessing body armor may be fined not more than \$10,000 or imprisoned for not more than five years or both for a first offense and may be fined not more than \$10,000 or imprisoned for not more than ten years or both for a second or subsequent offense.

The bill also allows a felony offender to request a court for an exemption from the prohibition against possessing body armor if all of the following apply: 1) the offender has a reasonable need to possess body armor to ensure his or her personal safety, to earn a livelihood or as a condition of employment; and 2) the offender is likely to use the body armor in a safe and lawful manner. A felony offender seeking an exemption must file a motion in the circuit court for the county in which the person will be possessing the body armor. The offender must provide a copy of the motion to the district attorney for that county, who must in turn make a reasonable attempt to contact local law enforcement agencies to inform them that the offender has made a request for an exemption and to solicit from the agencies any information that may be relevant to whether the exemption should be granted. The court may grant a complete exemption to the prohibition or may provide a partial exemption that allows the offender to possess body armor under certain specified circumstances or in certain locations or both. An exemption to the prohibition granted by a court is valid only in the county in which that court is located; thus, if a felony offender is

seeking an exemption to possess body armor in more than one county, he or she will have to file a motion for an exemption in each applicable county.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

INSERT 3-14:

(b) Whoever violates sub. (2) after being convicted of violating sub. (2) is guilty of a Class D felony.

INSERT 3-22:

(b) A person seeking a complete or partial exemption from the prohibition under sub. (2) shall request the exemption by filing a written motion in the circuit court for the county in which the person will possess the body armor. A person who files a motion under this paragraph shall send a copy of the motion to the district attorney for the county in which the motion is filed. The district attorney shall make a reasonable attempt to contact the county sheriff and, if applicable, the chief of police of a city, village or town in the county in which the person will possess the body armor for the purpose of informing the sheriff and the chief of police that the person has made a request for an exemption and to solicit from the sheriff and chief of police any information that may be relevant to whether the criteria specified in ^{sub. (4)} ~~par~~ (a) 1. and 2.

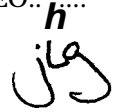
INSERT 4-14:

The clerk of the circuit court shall send a copy of the order of exemption to the county sheriff and, if applicable, to the chief of police of a city, village or town in the county in which the person will possess the body armor.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2199/1dn

JEO: h....



Representative La Fave:

This redraft is based on instructions from Chief Doug Pettit of the Oregon Police Department. Please review the draft carefully to make sure that it does what you want it to do.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 2664906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2199/1dn
JEO:jlj:jf

January 18, 2000

Representative La Fave:

This redraft is based on instructions from Chief Doug Pettit of the Oregon Police Department. Please review the draft carefully to make sure that it does what you want it to do.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 26643906
E-mail: Jefren.Olsen@legis.state.wi.us

**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: 0 1/1 8/2000

To: Representative La Fave

Relating to LRB drafting number: LRB-2199

Topic

Possession of body armor by felons

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.

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, Senior Attorney
Telephone: (608) 26643906