

1999 DRAFTING REQUEST

Bill

Received: **01/13/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-0656**

By/Representing: **self**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **JEO, GMM, TNF**

Pre Topic:

No specific pre topic given

Topic:

Operating privilege suspension for bomb threats and guns on school premises

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>
/?	nilsepe 01/13/2000	csicilia 01/18/2000		_____			S&L
/1			jfrantze 01/19/2000	_____	lrb_docadmin 01/19/2000	lrb_docadmin 02/03/2000	

FE Sent For:

<END>

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1/?	nilsepe	1 cjs VLF 00	6/1/8	6/1/8 1/18			

FE Sent For:

<END>

Call Wed

1/7/00

Rep - Joe Leibham

920-457-7367

RE school safety issues

→ susp. or rev. of ^{WI} driver's licenses for hunk scars

"acts or threatens to cause damage ~~property~~ to (school) property or endangers the safety of

those in or around a school"

age birth to 16 : if found "guilty" of making threats, can't get license till 18

(unjudicial delinquency)

if 17-20 (inclusive)

{ can't get license - license suspended until reach 21

if 21+

license suspended or revoked for 24 months

(or if don't have one, can't get it for 24 months)

(adjudicated delinquent or convicted of
bomb scare under 947.015 involving school property,

until 16th ^{birthday} ⇒ mandatory suspension until age 18

after 16th birthday - 2 year suspension

2 year suspension which doesn't include

or possession of firearm at school
or under supervision of school authorities
wherever

Act 9 budget brief - 99-11 ← (Reference Bureau Brief)

-Pen

PEN
CJS
1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

d-note Insert

gen
ch 1

mandatory operating privilege suspension
for certain firearms offenses and bomb
suspects involving school premises.

1 AN ACT relating to:

Analysis by the Legislative Reference Bureau

insert
A

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

2

(END)



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB

.....

*Pen
4/2/00
HBS*

SECTION 1. 343.31 (1) (k) of the statutes is created to read:

343.31 (1) (k) Upon receiving a notice of conviction under s. 973.137, the department shall suspend the person's operating privilege for 2 years. If the department receives a notice of conviction under s. 973.137 or a notice of suspension under s. 938.34 (14q) for a person whose license or operating privilege is currently suspended or revoked or for a person who does not currently possess a valid operator's license, the suspension is first effective on the date on which the person is first eligible and applies for issuance, renewal or reinstatement of an operator's license.

SECTION 2. 973.137 of the statutes is created to read:

~~973.137 **Courts to report convictions to the department of transportation.** Upon conviction of a person for any of the following offenses, the clerk of the court in which such conviction occurred shall promptly forward the record of conviction to the department of transportation:~~

~~(1) A bomb scare in violation of s. 947.015, if the property threatened is school premises, as defined in s. 948.61 (1) (c).~~

~~(2) Possession or discharge of firearm in school zone in violation of s. 948.605.~~



Sec. #. CR: 938.34 (14g)

938.34 (14g) VIOLATIONS INVOLVING

BOMB SLARES OR FIREARMS

AT SCHOOL. In addition to any other

disposition imposed under this section, if the juvenile is found to have violated s. 947.015 involving

as the threatened property

school premises, as defined in s. 948.61(1)(c),

or s. 948.605, the court shall immediately

suspend the juvenile's operating privilege, as defined in

s. 340.01(40). The court shall immediately forward

to the department of transportation the notice of suspension, clearly stating that the

suspension is for a violation of s. 947.015

involving school premises, or a violation of s. 948.605.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
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SECTION 2. 973.137 of the statutes is created to read:

973.137 Courts to report convictions to the department of transportation. Upon conviction of a person for any of the following offenses, the clerk of the court in which such conviction occurred shall promptly forward the record of conviction to the department of transportation:

(1) A bomb scare in violation of s. 947.016, if the property threatened is school premises, as defined in s. 948.61 (1) (c).

(2) Possession or discharge of firearm in school zone in violation of s. 948.605.



INITIAL APPLICABILITY

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- 2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "___" or "()" only if a "frozen" number is needed.

SECTION # ___ [93] ___. Initial applicability;

(#1) ()

The treatment of sections

of the statutes

first applies to

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- 2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "___" or "()" only if a "frozen" number is needed.

SECTION # ___ . Initial applicability,

(#1) NS This act first applies to violations of section 947.015 or 948.605 committed on the effective date of this subsection.

(END)

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1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB42 11/linsA

PEN...:Y:....

Current law prohibits any person from making a bomb scare (intentionally conveying or causing to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives). Making a bomb scare is a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.

Current law prohibits, with exceptions, any person from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. Such a violation is a Class A misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

Current law prohibits, with exceptions, any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm at a place the individual knows is a school zone. Such a violation is a Class D felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.

This bill requires a court ^{that} ~~who~~ convicts a person of one of the firearms offenses described above or of a bomb scare involving the ~~alleged~~ ^{threatened} destruction of school premises, or ~~also~~ ^{that} adjudicates a juvenile delinquent for one of those offenses, to suspend the violator's operating privilege for two years. If the violator's operating privilege is suspended or revoked at the time of conviction, or if the violator is not eligible for an operator's license at the time of conviction, the period of suspension does not begin to run until the violator is eligible and applies for an operator's license.

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

that

notify the department of transportation of the person's conviction. Upon receiving the notice, DOT must

(DOT) ~~xxx~~

(lead insert)

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

LRB-4211/1dn

...PEN:Y....

g ys

January 13, 2000

Representative Leibham,

Do you want to require operating privilege suspension for possession of "dangerous weapons" (other than firearms) on school premises? See s. 948.61, stats.

Do you want a person whose operating privilege is suspended under this bill to be eligible for an occupational license (to travel to and from work or school)? See 343.10 (l), stats. This draft does not make the person eligible.

2 s.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

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

LRB-4211/1dn
PEN:cjs:jf

January 18, 2000

Representative Leibham,

Do you want to require operating privilege suspension for possession of "dangerous weapons" (other than firearms) on school premises? See s. 948.61, stats.

Do you want a person whose operating privilege is suspended under this bill to be eligible for an occupational license (to travel to and from work or school)? See s. 343.10 (l), stats. This draft does not make the person eligible.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

Nilsen, Paul

From: Nilsen, Paul
Sent: Monday, January 24, 2000 11:09 AM
To: Rep. Leibham
cc: Nilsen, Paul; Fast, Timothy
Subject: Eligibility for occupational license (LRB-421 I/I)

Representative Leibham,

I am writing to correct an error in my drafter's note to LRB-421 I/I (mandatory operating privilege suspension for bomb scares and firearms violations involving school premises). My note incorrectly states that a person whose operating privilege is suspended under the draft would not be eligible for an occupational license. In fact, as the bill is drafted any adult whose operating privilege is suspended would be eligible for an occupational license. As drafted, a juvenile would not be eligible for an occupational license. An occupational license allows the travel to and from work or school.

Please let me know if that draft meets your intent, or whether you would like to specify a different treatment with respect to occupational license eligibility.

Attorney Paul E. Nilsen
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2307
Tel: (608) 261-6926
Fax: (608) 264-8522
Email: Paul.Nilsen@legis.state.wi.us

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-PEN

**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: 01/19/2000

To: Representative Leibham

Relating to LRB drafting number: LRB-4211

Topic

Operating privilege suspension for bomb threats and guns on school premises

Subject(s)

Transportation - driver licenses

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.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926