

## 1999 ASSEMBLY BILL 773

February 17, 2000 – Introduced by Representatives SYKORA, REYNOLDS, MUSSER, AINSWORTH and BRANDEMUEHL, cosponsored by Senators DARLING, ZIEN, ROESSLER and DRZEWIECKI. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to amend** 301.048 (2) (bm) 1. a., 938.208 (1) (a), 938.34 (4m) (b) 1., 946.82  
2 (4) and 969.08 (10) (b); and **to create** 939.66 (8) and 947.014 of the statutes;  
3 **relating to:** threatening to cause death to another and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from threatening to cause bodily harm to certain persons (including victims, witnesses, judges and certain state employes) or members of their family. In addition, current law prohibits a person from engaging in a course of conduct with intent to harass or intimidate another person and provides for a criminal penalty if, when violating the prohibition, the person makes a credible threat that places the victim in reasonable fear of death or great bodily harm. Current law also prohibits a person from using a telephone or computerized communication system to send messages to another that are abusive or harassing or that threaten to inflict injury or physical harm to another person.

This bill prohibits a person from communicating to another person, by any means, a threat to cause death to that person, if all of the following apply:

1. The person intends the communication to be taken as a threat, regardless of whether he or she intended to carry out the threat.
2. The person communicates the threat with the intent to intimidate or frighten the threatened person.
3. The threatened person was placed in reasonable fear of death.

A person who violates the prohibition created by the bill may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

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The bill also provides that a person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than five years or both if, when the person makes the threat, he or she has the apparent present ability to carry out the threat and thereby causes the threatened person to believe that he or she is in danger of imminent death.

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

1           **SECTION 1.** 301.048 (2) (bm) 1. a. of the statutes, as created by 1999 Wisconsin  
2 Act 9, is amended to read:

3           301.048 **(2)** (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,  
4 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,  
5 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,  
6 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20  
7 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,  
8 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.014 (2),  
9 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or  
10 948.30.

11           **SECTION 2.** 938.208 (1) (a) of the statutes is amended to read:

12           938.208 **(1)** (a) Probable cause exists to believe that the juvenile has committed  
13 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,  
14 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m)  
15 or (1r), 943.32 (2), 947.013 (1t), (1v) or (1x), 947.014, 948.02 (1) or (2), 948.025 or  
16 948.03 if committed by an adult.

17           **SECTION 3.** 938.34 (4m) (b) 1. of the statutes is amended to read:

18           938.34 **(4m)** (b) 1. The juvenile has committed a delinquent act that would be  
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),

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1 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1v)  
2 or (1x), 947.014, 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

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

4 939.66 (8) A crime specified in s. 947.014 (1) when the crime charged is  
5 specified in s. 947.014 (2).

6 **SECTION 5.** 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9, is  
7 amended to read:

8 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961  
9 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
10 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
11 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
12 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
13 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
14 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,  
15 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),  
16 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,  
17 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
18 (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,  
19 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,  
20 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.014, 947.015,  
21 948.05, 948.08, 948.12 and 948.30.

22 **SECTION 6.** 947.014 of the statutes is created to read:

23 **947.014 Death threats. (1)** Whoever communicates to another person, by any  
24 means, a threat to cause death to that person is guilty of a Class A misdemeanor if  
25 all of the following apply:

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1 (a) The person intends the communication to be taken as a threat, regardless  
2 of whether the person intended to carry out the threat.

3 (b) The person communicates the threat with the intent to intimidate or  
4 frighten the threatened person.

5 (c) The threatened person was placed in reasonable fear of death.

6 **(2)** Whoever communicates to another person, by any means, a threat to cause  
7 death to that person is guilty of a Class E felony if all of the following apply:

8 (a) The person intends the communication to be taken as a threat, regardless  
9 of whether the person intended to carry out the threat.

10 (b) The person communicates the threat with the intent to intimidate or  
11 frighten the threatened person.

12 (c) At the time the person makes the threat, he or she has the apparent present  
13 ability to carry out the threat and that apparent present ability causes the  
14 threatened person to believe that he or she is in danger of imminent death.

15 **SECTION 7.** 969.08 (10) (b) of the statutes is amended to read:

16 969.08 **(10)** (b) “Serious crime” means any crime specified in s. 346.62 (4),  
17 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195  
18 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,  
19 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,  
20 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
21 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.014, 947.015,  
22 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

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**(END)**