

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3010/P1dn
JEO:kmg:km

April 30, 1999

Jim:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. The bill applies to threats made privately or publicly. In addition, in contrast to s. 947.015 (which applies only to hoaxes), this bill applies to hoaxes and legitimate threats. Finally, it applies to threats to damage *any* property on the premises, not just the building itself. Is this okay?

2. Charter schools are not specifically included in the definition of "schools" used in the draft. As a result, some courts might construe the bill as being inapplicable to threats involving them. Any doubt on this question can be eliminated by including an explicit reference to charter schools. Unfortunately, making that change may make a court less likely to apply other school-related crime provisions to charter schools (such as those contained in ss. 939.632, 948.095, 948.50, 948.605 and 948.61), because those provisions refer only to public, parochial and private schools. (The court may assume that the legislature included charter schools in the terms of a statute when it wanted them to be covered and omitted them when it did not.) Thus, if you want to include a specific reference to charter schools here, you may want to consider whether to add similar references elsewhere in the statutes. Please let us know how you want to address this issue.

3. For the most part, the bill does not apply to privately owned buildings in which not-for-profits or private businesses run Head Start or other preschool programs. If you want to add any types of buildings to those that are covered under the bill, please let us know.

4. A person violating the prohibition contained in this bill could also be charged under s. 947.015, if the threat involves the use of explosives at a government building or school and the person knows the threat to be false. If you prefer, we can revise the draft to prohibit prosecutors from charging a defendant with both offenses in such circumstances.

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