

1999 DRAFTING REQUEST

Bill

Received: 04/30/99

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Jim Villa/Jessica

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters: mdsida

Subject: Criminal Law - guns and weapons

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Threat to harm a person or cause damage at a government building or school

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 04/30/99 mdsida 05/5/99	gilfokm 05/5/99	martykr 05/6/99	_____	lrb_docadmin 05/6/99		
/1	mdsida 05/18/99	gilfokm 05/20/99	martykr 05/21/99	_____	lrb_docadmin 05/21/99	lrb_docadmin 06/7/99	

FE Sent For:

*Not
Needed*

<END>

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Jacket "1" for Senate
JEO

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/P1	olsenje 04/30/99 mdsida	1/1-5-5-99 king	km/6	JJ km/6			

FE Sent For:

<END>

4/30/99

P/c from Jessica ~~in~~ / Sen Darling

6-5830

Wants to know if anything other than 947.015
or s. 013 would apply to someone calling in
a threat to harm people at school

A - Only those 2 secs + 947.012

P/c to Jessica

Spoke w/ Jim Ville

Wants to apply .015 (A Class E Felony provision)
to threats to harm people at school, city hall,
library, other public bldg.
in ~~in~~ or in or on a public bldg.

5/3/99

P/c to Sen Darling's office - Spoke to Jessica

Confirmed that they want to cover prop. damage too



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3010/P1

JEO: King

D-Note

5/6/99

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4:00 pm

Sen. Cant.

1 AN ACT [✓] relating to: threats to cause death, bodily harm or property damage
2 in certain places and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying a threat or false information, knowing the threat or information to be false, concerning an attempt or an alleged attempt being made or to be made to destroy property with explosives. This bill prohibits a person from threatening to use a dangerous weapon or explosives to cause death, bodily harm or property damage at a government building, a school or an institution of higher education. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ~~2~~ ^{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 ~~2~~ ^{five} years or both, if the offense occurs on or after December 31, 1999.

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

3 SECTION 1. 947.017 of the statutes is created to read:
4 [✓] 947.017 Threat to cause death, bodily harm or property damage. (1)
5 In this section, "governmental unit" means the United States, this state or one of its

1 political subdivisions, an instrumentality or corporation of any of the foregoing or a
2 combination or subunit of any of the foregoing.

3 (2) A person is guilty of a Class E felony if the person threatens to use a
4 dangerous weapon or explosives to cause death, bodily harm or property damage in
5 or on the premises of a structure owned, occupied or controlled by a governmental
6 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
7 defined in s. 108.02 (18).

8 (END)

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

LRB-3010/P1dn

JEO,.....
mg

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 *to any* property on the premises, not just the building itself. Is this okay? *e*

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. *→ 0*

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 pre-school 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.

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**

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JEO:kmg:km

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to create 947.017 of the statutes; relating to:** threats to cause death,
2 **bodily harm or property damage in certain places and providing a penalty.**
-

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying a threat or false information, knowing the threat or information to be false, concerning an attempt or an alleged attempt being made or to be made to destroy property with explosives. This bill prohibits a person from threatening to use a dangerous weapon or explosives to cause death, bodily harm or property damage at a government building, a school or an institution of higher education. 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.

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

- 3 **SECTION 1.** 947.017 of the statutes is created to read:
4 **947.017 Threat to cause death, bodily harm or property damage. (1)**
5 In this section, "governmental unit" means the United States, this state or one of its
-

1 political subdivisions, an instrumentality or corporation of any of the foregoing or a
2 combination or subunit of any of the foregoing.

3 (2) A person is guilty of a Class E felony if the person threatens to use a
4 dangerous weapon or explosives to cause death, bodily harm or property damage in
5 or on the premises of a structure owned, occupied or controlled by a governmental
6 unit, a school, as defined in s. 948.50 (2) (a), or an institution of higher education, as
7 defined in s. 108.02 (18).

8

(END)

Dsida, Michael

From: Olsen, Jefren
Sent: Monday, May 17, 1999 1:41 PM
To: Dsida, Michael
Subject: FW:

MGD: The following message came from Jim in Darling's office. JEO

Attorney Jefren E. Olsen
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Tel: (608) 266-8906
Fax: (608) 264-8522
Email: jefren.olsen@legis.state.wi.us

-----Original Message-----

From: Villa, Jim
Sent: Monday, May 17, 1999 1:14 PM
To: Olsen, Jefren
Subject:

Jefren

Alberta and I reviewed your note for LRB 3010. We are not requesting any action in relation to points number 1 and 4.

In regards to points number 2 and 3, would it be possible, when speaking of schools, to include also include any privately held property where state-sponsored, supporter or recognized instruction is taking place?

We were thinking this might be an option to cover charter schools, head starts and the likes without a lot of other complications. Although, we figured you would recognize the potential complications a lot quicker than us.

Thanks for your help.

Jim Villa
Senator Darling's Office



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3010/P1
JEO:kmg:km

RDM RUN

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or, a structure housing a
head start program
or a day care center

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SECTION 1

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2 combination or subunit of any of the foregoing.

3 (2) A person is guilty of a Class E felony if the person threatens to use a
4 dangerous weapon or explosives to cause death, bodily harm or property damage in

5 any of the following: (a)
6 or on the premises of a structure owned, occupied or controlled by a governmental

7 unit, school, as defined in s. 948.50(2)(a), or an institution of higher education, as
8 defined in s. 108.02 (18).

9 (c)

(END)

9 (b) A kindergarten or an elementary or secondary

9 (d) A structure in which a head start agency
~~under~~ under 42 USC 9836 is conducts a
head start program.

9 (e) A day care center licensed under s. 48.65.

Olsen, Jefren

From: Villa, Jim
Sent: Monday, June 07, 1999 1:32 PM
To: Olsen, Jefren

Thanks for the updates on LRB 3010. Can we have it jacketed at your convenience please

Thanks
Jim Villa
Sen. Darling's Office