

**1999 DRAFTING REQUEST**

**Bill**

Received: **10/13/1999**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Himself**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **MGD**

**Pre Topic:**

No specific pre topic given

**Topic:**

Instruction or training to cause civil disorders

**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>
/?	olsenje 10/13/1999	csicilia 10/18/1999		_____			
/1			kfollet 10/19/1999	_____	lrb_docadmin 10/19/1999		
/2	olsenje 11/19/1999	csicilia 11/19/1999	martykr 11/22/1999	_____	lrb_docadmin 11/22/1999	lrb_docadmin 12/01/1999	

FE Sent For:

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1?	olsenje	1 gjs 10/15/99 1 WLj 10/18	10jf 10/19	10jf/mrc 10/19			

FE Sent For:

<END>

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# Memorandum

**To:** Jefren Olsen

**From:** Senator Brian Burke

**Date:** 10/13/99

**Re:** Bill Drafting Request – Redraft of 1995 SB 629

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Please redraft 1995 Senate Bill 629, relating to instructing or training persons to use weapons or techniques to cause civil disorders and providing a penalty.

If you have any questions, you can contact Debbie from my office at 6-8535.

Thanks for your assistance.

---



## 1995 SENATE BILL 629

March 19, 1996 - Introduced by Senators BURKE and WINEKE, cosponsored by Representatives BOCK, L. YOUNG, RILEY, NOTESTEIN and BLACK. Referred to Committee on Judiciary.

1 **AN ACT to create 941.39 of the statutes; relating to: instructing or training**  
2 **persons to use weapons or techniques to cause civil disorders and providing a**  
3 **penalty.**

---

### *Analysis by the Legislative Reference Bureau*

Under current law, there are various crimes that provide penalties for persons who endanger or harm others. This bill creates a new crime. Any person who instructs or trains others regarding weapons or techniques capable of causing injury or death is guilty of a Class D felony if he or she knows that the knowledge gained from the instruction will be unlawfully used in a civil disorder. Upon conviction, the person may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

---

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

- 4 SECTION 1. 941.39 of the statutes is created to read:
- 5 **941.39 Instruction and training; civil disorders.** (1) In this section:
- 6 (a) "Civil disorder" means a gathering of 3 or more persons engaging in acts of
- 7 violence against persons or property that cause an immediate danger of or result in
- 8 damage or injury.
- 9 (b) "Explosive or incendiary device" means any of the following:



*D-Nbk*

*CJS.  
FWL*

3755/1

**1995 SENATE BILL 629**

March 19, 1996 - Introduced by Senators BURKE and WINEKE, cosponsored by Representatives BOCK, L. YOUNG, RILEY, NOTESTEIN and BLACK. Referred to Committee on Judiciary.

*Re gen*

①

AN ACT to create 941.39 of the statutes; relating to: instructing ~~persons~~ persons to use weapons or techniques to cause civil disorders and providing a penalty.

*acts which*

*are defined as crimes*

**Analysis by the Legislative Reference Bureau**

Under current law, ~~there are various crimes that provide penalties for persons who endanger or harm others.~~ This bill creates a new crime. Any person who instructs ~~others~~ others regarding weapons or techniques capable of causing injury or death is guilty of a Class D felony if he or she knows that the ~~knowledge gained from~~ knowledge gained from the instruction will be unlawfully used in a civil disorder. Upon conviction, the person may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

*about*

*defines*

*inform-  
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imparted  
by*

*five*

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

- SECTION 1. 941.39 of the statutes is created to read:
- 941.39 Instruction and training; civil disorders.** (1) In this section:
  - (a) "Civil disorder" means a gathering of 3 or more persons engaging in acts of violence against persons or property that cause an immediate danger of or result in damage or injury.
  - (b) "Explosive or incendiary device" means any of the following:

*if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than ten years or both, if the offense occurs on or after December 31, 1999*



1 1. Dynamite or other form of high explosive.

2 2. A bomb, grenade, missile or similar device.

3 3. A fire bomb, as defined under s. 943.06 (1).

4 (c) "Firearm" means any weapon <sup>that is</sup> designed to <sup>expel</sup> or that may readily be converted  
5 to expel any projectile by the action of an explosive, or the frame or receiver of such  
6 a weapon.

INS  
2-7  
⑦  
8 ~~(2) Whoever demonstrates to, trains or teaches any other person regarding the~~  
9 ~~use, application or manufacture of a firearm, explosive or incendiary device or a~~ <sup>regarding</sup>  
10 ~~technique capable of causing injury or death, if the person intends or knows that the~~  
11 ~~knowledge will be unlawfully used in, or in furtherance of, a civil disorder, is guilty~~  
12 ~~of a Class D felony.~~

(END)

INS 2-7

P <sup>(B)</sup>  
(2) No person may instruct another ~~person~~  
about the use, application or manufacture  
of a firearm, explosive or incendiary device  
or about a technique capable of causing  
injury or death if the person intends  
or knows that the information imparted  
~~Exposed~~  
by the instruction will be unlawfully  
used in or in furtherance of a civil  
disorder.

P <sup>(B)</sup>  
(3) Whoever violates sub. (2) is  
guilty of a Class D felony.

LRB-3755/1dn  
JEO :cjs:

D-Note

H This is a redraft of 1995 Senate  
Bill 629. Proposed s. 94.39 (2) has been  
~~red~~ rewritten to rid it of various gram-  
matical infirmities.

JEO

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

LRB-3755/1dn  
JEO:cjs:kjf

October 19, 1999

This is a redraft of 1995 Senate Bill 629. Proposed s. 941.39 (2) has been rewritten to rid it of various grammatical infirmities.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3755/1  
JEO:cjs&wlj:kjf

Seen

2  
r.m.r.

1999 BILL

Vogel

1 **AN ACT to create** 941.39 of the statutes; **relating to:** instructing persons to use  
2 weapons or techniques to cause civil disorders and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, various acts which endanger or harm others are defined as crimes. This bill defines a new crime. Any person who instructs others about weapons or techniques capable of causing injury or death is guilty of a Class D felony if he or she knows that the information imparted by the instruction will be unlawfully used in a civil disorder. Upon conviction, the person may be fined not more than \$10,000 or imprisoned for not more than five 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 ten 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.** 941.39 of the statutes is created to read:  
4 **941.39 Instruction and training; civil disorders.** (1) In this section:



**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: 11/22/1999

To: Senator Burke

Relating to LRB drafting number: LRB-3755

**Topic**

Instruction or training to cause civil disorders

**Subject(s)**

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction B Burke  
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) 266-8906