

1999 SENATE BILL 383

February 10, 2000 – Introduced by Senators ZIEN, BAUMGART, DARLING, DRZEWIECKI, ROSENZWEIG, A. LASEE and ROESSLER, cosponsored by Representatives SYKORA, REYNOLDS, LADWIG, MUSSER, SUDER, HAHN, HASENOHRL, OWENS, KREIBICH, AINSWORTH, GUNDERSON and KELSO. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT to renumber and amend** 947.015; **to amend** 301.048 (2) (bm) 1. a.,
 2 895.035 (4a) (a) 2., 938.208 (1) (a), 938.34 (4m) (b) 1., 947.015 (title) and 969.08
 3 (10) (b); and **to create** 947.015 (2) and 947.017 of the statutes; **relating to:**
 4 threatening to cause death, bodily harm or property damage to certain persons
 5 or in certain places and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates new prohibitions relating to threats to cause property damage to certain property and threats to cause bodily harm or death to certain persons.

Threats to cause property damage

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 communicating a threat, with the intent that the communication be taken as a threat, to use a dangerous weapon or explosives to cause property damage in or on the premises of a school, an institution of higher education, a structure housing a head start program or a day care center. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than five years or both.

Threats to cause death or harm

Current law prohibits a person from threatening to cause bodily harm to certain persons (including victims, witnesses, judges and certain state employes) or

SENATE BILL 383

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 specifically prohibits a person from using a telephone or computerized communication system to send threatening, abusive or harassing messages to another.

This bill prohibits a person from making certain threats against an officer or employe of a school district, a charter school or a private school (school officer or employe) or a family member of a school officer or employe. Specifically, the bill prohibits a person from communicating, by any means, a threat to cause death or great bodily harm to a school officer or employe or a family member of a school officer or employe, if all of the following apply:

1. The person knows or has reason to know that the threatened person is a school officer or employe or a family member of a school officer or employe.

2. The school officer or employe is acting in the scope of his or her duties as a school officer or employe at the time of the threat or the threat is in response to any action taken by the school officer or employe while acting in the scope of his or her duties as a school officer or employe.

3. The person communicates the threat with the intent to intimidate or frighten the school officer or employe or the family member of a school officer or employe.

4. The school officer or employe was placed in reasonable fear of death or great bodily harm to himself or herself or to a family member, if the threat was made to the school officer or employe, or the family member of a school officer or employe was placed in reasonable fear of death or great bodily harm, if the threat was made to a family member of a school officer or employe.

A person who violates the prohibition against threats to school officers or employes or their family members may be fined not more than \$10,000 or imprisoned for not more than five years or both.

Finally, the bill prohibits a person from communicating a threat, with the intent that the communication be taken as a threat, to use a dangerous weapon or explosives to cause death or great bodily harm to any person in or on the premises of a school, an institution of higher education, a structure housing a head start program or a day care center. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than five years or both.

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,

SENATE BILL 383

1 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,
2 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20
3 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,
4 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 947.017,
5 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

6 **SECTION 2.** 895.035 (4a) (a) 2. of the statutes, as created by 1999 Wisconsin Act
7 9, is amended to read:

8 895.035 **(4a)** (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,
9 943.05, 943.06 or 947.015 or 947.017.

10 **SECTION 3.** 938.208 (1) (a) of the statutes is amended to read:

11 938.208 **(1)** (a) Probable cause exists to believe that the juvenile has committed
12 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
13 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m)
14 or (1r), 943.32 (2), 947.013 (1t), (1v) or (1x), 947.017, 948.02 (1) or (2), 948.025 or
15 948.03 if committed by an adult.

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

17 938.34 **(4m)** (b) 1. The juvenile has committed a delinquent act that would be
18 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
19 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), (1m) or (1r), 943.32 (2), 947.013 (1t), (1v)
20 or (1x), 947.017, 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

21 **SECTION 5.** 947.015 (title) of the statutes is amended to read:

22 **947.015** (title) **Bomb scares; threats to cause property damage at**
23 **certain places.**

24 **SECTION 6.** 947.015 of the statutes is renumbered 947.015 (1) and amended to
25 read:

SENATE BILL 383**SECTION 6**

1 947.015 (1) Whoever intentionally conveys or causes to be conveyed, by any
2 means, any threat or false information, knowing such the threat or information to
3 be false, concerning an attempt or alleged attempt being made or to be made to
4 destroy any property by the means of a dangerous weapon or explosives is guilty of
5 a Class E felony.

6 **SECTION 7.** 947.015 (2) of the statutes is created to read:

7 947.015 (2) (a) A person is guilty of a Class E felony if, with intent that the
8 communication be taken as a threat, he or she communicates, by any means, a threat
9 to use a dangerous weapon or explosives to cause property damage in or on the
10 premises of any of the following places:

11 1. A kindergarten or an elementary or secondary school.

12 2. An institution of higher education, as defined in s. 108.02 (18).

13 3. A structure in which a head start agency under 42 USC 9836 conducts a head
14 start program.

15 4. A day care center licensed under s. 48.65.

16 (b) A person may not be convicted of violating both par. (a) and sub. (1) if the
17 threat was false.

18 **SECTION 8.** 947.017 of the statutes is created to read:

19 **947.017 Threatening school officer or employe; threats to cause death**
20 **or harm in certain places. (1)** In this section:

21 (a) “Family member” means a spouse, child, stepchild, foster child, treatment
22 foster child, grandchild, sibling or parent.

23 (b) “School officer or employe” means an officer or employe of a school district,
24 as defined in s. 115.01 (3), a charter school, as defined in s. 115.001 (1), or a private
25 school, as defined in s. 115.001 (3r).

SENATE BILL 383

1 **(2)** A person is guilty of a Class E felony if he or she communicates, by any
2 means, a threat to cause death or great bodily harm to a school officer or employe or
3 a family member of a school officer or employe and if all of the following apply:

4 (a) The person knows or has reason to know that the threatened person is a
5 school officer or employe or a family member of a school officer or employe.

6 (b) The school officer or employe is acting in the scope of his or her duties as a
7 school officer or employe at the time of the threat or the threat is in response to any
8 action taken by the school officer or employe while acting in the scope of his or her
9 duties as a school officer or employe.

10 (c) The person communicates the threat with the intent to intimidate or
11 frighten the school officer or employe or the family member of a school officer or
12 employe.

13 (d) The school officer or employe was placed in reasonable fear of death or great
14 bodily harm to himself or herself or to a family member, if the threat was made to the
15 school officer or employe, or the family member of a school officer or employe was
16 placed in reasonable fear of death or great bodily harm, if the threat was made to a
17 family member of a school officer or employe.

18 **(3)** A person is guilty of a Class E felony if, with intent that the communication
19 be taken as a threat, he or she communicates, by any means, a threat to use a
20 dangerous weapon or explosives to cause death or great bodily harm in or on the
21 premises of any of the following places:

22 (a) A kindergarten or an elementary or secondary school.

23 (b) An institution of higher education, as defined in s. 108.02 (18).

24 (c) A structure in which a head start agency under 42 USC 9836 conducts a
25 head start program.

SENATE BILL 383

1 (d) A day care center licensed under s. 48.65.

2 (4) A person may not be convicted of violating both subs. (2) and (3) for the same
3 threat.

4 **SECTION 9.** 969.08 (10) (b) of the statutes is amended to read:

5 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
6 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
7 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
8 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
9 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
10 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 947.017,
11 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

12 **SECTION 10. Initial applicability.**

13 (1) This act first applies to offenses occurring on the effective date of this
14 subsection.

15 (END)