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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 773

Relating to: threatening to cause death to another and providing a penalty.

By Representatives Sykora, Reynolds, Musser, Ainsworth and Brandemuehl;
cosponsored by Senators Darling, Zien, Roessler and Drzewiecki.

February 17, 2000 Referred to committee on Judiciary and Personal Privacy.

February 29, 2000 **PUBLIC HEARING HELD**

Present: (4) Representatives Huebsch, Gundrum, Suder and Sherman.

Excused: (5) Representatives Walker, Grothman, Colon, Hebl and Staskunas.

Appearances for

- Jim Schuchardt, Superintendent Holcombe Schools
- Representative Tom Sykora, 67th Assembly District

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

March 16, 2000 **EXECUTIVE SESSION**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (0) None.

Moved by Representative Staskunas, seconded by Representative Hebl, that **Assembly Bill 773** be recommended for passage.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

PASSAGE RECOMMENDED, Ayes 9, Noes 0, Excused 0

A handwritten signature in black ink, appearing to read "Robert Delaporte", written over a horizontal line.

Robert Delaporte
Committee Clerk

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 3-16-00
 Moved by: Stask Seconded by: Hebl
 AB: 773 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

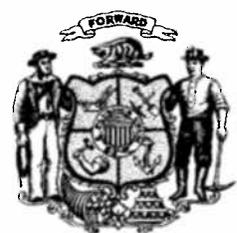
A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	7	0	0	0



WISCONSIN STATE LEGISLATURE



Lake Holcombe Public Schools

P.O. Box 40 -- Holcombe, WI 54745

(715) 595-4241

FAX: (715) 595-6383



Jim Schuchardt
Administrator

Donovan H. Lapp
Ass't Administrator

February 28, 2000

Senator David Zien
119 Martin Luther King, Jr. Blvd.
Room 511
P.O. Box 7882
Madison, WI 53707-7882

AB 773
folder

Dear Senator Zien:

The School District of Lake Holcombe and the Lake Holcombe Board of Education would like to thank you for attending our forum last month. Your presence and willingness to listen was greatly appreciated.

We would like to also thank you for introducing a bill that changes the consequences for this type of behavior from a disorderly conduct charge to a felony charge. Today's student must realize that this type of behavior that we experienced earlier this year is very serious and cannot be tolerated. Threats like this have actually been carried out throughout the United States and we do not need this type of tragedy to happen here.

The Lake Holcombe Board of Education would like to go on record as supporting your bill that was most recently introduced that would increase the consequences for the death threats that were made earlier this school year here at Lake Holcombe.

LAKE HOLCOMBE BOARD OF EDUCATION

Al Dixon
Al Dixon, President

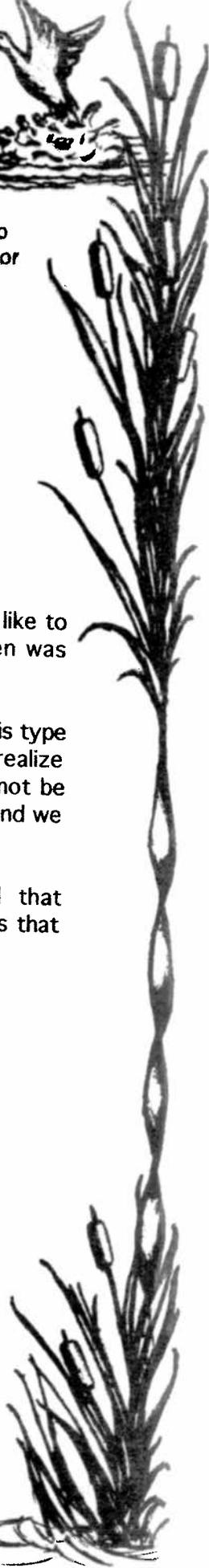
Sara Kaiser
Sara Kaiser, Vice-President

Jeffrey Anders
Jeffrey Anders, Clerk

Roy Buchner
Roy Buchner, Director

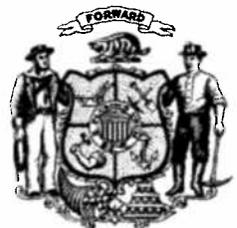
Mark Malisheski, Treasurer

(Mr. Malisheski is unable to sign this endorsement due to medical reasons.)





WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: March 10, 2000
TO: REPRESENTATIVE TOM SYKORA
FROM: Don Dyke, Senior Staff Attorney
SUBJECT: 1999 Assembly Bill 773, Relating to Threatening to Cause Death to Another

This memorandum, prepared at your request, describes the provisions of the above-captioned bill and provides brief comment on current law.

A. 1999 ASSEMBLY BILL 773

1. Death Threats--Misdemeanor

Assembly Bill 773 prohibits a person from communicating to another person, by any means, a threat to cause death to that person if: (a) the person intends the communication to be taken as a threat, regardless of whether the person intended to carry out the threat; (b) the person communicates the threat with the intent to intimidate or frighten the threatened person; and (c) the threatened person was placed in reasonable fear of death.

A person who violates the above prohibition is guilty of a Class A misdemeanor (maximum fine of \$10,000, maximum imprisonment of nine months, or both).

2. Death Threats--Felony

Assembly Bill 773 also prohibits a person from communicating to another person, by any means, a threat to cause death to that person if: (a) the person intends the communication to be taken as a threat, regardless of whether the person intended to carry out the threat; (b) the person communicates the threat with the intent to intimidate or frighten the threatened person; and (c) at the time the person makes the threat, he or she has the apparent present ability to carry out the threat and that apparent present ability causes the threatened person to believe that he or she is in danger of imminent death.

A violation of the above prohibition is a Class E felony (maximum fine of \$10,000, maximum imprisonment of five years, or both). Note that the first two elements of the above prohibition are identical to the first two elements of the misdemeanor death threat crime created by the bill; it is the third element of the above prohibition that differentiates it from the misdemeanor in the bill.

3. Other Provisions

Other provisions of the bill provide:

- a. A person convicted of the felony created by the bill is ineligible for the intensive sanctions program. [SECTION 1.]
- b. If there is probable cause to believe that a juvenile has violated either of the crimes created by the bill, the juvenile may be held in a secure detention facility. [SECTION 2.]
- c. A juvenile adjudicated delinquent for committing either of the crimes created by the bill may be placed, if other conditions are met, in a secured correctional facility or a secured child caring institution under Department of Corrections supervision. [SECTION 3.]
- d. The felony crime created by the bill is added to the list of crimes, the attempt, conspiracy to commit or commission of which serve as a predicate act of "racketeering" under the racketeering activity and continuing criminal enterprise law. [SECTION 5.]
- e. The crimes created by the bill are added to the list of crimes that trigger revocation of conditional release of a defendant who commits a serious crime while on conditional release. [SECTION 7.]

B. COMMENT: CURRENT LAW

Testimony at the public hearing on Assembly Bill 773 indicated that specific incidents of death threats in the K-12 school setting in your district have been dealt with as disorderly conduct violations because, apparently, in the cases cited no other criminal violation was applicable. Thus, Assembly Bill 773 is intended, according to the testimony, to fill a perceived gap in current law.

Current law prohibits making certain threats against persons, but in a less general way than Assembly Bill 773. The scope of current law is limited in several ways, including circumscribing the class of persons against whom threats are prohibited and narrowly specifying the prohibited means by which threats are communicated. Among current laws that prohibit threats to physically harm persons are: threat to a witness [s. 940.201, Stats.]; threat to a judge [s. 940.203, Stats.]; threat to Department of Revenue, Department of Commerce or Department of Workforce Development employees [ss. 940.205 and 940.207, Stats.]; intimidation of witnesses or victims, accompanied by a threat [ss. 940.43 (3) and 940.45 (3), Stats.]; threats by telephone [s. 947.012 (1) (a), Stats.]; and threats by email or other computerized communication system [s. 947.0125 (2) (c), Stats.] In addition, current law prohibits threats generally that are made in connection with bomb scares. [s. 947.015, Stats.]

Current law treats threats in a somewhat more general fashion than the above statutes when threats are made in connection with harassment or intimidation. [s. 947.013, Stats.] However, that statute contains limitations that make it narrower in scope than Assembly Bill 773. See, for example, the definitions of "course of conduct" and "credible threat" [s. 947.013 (1) (a) and (b), Stats.] and the requirement that the person making the threat be subject to a restraining order pertaining to the victim of the threat [s. 947.013 (1r) (b), Stats.].

If you have any questions or need additional information, please contact me directly at the Legislative Council Staff office.

DD:ksm:wu;ksm