

2001 DRAFTING REQUEST

Bill

Received: 01/02/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-0656

By/Representing: patrick vander sanden

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies: TNF, ARG

Pre Topic:

No specific pre topic given

Topic:

Suspension of operating privilege for possessing weapons in schools

Instructions:

redraft 99 4211/1

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>
/?	phurley 01/26/2001	hhagen 01/30/2001		_____			S&L
/1			pgreensl 02/05/2001	_____	lrb_docadmin 02/05/2001	lrb_docadminS&L 02/14/2001	
/2	phurley 02/28/2001	hhagen 03/01/2001	pgreensl 03/01/2001	_____	lrb_docadmin 03/01/2001	lrb_docadmin 03/01/2001	

FE Sent For:

<END>

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/1		12 hnh 3/1/01	pgreensl 02/05/2001	<u>2/1</u> P15	lrb_docadmin 02/05/2001	lrb_docadmin 02/14/2001	

FE Sent For:

3/1
PG

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1?	phurley	1. hank 1/30/01	2/1 PS	2/15 PS, TB			

FE Sent For:

<END>

1999 ASSEMBLY BILL 755

TT
1-26-01

February 17, 2000 - Introduced by Representatives LETRHAM, KESTELL, SYKORA, ALBERS, PLALE, GUNDERSON, PETTIS, HANDRICK, JESKEWITZ and URBAN, cosponsored by Senator SCHULTZ. Referred to Committee on Transportation.

Regenerate

1 **AN ACT** to create 343.31 (1) (k), 938.34 (14q) and 973.137 of the statutes;
2 relating to: mandatory operating privilege suspension for certain firearms
3 offenses and bomb scares involving school premises.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from making a bomb scare (intentionally conveying or causing to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives). Making a bomb scare is a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.

Current law prohibits, with exceptions, any person from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. Such a violation is a Class A misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

Current law prohibits, with exceptions, any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm at a place the individual knows is a school zone. Such a violation is a Class D felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.

This bill requires a court that convicts a person of one of the firearms offenses described above or of a bomb scare involving the threatened destruction of school premises, or that adjudicates a juvenile delinquent for one of those offenses, to notify

ASSEMBLY BILL 755

the department of transportation (DOT) of the person's conviction. Upon receiving the notice, DOT must suspend the violator's operating privilege for two years. If the violator's operating privilege is suspended or revoked at the time of conviction, or if the violator is not eligible for an operator's license at the time of conviction, the period of suspension does not begin to run until the violator is eligible and applies for an operator's license.

person's
person

already

or adjudication

person's
the violation
the violation
person

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 343.31 (1) (k) of the statutes is created to read:

2 343.31 (1) (k) Upon receiving a notice of conviction under s. 973.137, the
3 department shall suspend the person's operating privilege for 2 years. If the
4 department receives a notice of conviction under s. 973.137 or a notice of suspension
5 under s. 938.34 (14q) for a person whose license or operating privilege is currently
6 suspended or revoked or for a person who does not currently possess a valid
7 operator's license, the suspension is first effective on the date on which the person
8 is first eligible and applies for issuance, renewal or reinstatement of an operator's
9 license.

insert
A

10 SECTION 2. 938.34 (14q) of the statutes is created to read:

11 938.34 (14q) VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT SCHOOL. In
12 addition to any other disposition imposed under this section, if the juvenile is found
13 to have violated s. 947.015 involving school premises, as defined in s. 948.61 (1) (c),
14 as the threatened property, or is found to have violated s. 948.605, the court shall
15 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
16 for 2 years. The court shall immediately forward to the department of transportation
17 the notice of suspension, clearly stating that the suspension is for a violation of s.
18 947.015 involving school premises, or for a violation of s. 948.605. If otherwise eligible,

and the property involved is a school premises

the juvenile is eligible for an occupational license under s. 343.10 at any time.

ASSEMBLY BILL 755

SECTION 3. 973.137 of the statutes is created to read:

973.137 Courts to report convictions to the department of transportation. Upon conviction of a person for any of the following offenses, the clerk of the court in which such conviction occurred shall promptly forward the record of conviction to the department of transportation:

involved is a

(1) A ~~bomb scare~~ violation of s. 947.015, if the property threatened is school premises, as defined in s. 948.61 (1) (c).

A

(2) Possession or discharge of firearm in school zone in violation of s. 948.605.

SECTION 4. Initial applicability.

(1) This act first applies to violations of section 947.015 or 948.605 committed on the effective date of this subsection.

of the statutes

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1739/lins
PJH:.....

1 Insert A:

2 SECTION 1. 343.10 (1) (a) of the statutes is amended to read:

3 343.10 (1) (a) If a person's license or operating privilege is revoked or
4 suspended under this chapter or s. 767.303 ~~or s. 938.34 (14q)~~ ^{plain for} 961.50 and if the
5 person is engaged in an occupation, including homemaking or full-time or part-time
6 study, or a trade making it essential that he or she operate a motor vehicle, the
7 person, after payment of the fee provided in sub. (6), may file an application with the
8 department setting forth in detail the need for operating a motor vehicle. No person
9 may file more than one application with respect to each revocation or suspension of
10 the person's license or operating privilege under this chapter or s. 767.303 ^{938.34(14q)} or 961.50,
11 except that this limitation does not apply to an application to amend an occupational
12 license restriction.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654(7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109.

13 SECTION 2. 341.31 (2s) of the statutes is created to read:

14 341.31 (2s) The department shall suspend a person's operating privilege for 2
15 years upon receiving a record of conviction under s. 973.137. If the department
16 receives a record of conviction under s. 973.137 or a notice of suspension under s.
17 938.34 (14q) for a person whose license or operating privilege is currently suspended
18 or revoked or for a person who does not currently possess a valid operator's license,
19 the suspension is first effective on the date on which the person is first eligible, and
20 applies, for issuance, renewal, or reinstatement of an operator's license.

21 SECTION 3. 343.31 (3) (a) of the statutes is amended to read:

1 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m) or
2 [✓](2s), all revocations or suspensions under this section shall be for a period of one year.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 5, 2001

MEMORANDUM

To: Representative Leibham

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-1739 Suspension of operating privilege for possessing weapons in schools

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

266 0656

Patrick Vander Sanden

01-1739

Qs. OCC drives license for juveniles & adults?

15 day wait for adults

no wait for juveniles

ok.

15 day wait for all?

no wait for all?

Talked w/ Joe Leibham: 15 days for both.

1739/2 wants the wait for both juveniles & adults.

Q: penalty for bomb threats } all public
guns } buildings

What are the penalties?



redraft
already
run

2001 BILL

D-note
by 3-2-01
submit
2-27-01

Regenerate

1 AN ACT to amend 343.10 (1) (a) and 343.31 (3) (a); and to create 341.31 (2s),
2 938.34 (14q) and 973.137 of the statutes; relating to: mandatory operating
3 privilege suspension for certain firearms offenses and bomb scares involving
4 school premises.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from making a bomb scare (intentionally conveying or causing to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives). Making a bomb scare is a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

Current law prohibits, with exceptions, any person from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. Such a violation is a Class A misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Current law prohibits, with exceptions, any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm at a place the individual knows is a school zone. Such a violation is a Class D felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed ten years, or both.

This bill requires a court that convicts a person of one of the firearms offenses described above or of a bomb scare involving the threatened destruction of school

BILL

premises, or that adjudicates a juvenile delinquent for one of those offenses, to notify the department of transportation (DOT) of the person's conviction or adjudication. Upon receiving the notice, DOT must suspend the person's operating privilege for two years. If the person's operating privilege is already suspended or revoked at the time of the violation, or if the person is not eligible for an operator's license at the time of the violation, the period of suspension does not begin to run until the person is eligible and applies for an operator's license.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.10 (1) (a) of the statutes is amended to read:

2 343.10 (1) (a) If a person's license or operating privilege is revoked or
3 suspended under this chapter or s. 767.303, 938.34 (14q), or 961.50 and if the person
4 is engaged in an occupation, including homemaking or full-time or part-time study,
5 or a trade making it essential that he or she operate a motor vehicle, the person, after
6 payment of the fee provided in sub. (6), may file an application with the department
7 setting forth in detail the need for operating a motor vehicle. No person may file more
8 than one application with respect to each revocation or suspension of the person's
9 license or operating privilege under this chapter or s. 767.303, 938.34 (14q), or
10 961.50, except that this limitation does not apply to an application to amend an
11 occupational license restriction.

12 **SECTION 2.** ~~341.31~~ (2s) of the statutes is created to read:

13 343.31 ~~341.31~~ (2s) The department shall suspend a person's operating privilege for 2
14 years upon receiving a record of conviction under s. 973.137. If the department
15 receives a record of conviction under s. 973.137 or a notice of suspension under s.
16 938.34 (14q) for a person whose license or operating privilege is currently suspended
17 or revoked or for a person who does not currently possess a valid operator's license,

BILL

1 the suspension is first effective on the date on which the person is first eligible, and
2 applies, for issuance, renewal, or reinstatement of an operator's license.

3 **SECTION 3.** 343.31 (3) (a) of the statutes is amended to read:

4 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m) or
5 (2s), all revocations or suspensions under this section shall be for a period of one year.

6 **SECTION 4.** 938.34 (14q) of the statutes is created to read:

7 938.34 (14q) VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT SCHOOL. In
8 addition to any other disposition imposed under this section, if the juvenile is found
9 to have violated s. 947.015 and the property involved is a school premises, as defined
10 in s. 948.61 (1) (c), or is found to have violated s. 948.605, the court shall immediately
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for 2 years.
12 The court shall immediately forward to the department of transportation the notice
13 of suspension, clearly stating that the suspension is for a violation of s. 947.015
14 involving school premises, or for a violation of s. 948.605. If otherwise eligible, the
15 juvenile is eligible for an occupational license under s. 343.10 ~~at any time.~~

16 **SECTION 5.** 973.137 of the statutes is created to read:

17 **973.137 Courts to report convictions to the department of**
18 **transportation.** Upon conviction of a person for any of the following offenses, the
19 clerk of the court in which such conviction occurred shall promptly forward the record
20 of conviction to the department of transportation:

21 (1) A violation of s. 947.015, if the property involved is a school premises, as
22 defined in s. 948.61 (1) (c).

23 (2) A violation of s. 948.605.

24 **SECTION 6. Initial applicability.**

BILL

1 (1) This act first applies to violations of section 947.015 or 948.605 of the
2 statutes committed on the effective date of this subsection.

3

(END)
D. N. 2/10

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

LRB-1739/2dn
PJH:hmh:pg

Date

Representative Leibham:

This draft is identical to LRB 01-1739/1 except that juveniles who apply for an occupational drivers license will be required, as are adults, to wait 15 days before they can obtain the license. This draft also corrects a typographical error in 01-1739/1.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1739/2dn
PJH:hmh:pg

March 1, 2001

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State of Wisconsin

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100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

March 15, 2001

MEMORANDUM

To: Representative Leibham

From: Peggy Hurley, Attorney, (608) 266-8906

Subject: Technical Memorandum to **2001 AB-171** (LRB 01-1739/2)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: 3/8/01 File Ref: {PRIVATE}
To: Legislative Reference Bureau
From: James Thiel
General Counsel, Department of Transportation
Subject: Technical Note for AB 171

As it is currently drafted, AB 171 makes the mandatory license suspension effective on the date an unlicensed, revoked or suspended person is first eligible and applies for a license.

WisDOT is attempting to remove the application requirement from other similar statutes for the following reasons:

- Offenders don't understand the process and many times are under the misconception that they are eligible to become licensed or relicensed after the time period of the withdrawal has passed. In most cases they haven't started serving their suspension or revocation time because they didn't know they needed to apply.
- This process is very difficult to explain to offenders on orders of revocation and suspension and also in subsequent phone contacts. Our experience tells us that despite numerous efforts at rewording these orders, customer comprehension of this process is very low.
- On top of that, DMV has no need for this application and makes no use of it other than collecting it to meet statutory requirements. The person is required to apply again when they are finally able to reinstate.

By deleting the words "and applies" from Section 2, lines 1 and 2, page 3, this unnecessary process will be eliminated for license withdrawals under this proposal.