

2001 ASSEMBLY BILL 280

April 3, 2001 – Introduced by Representatives F. LASEE, RYBA, MUSSER, NASS, WADE, LASSA, KRAWCZYK, LADWIG, ALBERS, VRAKAS, GUNDERSON, POWERS, OTT, BIES, KREIBICH and SYKORA, cosponsored by Senators LAZICH, DARLING and A. LASEE. Referred to Committee on Criminal Justice.

1 **AN ACT to renumber** 941.325; **to amend** 938.78 (3) and 941.325 (title); and **to**
2 **create** 939.66 (8) and 941.325 (2) of the statutes; **relating to:** placing bodily
3 substances in edibles and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from placing objects, drugs, or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than five years or both.

This bill prohibits a person from placing blood, saliva, urine, feces, or other bodily substances in candy or other liquid or solid edibles with the intent that the blood, saliva, urine, feces, or other bodily substances be consumed by another person without that other person's knowledge. The bill does not require that a person who violates this prohibition have the intent to cause bodily harm to another person. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than nine months or both. The bill also provides that a person may be convicted and punished for violating either the prohibition in current law or the prohibition created in the bill, but not both.

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

ASSEMBLY BILL 280**SECTION 1**

1 **SECTION 1.** 938.78 (3) of the statutes is amended to read:

2 938.78 **(3)** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
3 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
4 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
5 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
6 941.295, 941.298, 941.30, 941.31, 941.32, 941.325 (1), 943.02, 943.03, 943.04, 943.10
7 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
8 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
9 correctional facility, child caring institution, secured group home, inpatient facility,
10 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
11 or from the custody of a peace officer or a guard of such a facility, institution or jail,
12 or has been allowed to leave a secured correctional facility, child caring institution,
13 secured group home, inpatient facility, secure detention facility or juvenile portion
14 of a county jail for a specified time period and is absent from the facility, institution,
15 home or jail for more than 12 hours after the expiration of the specified period, the
16 department or county department having supervision over the juvenile may release
17 the juvenile's name and any information about the juvenile that is necessary for the
18 protection of the public or to secure the juvenile's return to the facility, institution,
19 home or jail. The department of corrections shall promulgate rules establishing
20 guidelines for the release of the juvenile's name or information about the juvenile to
21 the public.

22 **SECTION 2.** 939.66 (8) of the statutes is created to read:

23 939.66 **(8)** The crime specified in s. 941.325 (2) when the crime charged is
24 specified in s. 941.325 (1).

25 **SECTION 3.** 941.325 (title) of the statutes is amended to read:

