

2001 DRAFTING REQUEST

Bill

Received: **09/05/2000**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Lasee (608) 266-9870**

By/Representing: **Mark**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **RLR**

Pre Topic:

No specific pre topic given

Topic:

Bodily substances in edibles

Instructions:

Redraft of 1999 AB 132

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>
/?	mdsida 10/12/2000 nelsorp1 10/12/2000	gilfokm 10/12/2000		_____			
/1			rschluet 10/13/2000	_____	lrb_docadmin 10/13/2000	lrb_docadmin 02/15/2001	

FE Sent For:

<END>

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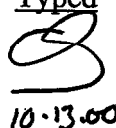
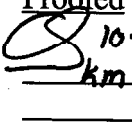
Topic:

Bodily substances in edibles

Instructions:

Redraft of 1999 AB 132 - 0918

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>
1?	mdsida	11-10/12 kmj	 10-13-00	 10-13-00 km			

FE Sent For:

<END>

ASSEMBLY BILL 132 (LRB-0918)

An Act to renumber 941.325; to amend 941.325 (title); and to create 939.66 (8) and 941.325 (2) of the statutes; relating to: placing bodily substances in edibles and providing a penalty.

1999

- 02-16. A. Introduced by Representatives F. Lasee, Kelso, Ziegelbauer, Plale, Sykora, Bock, Ryba, Stone, La Fave, Goetsch, Spillner, Skindrud, Musser, Kaufert, Powers, Albers, Hasenohrl, Porter, Vrakas and Olsen; cosponsored by Senators Roessler and Risser.
- 02-16. A. Read first time and referred to committee on Criminal Justice
- 69
- 03-11. A. Public hearing held .
- 05-20. A. Executive action taken .
- 06-03. A. Report passage recommended by committee on Criminal Justice, Ayes 14, Noes 0
- 218
- 06-03. A. Referred to committee on Rules
- 218
- 09-28. A. Placed on calendar 9-30-1999 by committee on Rules .
- 09-30. A. Read a second time
- 362
- 09-30. A. Ordered to a third reading
- 362
- 09-30. A. Rules suspended
- 362
- 09-30. A. Read a third time and passed
- 362
- 09-30. A. Ordered immediately messaged
- 362
- 10-05. S. Received from Assembly
- 282
- 10-05. S. Read first time and referred to committee on Judiciary and Consumer Affairs
- 282
- 2000
- 01-25. S. Public hearing held .
- 02-01. S. Executive action taken .
- 02-03. S. Report concurrence recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0
- 419
- 02-03. S. Available for scheduling .
- 04-06. S. Failed to concur in pursuant to Senate Joint Resolution 1
- 583

2001
1999 ASSEMBLY BILL 132

February 16, 1999 - Introduced by Representatives F. LASEE, KELSO, ZIEGELBAUER, PLALE, SYKORA, BOCK, RYBA, STONE, LA FAVE, GOETSCH, SPILLNER, SKINDRUD, MUSSER, KAUFERT, POWERS, ALBERS, HASENOHRL, PORTER, VRAKAS and OLSEN, cosponsored by Senators ROESSLER and RISSER. Referred to Committee on Criminal Justice.

Gen. Cat.

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

five

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 two years or both if the offense occurs before December 31, 1999. If the offense occurs on or after December 31, 1999, the person 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

ASSEMBLY BILL 132

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:

insert
2-4

SECTION 1. 939.66 (8) of the statutes is created to read:

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

SECTION 2. 941.325 (title) of the statutes is amended to read:

4 **941.325 (title) Placing foreign objects or bodily substances in edibles.**

SECTION 3. 941.325 of the statutes is renumbered 941.325 (1).

SECTION 4. 941.325 (2) of the statutes is created to read:

8 941.325 (2) Whoever places blood, saliva, urine, feces, or other bodily
9 substances in candy or other liquid or solid edibles with the intent that the blood,
10 saliva, urine, feces, or other bodily substances be consumed by another person
11 without that other person's knowledge is guilty of a Class A misdemeanor.

SECTION 5. **Initial applicability.**

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

(END)

Insert 2-1

Section #. 938.78 (3) of the statutes is amended to read:

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
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STEPHEN R. MILLER
CHIEF

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

October 13, 2000

MEMORANDUM

To: Representative F. Lasee

From: Michael Dsida, Legislative Attorney

Re: LRB-0033 Bodily substances in edibles

*Let's run with this
should get Manitowoc press
also get quotes from
Mary Lynn*

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) 266-9867 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.