2001 DRAFTING REQUEST

Bill

FE Sent For:

Received: 04/10/2001 Wanted: As time permits					Received By: mdsida				
					Identical to LRB:				
For: Suzanne Jeskewitz (608) 266-3796 This file may be shown to any legislator: NO					By/Representing: Erin Drafter: mdsida				
Subject: Criminal Law - crimes agnst kids Criminal Law - guns and weapons				Extra Copies: rlr					
Submit v	via email: NO								
Requeste	er's email:								
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Providin	g a dangerous	weapon to a min	nor						
Instruc	tions:				· · · · · · · · · · · · · · · · · · ·				
Redraft	1999 AB-205								
Draftin	g History:	***************************************							
Vers.	Drafted	Reviewed	Typed	<u>Proofed</u>	Submitted	Jacketed	Required		
/?	mdsida 04/10/2001	jdyer 04/10/2001							
/1			martykr 04/11/20	01	1rb_docadmin 04/11/2001	lrb_docadn 04/12/2001			

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Subject: Criminal Law - crimes agnst kids Extra Copies: rlr
Criminal Law - guns and weapons

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Providing a dangerous weapon to a minor

Instructions:

Redraft 1999 AB-205

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>

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FE Sent For:

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State of Misconsin 1999 - 2000 LEGISLATURE

2001 BILL 1999 BILL LRB-1404 SEO 1404 km

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AN ACT to repeal 948.60 (1) of the statutes; relating to: possession of a

dangerous weapon by a minor and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides penalties for various kinds of conduct involving a dangerous weapon, such as endangering safety by the use of a dangerous weapon, carrying a concealed dangerous weapon, and committing other crimes while possessing, using or threatening to use a dangerous weapon. For purposes of these penalty provisions, "dangerous weapon" is usually defined to include all of the following: 1) a firearm, whether loaded or unloaded; 2) an electric weapon; 3) a device designed as a weapon and capable of producing death or great bodily harm; and 4) any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

However, the current law relating to possession of a dangerous weapon by a minor (a person under 18 years of age) uses a different, narrower definition of dangerous weapon? Under this law, no minor may possess or go armed with a dangerous weapon and no person may intentionally sell, loan or give a dangerous weapon to a minor, except that a minor may possess or be given a dangerous weapon for purposes of using the weapon to hunt, to engage in target practice under the supervision of an adult or to participate in a course of instruction in the traditional and proper use of the weapon under the supervision of an adult. For purposes of this law, "dangerous weapon" means any of the following: 1) a firearm, whether loaded or unloaded; 2) an electric weapon; 3) metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic

that

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knuckles; or 4) a nunchaku, cestus, shuriken, or manrikigusari or any device similar

in design or use to one of these martial arts weapons.

A minor who violates the prohibition against possessing a dangerous weapon may be subject to delinquency proceedings in the court authorized to exercise jurisdiction under the juvenile justice code (juvenile court) or, if the juvenile court waives jurisdiction, may be fined not more than \$10,000 or imprisoned for not more than nine months or both. A person who intentionally sells, loans, or gives a dangerous weapon to a minor 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, or may be fined not more than \$10,000 or imprisoned for not more than five years or both if the offense occurs on er after December 31, 1999.

This bill eliminates the narrower definition of "dangerous weapon" used in current law prohibitions relating to possession of a dangerous weapon by a minor. By eliminating the definition, the bill provides that the definition that usually applies to penalty provisions involving dangerous weapons will also apply to current law prohibitions relating to possession of a dangerous weapon by a minor. Thus, under the bill, current law prohibitions relating to possession of a dangerous weapon by a minor will now apply to other weapons in addition to those covered under the

current narrower definition.

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

SECTION 1. 948.60 (1) of the statutes is repealed.

SECTION 2. Initial applicability.

(1) This act first applies to offenses committed on the effective date of this

4 subsection.

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3

5

(END)

Barman, Mike

From; B

Barman, Mike

Sent:

Wednesday, April 11, 2001 3:37 PM

To:

Bilot, Erin

Subject: LRB-3057/1 (attached - per your request)

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561) (E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin Legislative Reference Bureau – Legal Section – Front Office 100 N. Hamilton Street – 5th Floor Madison, WI 53703



STEPI IEN R. MILLER CHIEF

State of Misconsin

LEGISLATIVE REFERENCE BUREAU

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

LEGAL SECTION

(608) 266-3561 (608) 264-6948

April 11, 2001

MEMORANDUM

To:

Representative Jeskewitz

From:

Michael Dsida, Legislative Attorney

Re:

LRB-3057/1 Providing a dangerous weapon to a minor

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.