

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB673)

Received: 01/18/2002

Received By: rryan

Wanted: Today

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us ✓

Carbon copy (CC:) to: jolene.churchill@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Threats or scares concerning use or release of a harmful substance

Instructions:

draft 01-4056/3 as a sub to AB 673

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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/?	rryan	1/1 hmh 1/18/02	Jb 1/18	Self 1/18			

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State of Wisconsin
2001 - 2002 LEGISLATURE

50296/1
LRB-1056/3
RLR:hmh:kjh
stays

2001 BILL

Today

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- 1 AN ACT *to create* 947.017 and 973.06 (1) (ar) of the statutes; relating to: threats
- 2 or scares concerning the use of or exposure to radioactive material, a toxic
- 3 chemical or its precursor, or a biological agent and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits persons from threatening to commit certain criminal acts, such as destroying property with explosives (making a bomb scare) or causing bodily harm to certain individuals (threatening battery). This bill prohibits persons from making threats or causing scares concerning the use of or exposure to radioactive material that is harmful to human life, a toxic chemical or its precursor, or a biological agent. The bill defines a "toxic chemical" as any chemical that through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans. The bill defines "biological agent" as a microorganism or an infectious substance, or any naturally occurring, bioengineered, or synthesized toxin or component of a microorganism or an infectious substance that is capable of causing death, disease, or other biological malfunction in humans. Specifically the bill prohibits the following:

- 1. Intentionally threatening to use radioactive material that is harmful to human life, a toxic chemical or its precursor, or a biological agent to harm another, if the threat induces a reasonable expectation or fear that the person making the threat will use such radioactive material, a toxic chemical or its precursor, or a biological agent to harm another.
- 2. Intentionally causing a person to believe that the person may have been exposed to radioactive material that is harmful to human life, a toxic chemical or its

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precursor or a biological agent, knowing that the person has not been exposed to such radioactive material, a toxic chemical or its precursor, or a biological agent.

A person who violates either prohibition may be fined not more than \$10,000, sentenced to a term of confinement in prison followed by a term of extended supervision that together may not exceed five years, or both.

The bill also allows courts to assess certain costs incurred by state or local government agencies in responding to threats and scares against persons convicted of making threats or causing scares related to radioactive material, toxic chemicals or their precursors, or biological agents. These costs include the cost of supplying emergency law enforcement and medical personnel to respond to the threat or scare, the cost of analyzing any alleged radioactive material, toxic chemical or precursor, or biological agent, and the cost of treating alleged victims exposed to any such substance.

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.** 947.017 of the statutes is created to read:

2 **947.017 Threats or scares related to radioactive material, toxic**
3 **chemicals, or biological agents.** (1) In this section:

4 (a) "Biological agent" means a microorganism or an infectious substance, or any
5 naturally occurring, bioengineered, or synthesized toxin or component of a
6 microorganism or an infectious substance that is capable of causing death, disease,
7 or other biological malfunction in humans.

8 (b) "Harmful substance" means radioactive material that is harmful to human
9 life, a toxic chemical or its precursor, or a biological agent.

10 (c) "Microorganism" includes a bacterium, virus, fungus, rickettsia, or
11 protozoan.

12 (d) "Precursor" means any chemical reactant that takes part at any stage in the
13 production by whatever method of a toxic chemical.

BILL

1 (e) "Toxic chemical" means any chemical that through its chemical action on life
2 processes can cause death, temporary incapacitation, or permanent harm to
3 humans.

4 (2) (a) Whoever intentionally threatens to use a harmful substance to harm
5 another, if the threat induces a reasonable expectation or fear that the person will
6 use a harmful substance to harm another, is guilty of a Class E felony.

7 (b) Whoever intentionally causes another person to reasonably believe that the
8 other person may have been exposed to a harmful substance, knowing that the other
9 person has not been exposed to a harmful substance, is guilty of a Class E felony.

10 **SECTION 2.** 973.06 (1) (ar) of the statutes is created to read:

11 973.06 (1) (ar) If the defendant violated s. 947.017, the moneys expended by
12 a state or local government agency for the following activities in connection with a
13 threat or scare under s. 947.017 (2):

14 1. The response to the threat or scare by emergency medical personnel, as
15 defined in s. 941.37 (1) (c).

16 2. The analysis of any substance alleged to be a harmful substance, as defined
17 in s. 947.017 (1) (b).

18 3. The medical treatment of persons who are alleged to have been exposed to
19 an alleged harmful substance, as defined under s. 947.017 (1) (b).

20

(END)

Barman, Mike

From: Churchill, Jolene
Sent: Friday, January 18, 2002 10:22 AM
To: Barman, Mike
Subject: RE: LRBs0296 Topic: Threats or scares concerning use or release of a harmful substance

Please forward the Jacket to Rep. Gundrum's office 19-North as we need to submit this today to the Chief Clerk's office.
Thank you!

-----Original Message-----

From: Barman, Mike
Sent: Friday, January 18, 2002 10:14 AM
To: Rep.Gundrum
Subject: LRBs0296 Topic: Threats or scares concerning use or release of a harmful substance

The attached proposal has been jacketed for introduction. << File: 0296 >>