

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: **03/10/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Schug**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous
Agriculture - animals**

Extra Copies: **rlr
rct**

Submit via email: **NO**

Pre Topic:

LFB:.....Schug -

Topic:

Prohibit threatening to infect animals with a contagious or infectious disease

Instructions:

Draft AB635, as amended by AA1, as an amendment

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 03/12/2002	hhagen 03/12/2002		_____			
/1			pgreensl 03/12/2002	_____	lrb_docadmin 03/12/2002		
/2	mdsida 03/13/2002	hhagen 03/13/2002	kfollet 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>

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/?	mdsida 03/12/2002	hhagen 03/12/2002		_____			
/1		12 hmk 3/13	pgreensl 03/12/2002	_____	lrb_docadmin 03/12/2002		
FE Sent For:			18f 3/13	rr/cmh	<END>		

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1?	mdsida	1 hml 3/12/02	3/12 P8	3/12 P8/10			

FE Sent For:

<END>

WORKING GROUP

Threatening to Infect Animals with Disease

Include the provisions of 2001 Assembly Bill 635, as amended by Assembly Amendment 1. The bill would set a penalty of a Class D felony for anyone who intentionally threatens to introduce a contagious or infectious disease into livestock (cattle, horses, swine, sheep, goats, farm-raised deer, poultry, or other animal to be used in the production of food, fiber or other commercial product) located in this state without the consent of the owner of the livestock if either: (a) the owner of the livestock is aware of the threat and reasonably believes that the actor will attempt to carry out the threat; or (b) the owner of the livestock is unaware of the threat, but if the owner were apprised of the threat, it would be reasonable for the owner to believe that the actor would attempt to carry out the threat.

The bill also would set a penalty of a Class D felony for anyone who intentionally threatens to introduce a contagious or infectious disease into wild deer located in this state without the consent of the Department of Natural Resources if either: (a) DNR is aware of the threat and reasonably believes that the actor will attempt to carry out the threat; or (b) DNR is unaware of the threat, but if the Department were apprised of the threat, it would be reasonable for the DNR to believe that the actor would attempt to carry out the threat.

2001

Date (time) needed

D-Note

LRB b 2370, 1, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

msd : hnh : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

Insert from LRB-4153 attached →

#. Page 443, line 15 : after "and (bm)," insert "943.76(4),".

#. Page 454, line ²²~~15~~ : before "946.50(5d)" insert "943.76(4),".

~~#. Page 454, line 15 : after "and (bm)," insert "943.76(4),".~~

~~#. Page 454, line 15 : before "946.50(5d)" insert "943.76(4),".~~

~~#. Page 454, line 15 : after "and (bm)," insert "943.76(4),".~~

~~#. Page 454, line 15 : before "946.50(5d)" insert "943.76(4),".~~

2001 ASSEMBLY BILL 635

November 13, 2001 - Introduced by Representatives OTT, GRONEMUS, ALBERS, FREESE, GARD, HAHN, HUNDERTMARK, KEDZIE, KRAWCZYK, LADWIG, LASSA, LIPPERT, LOEFFELHOLZ, MCCORMICK, MUSSER, OLSEN, OWENS, PETROWSKI, PLOUFF, RHOADES, RYBA, SKINDRUD, STONE, SUDER, SYKORA, URBAN, VRAKAS, WALKER and WASSERMAN, cosponsored by Senators HARS DORF, HANSEN, BAUMGART, S. FITZGERALD, ROSENZWEIG, HUELSMAN, A. LASEE, ROESSLER, SCHULTZ and WELCH. Referred to Committee on Criminal Justice.

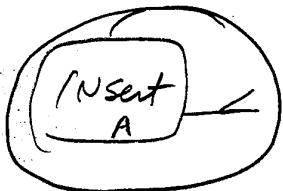
- 1 AN ACT *to create* 943.76 (3) of the statutes; **relating to:** threatening to infect
 2 livestock or wild deer with a contagious or infectious disease and providing
 3 penalties.

Analysis by the Legislative Reference Bureau

Under current law, no person may intentionally introduce a contagious or infectious disease into livestock without the consent of the owner of the livestock or into wild deer without the consent of the department of natural resources (DNR). A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 15 years or both. This bill prohibits threatening to introduce a contagious or infectious disease into livestock without the consent of the owner of the livestock or into wild deer without the consent of DNR if: 1) the owner of the livestock or DNR is aware of the threat and reasonably believes that the person making the threat will attempt to carry out the threat; or 2) the owner of the livestock or DNR is unaware of the threat, but it would be reasonable for the owner or DNR, if apprised of the threat, to believe that the person making the threat will attempt to carry out the threat. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ten years or both.

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:



ASSEMBLY BILL 635

Page 271, line 18 : after that line insert:

1 " SECTION 1. 943.76 (3) of the statutes is created to read:

2 943.76 (3) (a) Whoever intentionally threatens to introduce a contagious or
3 infectious disease into livestock located in this state without the consent of the owner
4 of the livestock is guilty of a Class (D) felony if one of the following applies:

5 1. The owner of the livestock is aware of the threat and reasonably believes that
6 the actor will attempt to carry out the threat.

7 2. The owner of the livestock is unaware of the threat, but if the owner were
8 apprised of the threat, it would be reasonable for the owner to believe that the actor
9 would attempt to carry out the threat.

10 (b) Whoever intentionally threatens to introduce a contagious or infectious
11 disease into wild deer located in this state without the consent of the department of
12 natural resources is guilty of a Class (D) felony if one of the following applies:

13 1. The department of natural resources is aware of the threat and reasonably
14 believes that the actor will attempt to carry out the threat.

15 2. The department of natural resources is unaware of the threat, but if the
16 department were apprised of the threat, it would be reasonable for the department
17 to believe that the actor would attempt to carry out the threat. "

18 ~~END~~

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 635**

Insert A

January 22, 2002 - Offered by Representative OTT.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 1: before "threatening" insert "infecting or".

3 #. ~~211~~ Page ²⁷¹ 2, line ⁸ 0: ~~before~~ that line insert:
after

4 "SECTION ^{810d} 1d. 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,
5 is amended to read:

6 943.76 (1) In this section, "livestock" means cattle, horses, swine, sheep, goats,
7 farm-raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or
8 to be used in the production of food, fiber, or other commercial products."

9 3. Page 2, line 1: delete "1" and substitute "1m".

10

(END)

end of
Ins A

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2370/1dn
MGD: *hml*

Date

David:

1. In reconciling this amendment with the provisions in the bill reclassifying criminal penalties generally, I changed the penalty for the offenses that the amendment creates from Class D felonies to Class H felonies. I used the Class H classification because under the system that the Criminal Penalties Study Committee used, Class D felonies generally become Class H felonies. See Final Report, Criminal Penalties Study Committee (August 31, 1999), p. 24 (available on the internet at http://www.doa.state.wi.us/criminal_penalties.pdf). The Committee, however, also moved a number of crimes into higher or lower classifications, based on its obligation to "place[] crimes of similar severity into the same classification." 1997 Wisconsin Act 283, SECTION 454 (1) (e) 2. Given its approach to other crimes involving threats to property, see bill SECTIONS 707, 709, and 711 (reclassifying threats to damage property of a witness (s. 943.011), a judge (s. 943.013), or a Department of Revenue employee (s. 943.015) from Class D felonies to Class I felonies), it is possible that the Committee would have adjusted the penalty downward for these offenses, but I have no way of knowing with certainty how the Committee would have treated them.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

2. The new penalty scheme created by the bill ~~was~~ takes effect on the first day of the seventh month beginning after publication. I used the same effective date for these new ~~provisions~~ ^{crimes}. Is that okay? (If the provisions were to take effect sooner, they could be classified as Class D felonies initially, but they would need to be reclassified when the reclassification of other felonies takes effect.)

creating them

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2370/1dn
MGD:hmh:pg

March 12, 2002

David:

1. In reconciling this amendment with the provisions in the bill reclassifying criminal penalties generally, I changed the penalty for the offenses that the amendment creates from Class D felonies to Class H felonies. I used the Class H classification because under the system that the Criminal Penalties Study Committee used, Class D felonies generally become Class H felonies. See Final Report, Criminal Penalties Study Committee (August 31, 1999), p. 24 (available on the Internet at http://www.doa.state.wi.us/criminal_penalties.pdf). The committee, however, also moved a number of crimes into higher or lower classifications, based on its obligation to "place[] crimes of similar severity into the same classification." 1997 Wisconsin Act 283, SECTION 454 (1) (e) 2. Given its approach to other crimes involving threats to property, see bill SECTIONS 707, 709, and 711 (reclassifying threats to damage property of a witness (s. 943.011), a judge (s. 943.013), or a Department of Revenue employee (s. 943.015) from Class D felonies to Class I felonies), it is possible that the committee would have adjusted the penalty downward for these offenses, but I have no way of knowing with certainty how the committee would have treated them.

2. The new penalty scheme created by the bill takes effect on the first day of the seventh month beginning after publication. I used the same effective date for these new crimes. Is that okay? (If the provisions creating them were to take effect sooner, they could be classified as Class D felonies initially, but they would need to be reclassified when the reclassification of other felonies takes effect.)

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2370/D
MGD:hmh:pg
Stays

2

LFB:.....Schug - Prohibit threatening to infect animals with a contagious or infectious disease

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 271, line 8: after that line insert:

3 "SECTION 810d. 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,
4 is amended to read:

5 943.76 (1) In this section, "livestock" means cattle, horses, swine, sheep, goats,
6 farm-raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or
7 to be used in the production of food, fiber, or other commercial products."

8 2. Page 271, line 18: after that line insert:

9 "SECTION 812t. 943.76 (4) of the statutes is created to read:

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2370/2ins
MGD:.....

1 **INSERT**

2

3

4

SECTION 812u. 943.76 (4) (a) (intro.) of the statutes, as created by 2001
Wisconsin Act (this act), is amended to read:

5

6

7

8

943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a
contagious or infectious disease into livestock located in this state without the
consent of the owner of the livestock is guilty of a Class D H felony if one of the
following applies:

9

10

SECTION 812v. 943.76 (4) (b) (intro.) of the statutes, as created by 2001
Wisconsin Act (this act), is amended to read:

11

12

13

14

943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a
contagious or infectious disease into wild deer located in this state without the
consent of the department of natural resources is guilty of a Class D H felony if one
of the following applies: 943.76(2)(b)

15

16

17

18

1. Page ⁴⁴¹?, line ¹⁴?: after "???" insert "??".

2. Page ?, line ?: after "???" insert "??".

3. Page ?, line ?: after "???" insert "??".

4. Page ⁴⁵²?, line ¹⁷?: after "???" insert "??".

943.76 (4) (a) (intro.),
943.76 (4) (b) (intro.),



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2370/2
MGD:hmh:kjf

LFB:.....Schug – Prohibit threatening to infect animals with a contagious or infectious disease

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

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6 farm-raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or

7 to be used in the production of food, fiber, or other commercial products.”.

8 **2.** Page 271, line 18: after that line insert:

9 “SECTION 812t. 943.76 (4) of the statutes is created to read:

1 943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or
2 infectious disease into livestock located in this state without the consent of the owner
3 of the livestock is guilty of a Class D felony if one of the following applies:

4 1. The owner of the livestock is aware of the threat and reasonably believes that
5 the actor will attempt to carry out the threat.

6 2. The owner of the livestock is unaware of the threat, but if the owner were
7 apprised of the threat, it would be reasonable for the owner to believe that the actor
8 would attempt to carry out the threat.

9 (b) Whoever intentionally threatens to introduce a contagious or infectious
10 disease into wild deer located in this state without the consent of the department of
11 natural resources is guilty of a Class D felony if one of the following applies:

12 1. The department of natural resources is aware of the threat and reasonably
13 believes that the actor will attempt to carry out the threat.

14 2. The department of natural resources is unaware of the threat, but if the
15 department were apprised of the threat, it would be reasonable for the department
16 to believe that the actor would attempt to carry out the threat.

17 **SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by 2001
18 Wisconsin Act (this act), is amended to read:

19 943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a
20 contagious or infectious disease into livestock located in this state without the
21 consent of the owner of the livestock is guilty of a Class ~~D~~ H felony if one of the
22 following applies:

23 **SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by 2001
24 Wisconsin Act (this act), is amended to read:

1 943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a
2 contagious or infectious disease into wild deer located in this state without the
3 consent of the department of natural resources is guilty of a Class ~~D~~ H felony if one
4 of the following applies:”

5 **3.** Page 441, line 14: after “943.76 (2) (b)” insert “943.76 (4) (a) (intro.), 943.76
6 (4) (b) (intro.)”.

7 **4.** Page 452, line 17: after “943.76 (2) (b)” insert “943.76 (4) (a) (intro.), 943.76
8 (4) (b) (intro.)”.

9

(END)