

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/27/2002**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-9220**

By/Representing: **Engel**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters: **rryan**

Subject: **Children - juvenile justice
Criminal Law - guns and weapons**

Extra Copies:

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN5805,

Topic:

Biological or chemical substance scares

Instructions:

See Attached--redraft SB 462 as caucus 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> |
|--------------|-----------------------|---------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /? | malaigm 03/27/2002 | jdyer 03/28/2002 | | _____ | | | |
| /1 | | | jfrantze 03/28/2002 | _____ | lrb_docadmin 03/28/2002 | | |
| /2 | malaigm 04/04/2002 | jdyer 04/04/2002 | jfrantze 04/04/2002 | _____ | lrb_docadmin 04/04/2002 | | |

FE Sent For:

<END>

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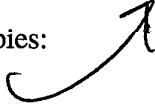
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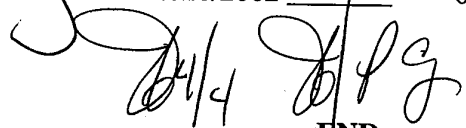
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| /? | malaigm 03/27/2002 | jdyer 03/28/2002 | | == | | | |
| /1 | | 1/2 4/4 jfrantze 03/28/2002 | | | lrb_docadmin 03/28/2002 | | |

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<END>
4/4

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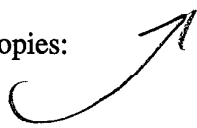
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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/? | malaigm | 1 3/28 jld | 3/28 | 5/28 Pg | | | |

FE Sent For:

<END>

This is a new provision with no fiscal effect.

Incorporate the provisions of **2001 Senate Bill 462**, relating to biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

CN 5805

Gmm


2001 SENATE BILL 462

February 22, 2002 - Introduced by Senators BAUMGART and COWLES, cosponsored by Representatives ALBERS, TURNER and RYBA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to amend* 938.34 (5g) (d); and *to create* 938.34 (13p) and 947.017 of the
2 statutes; **relating to:** biological or chemical substance scares, juvenile court
3 dispositions for a juvenile who is found to have made a bomb scare or a biological
4 or chemical substance scare involving a school premises or to have possessed
5 or discharged a firearm in a school zone, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying any threat or false information, knowing that the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both. This bill prohibits a person from intentionally threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both.

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile

SENATE BILL 462

participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone:

1. Participation in anger management counseling or any other counseling ordered by the juvenile court.
2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.
3. Restriction or suspension of the juvenile's driver's license for two years, if the juvenile used a motor vehicle to facilitate the commission of the violation.

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. 938.34 (5g) (d) of the statutes is amended to read:

2 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
3 may not be required to perform more than 40 total hours of supervised work or other
4 community service work, except as provided in subs. (13p), (13r), and (14t).

5 SECTION 2. 938.34 (13p) of the statutes is created to read:

6 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
7 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
8 if the juvenile is found to have violated s. 947.015 and the property involved is a
9 school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017
10 (2) and the threat concerned release or dissemination of a harmful substance on a
11 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
12 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

13 (a) That the juvenile participate in anger management counseling or any other
14 counseling ordered by the court.

SENATE BILL 462

1 (b) That the juvenile participate for 100 hours in a supervised work program
2 under sub. (5g) or perform 100 hours of other community service work, unless the
3 court determines that the juvenile would pose a threat to public safety while
4 participating in that program or other community service work.

5 (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be
6 restricted or suspended for 2 years, except that the court may restrict or suspend a
7 juvenile's operating privilege under this paragraph only if the court finds that the
8 juvenile used a motor vehicle to facilitate the commission of the violation. If the court
9 restricts or suspends a juvenile's operating privilege under this paragraph, the court
10 shall immediately forward to the department of transportation notice of the
11 restriction or suspension, clearly stating the reason for and duration of the
12 restriction or suspension. If the juvenile's license or operating privilege is currently
13 suspended or revoked or if the juvenile does not currently possess a valid operator's
14 license issued under ch. 343, the restriction or suspension under this paragraph is
15 effective on the date on which the juvenile is first eligible for issuance or
16 reinstatement of an operator's license under ch. 343.

17 **SECTION 3.** 947.017 of the statutes is created to read:

18 **947.017 Threats to release chemical or biological substances.** (1) In this
19 section, "harmful substance" means a toxic or poisonous chemical or its precursor or
20 a disease organism.

21 (2) Whoever, knowing the threat to be false, intentionally threatens to release
22 or disseminate a harmful substance or conveys a threat to release or disseminate a
23 harmful substance, if the threat induces a reasonable expectation or fear that a
24 harmful substance will be released or disseminated, is guilty of a Class E felony.

25 **SECTION 4. Initial applicability.**

2001

Date (time) needed _____

LRB b 2843 / 1

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

GMM jld: _____

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

CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 226, line 10: *after that line insert:*



- #. Page, line:
- #. Page, line:
- #. Page, line:
- #. Page, line:
- #. Page, line:

2001 SENATE BILL 462

February 22, 2002 - Introduced by Senators BAUMGART and COWLES, cosponsored by Representatives ALBERS, TURNER and RYBA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to amend* 938.34 (5g) (d); and *to create* 938.34 (13p) and 947.017 of the
2 statutes; **relating to:** biological or chemical substance scares, juvenile court
3 dispositions for a juvenile who is found to have made a bomb scare or a biological
4 or chemical substance scare involving a school premises or to have possessed
5 or discharged a firearm in a school zone, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying any threat or false information, knowing that the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both. This bill prohibits a person from intentionally threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both.

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile

SENATE BILL 462

~~participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone:~~

- ~~1. Participation in anger management counseling or any other counseling ordered by the juvenile court.~~
- ~~2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.~~
- ~~3. Restriction or suspension of the juvenile's driver's license for two years, if the juvenile used a motor vehicle to facilitate the commission of the violation.~~

~~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:

531d

1 " SECTION ~~1~~ 938.34 (5g) (d) of the statutes is amended to read:

2 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
3 may not be required to perform more than 40 total hours of supervised work or other
4 community service work, except as provided in subs. (13p), (13r), and (14t). 531f

5 SECTION ~~2~~ 938.34 (13p) of the statutes is created to read:

6 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
7 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
8 if the juvenile is found to have violated s. 947.015 and the property involved is a
9 school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017
10 (2) and the threat concerned release or dissemination of a harmful substance on a
11 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
12 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

13 (a) That the juvenile participate in anger management counseling or any other
14 counseling ordered by the court.

A Page 283, line 2: after that line insert:

SENATE BILL 462

1 (b) That the juvenile participate for 100 hours in a supervised work program
2 under sub. (5g) or perform 100 hours of other community service work, unless the
3 court determines that the juvenile would pose a threat to public safety while
4 participating in that program or other community service work.

5 (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be
6 restricted or suspended for 2 years, except that the court may restrict or suspend a
7 juvenile's operating privilege under this paragraph only if the court finds that the
8 juvenile used a motor vehicle to facilitate the commission of the violation. If the court
9 restricts or suspends a juvenile's operating privilege under this paragraph, the court
10 shall immediately forward to the department of transportation notice of the
11 restriction or suspension, clearly stating the reason for and duration of the
12 restriction or suspension. If the juvenile's license or operating privilege is currently
13 suspended or revoked or if the juvenile does not currently possess a valid operator's
14 license issued under ch. 343, the restriction or suspension under this paragraph is
15 effective on the date on which the juvenile is first eligible for issuance or
16 reinstatement of an operator's license under ch. 343.

873e

17 SECTION 3. 947.017 of the statutes is created to read:

18 947.017 Threats to release chemical or biological substances. (1) In this
19 section, "harmful substance" means a toxic or poisonous chemical or its precursor or
20 a disease organism.

21 (2) Whoever, knowing the threat to be false, intentionally threatens to release
22 or disseminate a harmful substance or conveys a threat to release or disseminate a
23 harmful substance, if the threat induces a reasonable expectation or fear that a
24 harmful substance will be released or disseminated, is guilty of a Class B felony.

25 SECTION 4. Initial applicability.

Insert
3-24

Handwritten scribble

Start

Page 435, line 2: after that line insert:

2001 - 2002 Legislature

- 4 -

LRB-4168/2
GMM&RLR:jld:jf
SECTION 4

SENATE BILL 462

"(2)^C"

apply

1

(1) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR FIREARMS AT

2

SCHOOL. This act first applies to violations of s. 947.015, 947.017 (2), or 948.605 (2)

3

(a) or (3) (a) of the statutes committed on the effective date of this subsection. "

4

(END)

The treatment of sections 938.34 (5g)(d) and (13p) of the statutes and the creation of section 947.017 of the statutes

line

Page 441, line 25: after "947.015," insert "947.017 (2),".

Page 453, line 2: after "947.015," insert "947.017 (2),".

Insert 3-24

(b) That the juvenile participate for 100 hours in a supervised work program under sub. (5g) or perform 100 hours of other community service work, unless the court determines that the juvenile would pose a threat to public safety while participating in that program or other community service work.

(c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be restricted or suspended for 2 years, except that the court may restrict or suspend a juvenile's operating privilege under this paragraph only if the court finds that the juvenile used a motor vehicle to facilitate the commission of the violation. If the court restricts or suspends a juvenile's operating privilege under this paragraph, the court shall immediately forward to the department of transportation notice of the restriction or suspension, clearly stating the reason for and duration of the restriction or suspension. If the juvenile's license or operating privilege is currently suspended or revoked or if the juvenile does not currently possess a valid operator's license issued under ch. 343, the restriction or suspension under this paragraph is effective on the date on which the juvenile is first eligible for issuance or

reinstatement of an operator's license under ch. 343.

as created by 2001 Wisconsin Act... (this act), is amended

Fix Component

(plain)

878f

(2)

SECTION 4. 947.017 of the statutes is created to read:

ADDF

~~947.017 Threats to release chemical or biological substances. (1) In this~~

~~section, "harmful substance" means a toxic or poisonous chemical or its precursor or a disease organism.~~

(2) Whoever, knowing the threat to be false, intentionally threatens to release or disseminate a harmful substance or conveys a threat to release or disseminate a harmful substance, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated, is guilty of a Class E felony.

I
3

SECTION 4. Initial applicability.

(end ins 3-24)



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2843/f (2)

GMM:jld:jf (RNR)

DN 512

SCC:.....Engel - CN5805, Biological or chemical substance scares

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

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

2 **1.** Page 226, line 10: after that line insert:

3 **"SECTION 531d.** 938.34 (5g) (d) of the statutes is amended to read:

4 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
5 may not be required to perform more than 40 total hours of supervised work or other
6 community service work, except as provided in subs. (13p), (13r), and (14t).

7 **SECTION 531f.** 938.34 (13p) of the statutes is created to read:

8 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
9 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
10 if the juvenile is found to have violated s. 947.015 and the property involved is a

1 school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017
2 (2) and the threat concerned release or dissemination of a harmful substance on a
3 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
4 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

5 (a) That the juvenile participate in anger management counseling or any other
6 counseling ordered by the court.

7 (b) That the juvenile participate for 100 hours in a supervised work program
8 under sub. (5g) or perform 100 hours of other community service work, unless the
9 court determines that the juvenile would pose a threat to public safety while
10 participating in that program or other community service work.

11 (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be
12 restricted or suspended for 2 years, except that the court may restrict or suspend a
13 juvenile's operating privilege under this paragraph only if the court finds that the
14 juvenile used a motor vehicle to facilitate the commission of the violation. If the court
15 restricts or suspends a juvenile's operating privilege under this paragraph, the court
16 shall immediately forward to the department of transportation notice of the
17 restriction or suspension, clearly stating the reason for and duration of the
18 restriction or suspension. If the juvenile's license or operating privilege is currently
19 suspended or revoked or if the juvenile does not currently possess a valid operator's
20 license issued under ch. 343, the restriction or suspension under this paragraph is
21 effective on the date on which the juvenile is first eligible for issuance or
22 reinstatement of an operator's license under ch. 343."

23 **2.** Page 283, line 2: after that line insert:

24 **"SECTION 878e.** 947.017 of the statutes is created to read:

1 **947.017 Threats to release chemical or biological substances.** (1) In this
2 section, "harmful substance" means a toxic or poisonous chemical or its precursor or
3 a disease organism.

4 (2) Whoever, knowing the threat to be false, intentionally threatens to release
5 or disseminate a harmful substance or conveys a threat to release or disseminate a
6 harmful substance, if the threat induces a reasonable expectation or fear that a
7 harmful substance will be released or disseminated, is guilty of a Class E felony.

8 **SECTION 878f.** 947.017 (2) of the statutes, as created by 2001 Wisconsin Act
9 (this act), is amended to read:

10 947.017 (2) Whoever, knowing the threat to be false, intentionally threatens
11 to release or disseminate a harmful substance or conveys a threat to release or
12 disseminate a harmful substance, if the threat induces a reasonable expectation or
13 fear that a harmful substance will be released or disseminated, is guilty of a Class
14 ~~E~~ I felony."

15 **3.** Page 435, line 2: after that line insert:

16 “(2c) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR FIREARMS AT
17 SCHOOL. The treatment of section 938.34 (5g) (d) and (13p) of the statutes ~~and the~~
18 ~~creation of section 947.017 of the statutes first apply~~ to violations of s. 947.015,
19 947.017 (2) or 948.605 (2) (a) or (3) (a) of the statutes committed on the effective date
20 of this subsection.”

21 **4.** Page 441, line 25: after “947.015,” insert “947.017 (2).”

22 **5.** Page 453, line 2: after “947.015,” insert “947.017 (2).”

23

(END)

First applies ✓

DWJ/E

NOTE

committed on the effective date"

Andy:

On the suggestion of Art Zimmerman of the LFB,
Plain

This redraft deletes a reference to "the creation of
first applies to a violation of s. 947.07(2)"
s. 947.07 in the initial applicability provision at

page 3, lines 15 to 20, of the amendment. The redraft

makes that deletion because ~~it does not make sense to~~
saying that

"the creation of s. 947.07(2) first applies to a
violation of s. 947.07(2) committed on the effective date" ~~because~~

means nothing in that it would be legally impossible
of s. 947.07(2)

to commit a violation before the effective date when that ~~statute~~ NO

~~statute does not yet exist~~

~~statute even exists~~

the effective date when that statute does not yet exist. So

it goes without saying that the treatment first applies
to violations committed on the effective date.

JM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2843/2dn
GMM:jld:jf

April 4, 2002

Andy:

On the suggestion of Art Zimmerman of the LFB, this redraft deletes a reference to "the creation of s. 947.017 first applies to a violation of s. 947.017 (2) committed on the effective date" in the initial applicability provision at page 3, lines 15 to 20, of the amendment. The redraft makes that deletion because saying that "the creation of s. 947.017 (2) first applies to a violation of s. 947.017 (2) committed on the effective date" means nothing in that it would be legally impossible to commit a violation of s. 947.017 (2) before the effective date when that statute does not yet exist. So it goes without saying that the treatment first applies to violations committed on the effective date.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2843/2
GMM:jld:jf

SCC:.....Engel - CN5805, Biological or chemical substance scares

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

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

2 **1.** Page 226, line 10: after that line insert:

3 **"SECTION 531d.** 938.34 (5g) (d) of the statutes is amended to read:

4 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
5 may not be required to perform more than 40 total hours of supervised work or other
6 community service work, except as provided in subs. (13p), (13r), and (14t).

7 **SECTION 531f.** 938.34 (13p) of the statutes is created to read:

8 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
9 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
10 if the juvenile is found to have violated s. 947.015 and the property involved is a

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2 (2) and the threat concerned release or dissemination of a harmful substance on a
3 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
4 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

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23 **2.** Page 283, line 2: after that line insert:

24 "SECTION 878e. 947.017 of the statutes is created to read:

1 **947.017 Threats to release chemical or biological substances.** (1) In this
2 section, “harmful substance” means a toxic or poisonous chemical or its precursor or
3 a disease organism.

4 (2) Whoever, knowing the threat to be false, intentionally threatens to release
5 or disseminate a harmful substance or conveys a threat to release or disseminate a
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8 **SECTION 878f.** 947.017 (2) of the statutes, as created by 2001 Wisconsin Act
9 (this act), is amended to read:

10 947.017 (2) Whoever, knowing the threat to be false, intentionally threatens
11 to release or disseminate a harmful substance or conveys a threat to release or
12 disseminate a harmful substance, if the threat induces a reasonable expectation or
13 fear that a harmful substance will be released or disseminated, is guilty of a Class
14 ~~E~~ I felony.”.

15 **3.** Page 435, line 2: after that line insert:

16 “(2c) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR FIREARMS AT
17 SCHOOL. The treatment of section 938.34 (5g) (d) and (13p) of the statutes first applies
18 to violations of s. 947.015 or 948.605 (2) (a) or (3) (a) of the statutes committed on the
19 effective date of this subsection.”.

20 **4.** Page 441, line 25: after “947.015,” insert “947.017 (2),”.

21 **5.** Page 453, line 2: after “947.015,” insert “947.017 (2),”.

22

(END)