

2001 SENATE BILL 221

July 12, 2001 – Introduced by Senators BAUMGART, BURKE, DARLING, SCHULTZ and ROESSLER, 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) of the statutes;
2 **relating to:** juvenile court dispositions for a juvenile who is found to have made
3 a bomb scare involving a school premises or to have possessed or discharged a
4 firearm in a school zone.

Analysis by the Legislative Reference Bureau

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 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 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.

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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 OR FIREARMS AT SCHOOL. In addition to any other
7 disposition imposed under this section, if the juvenile is found to have violated s.
8 947.015 and the property involved is a school premises, as defined in s. 948.61 (1) (c),
9 or is found to have violated s. 948.605 (2) (a) or (3) (a), the court may order any one
10 or more of the following dispositions:

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

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

17 (c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be
18 restricted or suspended for 2 years, except that the court may restrict or suspend a
19 juvenile's operating privilege under this paragraph only if the court finds that the
20 juvenile used a motor vehicle to facilitate the commission of the violation. If the court
21 restricts or suspends a juvenile's operating privilege under this paragraph, the court

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1 shall immediately forward to the department of transportation notice of the
2 restriction or suspension, clearly stating that the restriction or suspension is for
3 using a motor vehicle to facilitate the commission of a violation of s. 947.015 involving
4 a school premises or is for using a motor vehicle to facilitate the commission of a
5 violation of s. 948.0605 (2) (a) or (3) (a). If the juvenile's license or operating privilege
6 is currently suspended or revoked or if the juvenile does not currently possess a valid
7 operator's license issued under ch. 343, the suspension under this paragraph is
8 effective on the date on which the juvenile is first eligible for issuance or
9 reinstatement of an operator's license under ch. 343.

10 **SECTION 3. Initial applicability.**

11 (1) BOMB SCARES OR FIREARMS AT SCHOOL. This act first applies to violations of
12 s. 947.015 or 948.605 (2) (a) or (3) (a) of the statutes committed on the effective date
13 of this subsection.

14 (END)