

2001 DRAFTING REQUEST

Bill

Received: 03/27/2001

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing: Patrick henderson

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - juvenile justice

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Juvenile dispositions for bomb scares and possession or discharge of firearm in school zone

Instructions:

See attached--create a disposition for bomb scares and for possession or discharge of firearm in school zone.

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 03/28/2001	jdye 03/29/2001		_____			S&L
/1			martykr 03/29/2001	_____	lrb_docadmin 03/29/2001		S&L
/2	malaigm 05/23/2001	jdye 05/24/2001	pgreensl 05/24/2001	_____	lrb_docadmin 05/24/2001	lrb_docadminS&L 07/11/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

→ At Intro.

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/?	malaigm	1/3/28 jld	Km 3/29	CG 3/29 Km 3/29			

FE Sent For:

<END>

Hurley, Peggy

From: Henderson, Patrick
Sent: Tuesday, March 27, 2001 8:50 AM
To: Hurley, Peggy
Subject: Drafting Instructions for School bomb threats

Peggy,

Senator Baumgart would like to draft legislation relating to certain weapons violations and bomb scares involving a school.

Penalties for student's who have made bomb threats and/or convicted of firearm offenses on school property.

- 1. Suspension from school, length to be determined by school or judge.
- 2. ^{School} ~~current~~ Impose a fine; parents of the juvenile may be held liable for fine if juvenile does not pay. (appropriate fine based on penalty statutes).
- 3. The court may require the juvenile to participate in a supervised work program or other community service (time TBD, 938.34 (13r) says 100 hours.) Unless the court decides the kid is a danger to the community while carrying out the sentence.
- 4. Judge may require some kind of counseling to determine the cause of their anger.
- 5. Judge may suspend the individual's driver's license for two years if he/she deems the juvenile to be a safety concern, should they have a driver's license.

If the juvenile is not yet eligible for his or her driver's permit or it already is suspended or revoked the suspension period does not begin to run until the violator is eligible ~~and applies~~ for an operator's license.

Please give me a call and we can discuss what the Senator is looking to do. Thank you for your time.

Regards,

Pat Henderson
Office of Senator Baumgart
266-2056

9217.015 bomb scares E \$10,000

949.605 (2) ^{poss} (a) firearm in school zone A mis \$10,000

(3) (a) discharge firearm in school zone D felony \$10,000

120.13 (1) already permits school to suspend

parent \$5,000



State of Wisconsin
2001 - 2002 LEGISLATURE

D/ste

LRB-2955/2

GMM.....

JLD

1 ^{gen} AN ACT ...; relating to: juvenile court dispositions for a juvenile who is found to
2 have made a bomb scare involving a school premises or to have possessed or
3 discharged a 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.

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).

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185.

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. If the court restricts or suspends a juvenile's
19 operating privilege under this paragraph, the court shall immediately forward to the
20 department of transportation notice of the restriction or suspension, clearly stating
21 that the restriction or suspension is for a violation of s. 947.015 involving a school

1 premises or is for a violation of s. 948.605 (2) (a) or (3) (a). If the juvenile's license
2 or operating privilege is currently suspended or revoked or if the juvenile does not
3 currently possess a valid operator's license issued under ch. 343, the suspension
4 under this paragraph is effective on the date on which the juvenile is first eligible for
5 issuance or reinstatement of an operator's license under ch. 343.

6 **SECTION 3. Initial applicability.**

7 (1) BOMB SCARES OR FIREARMS AT SCHOOL. This act first applies to violations of
8 ^g ^{section} 947.015 or 948.605 (2) (a) or (3) (a) of the statutes committed on the effective date
9 of this subsection.

10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2955/1dn

GMM.....
jld

Patrick:

As we discussed over the phone, the draft does not permit the juvenile court to suspend a pupil from school for making a bomb scare against school property or for possessing or discharging a firearm in a school zone because s. 120.13 (1) (b) 2. b. and (c) 1. already permit a school to suspend or expel a pupil for making a bomb scare and s. 120.13 (1) (bm) and (c) 2m. already require a school to suspend and expel a student for possessing a firearm while at school or while under the supervision of a school authority.

Similarly, the draft does not permit the juvenile court to impose a fine on a juvenile and the juvenile's parents for making a bomb scare against school property or for possessing or discharging a firearm in a school zone because s. 938.34 (8) already permits the juvenile court to impose a forfeiture on a juvenile for committing any delinquent act and s. 938.45 (1r) already permits the juvenile court to impose a forfeiture on the parents of a juvenile who has committed a delinquent act. The maximum amount of a forfeiture that may be imposed on a juvenile is the maximum amount of the fine that may be imposed on an adult for committing the same crime, and the maximum amount of a forfeiture that may be imposed on the juvenile's parents is \$5,000. In addition, s. 895.035 (4a) permits a school board to recover up to \$20,000 in damages from the parents of a juvenile who makes a bomb scare.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or e-mail address listed below.

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

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

LRB-2955/1dn
GMM:jld:km

March 29, 2001

Patrick:

As we discussed over the phone, the draft does not permit the juvenile court to suspend a pupil from school for making a bomb scare against school property or for possessing or discharging a firearm in a school zone because s. 120.13 (1) (b) 2. b. and (c) 1. already permit a school to suspend or expel a pupil for making a bomb scare and s. 120.13 (1) (bm) and (c) 2m. already require a school to suspend and expel a student for possessing a firearm while at school or while under the supervision of a school authority.

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

Malaise, Gordon

From: Henderson, Patrick
Sent: Tuesday, May 22, 2001, 4:38 PM
To: Malaise, Gordon
Subject: LRB 2955-1 Bomb Scare Bill

Gordon,

You drafted LRB 2955/1 for Senator Baumgart and before we jacket the bill we would like to make on change. Under the section where we allow for the suspension of a juvenile's driver's license, the Senator would like to change that penalty to restriction or suspension of the juvenile's driver's license for 2 years if the violation was connected to the use of a vehicle.

I left you a message on your voice mail about this as well (I hate leaving messages, I feel like I'm talking to myself). Anyway, give me a call to discuss. Thanks for your help.

Pat



2001 BILL

if the juvenile used a motor vehicle to facilitate the commission of the violation ✓

Regen

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.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

938.34 (13p) BOMB SCARES OR FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section, if the juvenile is found to have violated s. 947.015 and the property involved is a school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

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

using a motor vehicle to facilitate the commission of ✓

(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.

of the violation

(c) That the juvenile's operating privilege, as defined in s. 340.01 (40), be restricted or suspended for 2 years. 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 that the restriction or suspension is for a violation of s. 947.015 involving a school

#3) except that the court may ~~impose~~ 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

BILL

Using a motor vehicle to facilitate
the commission of

1 premises or is for a violation of s. 948.0605 (2) (a) or (3) (a). If the juvenile's license
2 or operating privilege is currently suspended or revoked or if the juvenile does not
3 currently possess a valid operator's license issued under ch. 343, the suspension
4 under this paragraph is effective on the date on which the juvenile is first eligible for
5 issuance or reinstatement of an operator's license under ch. 343.

6 **SECTION 3. Initial applicability.**

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

10 (END)