

**2001 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB221)**

Received: **10/24/2001**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Baumgart (608) 266-2056**

By/Representing: **Aide**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters: **rryan**

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

Extra Copies: **MGD**

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Bomb or biological or chemical warfare scare involving school premises and discharge or possession of firearm in school zone; juvenile dispositions

**Instructions:**

Include within scope of bill biological or chemical weapon scares involving school premises.

**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 10/24/2001	chanaman 11/02/2001		_____			
	rryan 10/30/2001	rschluet 11/05/2001		_____			
/1			pgreensl 11/05/2001	_____	lrb_docadmin 11/05/2001	lrb_docadmin 11/05/2001	

FE Sent For:

<END>

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1/?	malaigm	 10-30-01	11/5 pg	11/5 pg 1B			

FE Sent For:

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2001

Date (time) needed \_\_\_\_\_

LRBs 0221 / 01

# SUBSTITUTE AMENDMENT [TO A BILL]

GMM & MAD : RS :  
RLR o cmh

Use the appropriate components and routines developed for substitute amendments.

## S) A) SUBSTITUTE AMENDMENT

TO 2001 (SB) AB 221 (LRB- )

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:** .....

.....  
.....  
.....  
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.

# 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.

biological or chemical <sup>substance</sup> ~~scare~~ scares,

Substance

or a biological or chemical ~~weapon~~ scare

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, and providing a penalty

### 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.

**SENATE BILL 221**

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:*

*BIOLOGICAL OR CHEMICAL WEAPONS SUBSTANCE SCARES,*

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:

*Insert  
2-9*

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

SENATE BILL 221

the reason for and duration of  
the restriction or suspension

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 <sup>restriction or</sup> 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.

Insert  
3-9

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.

(END)

, 947.017 (2),

(2) , BIOLOGICAL OR  
CHEMICAL WEAPON SUBSTANCE  
SCARES,

Section

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0221/lins  
RLR:.....

209

**Insert 2-9:**

is found to have violated s. 947.017 (2) and the threat concerned release or dissemination of a harmful substance on a school premises, as defined in s. 948.61 (1) (c),

**INSERT 3-9:**

**SECTION 1.** 947.017 of the statutes is created to read:

**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.

(end of insert)