



State Senator
James R. Baumgart

State Capitol: P. O. Box 7882, Madison, WI 53707-7882 • Telephone (608) 266-2056
Toll-free: 1-888-295-8750 • E-Mail: sen.baumgart@legis.state.wi.us

SB 363a-pt02

50

FOR IMMEDIATE RELEASE
Wednesday, October 17, 2001

CONTACT: Senator Baumgart
PHONE: 1-888-295-8750

Baumgart to Author Senate Anti-Terrorism Legislation

Working with State Attorney General to Strengthen Wisconsin Anti-Terrorism Laws

Madison – State Senator Jim Baumgart (D-Sheboygan) announced today that he is working with Attorney General Jim Doyle to introduce legislation in the State Senate strengthening Wisconsin's anti-terrorism laws.

Baumgart said, "Recent events including anthrax scares in Wisconsin require us to take a thoughtful look at our current state laws and make sure they will allow law enforcement to effectively carry out their job of protecting the people of Wisconsin."

He continued, "Working with the Attorney General we have identified areas we can strengthen to help law enforcement protect Wisconsin citizens from terrorist activity and crack down on hoaxes."

Among the provisions to be included in Baumgart's anti-terrorism legislation are"

- Creation of new penalties to crack down on perpetrators of hoax terrorist threats.
- Define terrorist threats in state law and increase penalties for supporting terrorism.
- Provide law enforcement and prosecutors with additional tools to investigate terrorist activity and money laundering.

Baumgart commented, "Recent events and threats have created situations not easily covered or effectively punished by our current laws. It is important for the legislature to act to help the dedicated men and women in state law enforcement find and prosecute people who engage in terrorist threats or activity in Wisconsin."

According to Baumgart he is in the process of drafting the bill and hopes to have it ready for committee consideration as soon as possible.

Baumgart concluded, "Ensuring Wisconsin citizen's safety is not a partisan issue. I look forward to working thoughtfully, expeditiously and cooperatively with legislators from both parties in the Senate and Assembly to make sure law enforcement agencies have the tools they need to keep Wisconsin safe."



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FAX COVER SHEET

DATE: October 25, 2001
TO: Vaughn Larson
Plymouth Review
FAX #: (920) 893-5505
FROM: Senator Jim Baumgart
TELEPHONE #: 1-888-295-8750
NO. OF PAGES
INCLUDING COVER: 10

Vaughn,

The following is information explaining the anti-terrorism legislation that Senator Baumgart is putting together with Attorney General, Jim Doyle. Please feel free to give me a call with any questions.



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

TO: All Legislators

FROM: Senator Jim Baumgart and Representative Dean Kaufert

RE: COSPONSORING LRB 4067/1– relating to penalties for crimes committed with intent to terrorize.

DATE: November 30, 2001

.....

We are all too aware of the tragic events on September 11, 2001 and for the first time Wisconsin and the entire nation fear they are at risk for attacks by terrorists. The legislature must take steps to provide the citizens of Wisconsin with the piece of mind that the Government is prepared for any further attacks by terrorist. This bill has been drafted in cooperation with the Attorney General's office, Representative Dean Kaufert and Senator Jim Baumgart and is intended to combat terrorism and its effects by providing the necessary tools for our law enforcement officials to effectively protect us and respond to terrorism.

This legislation is not about spending money to put new security measures in place rather it aims to tighten the statutes so when perpetrators are caught law enforcement and prosecutors have the tools necessary to keep terrorists from slipping through loop holes in the justice system.

Please review the attached bill draft and if you would like to sign on to **LRB 4067/1**, please call Senator Baumgart's office at **6-2056**, or Representative Kaufert at **6-5719** by **December 17, 2001**. If you sign on to the either the Senate bill or the Assembly bill your name will be listed on both versions.

.....

Henderson, Patrick

From: Richard, JoAnna M.
Sent: Wednesday, January 09, 2002 10:54 AM
To: Henderson, Patrick
Subject: RE: Domestic Security Legislation

Also, even liberal California is asking for the wiretapping provision we included in this legislation. Governor Gray Davis announced it in his state of the state message yesterday.

Jo

-----Original Message-----

From: Henderson, Patrick
Sent: Wednesday, January 09, 2002 10:54 AM
To: Richard, JoAnna M.
Subject: RE: Domestic Security Legislation

Yeah, Jim didn't seem too concerned over these guys complaining. I just wanted to let you know some of the feedback we've been getting.

Patrick Henderson

Legislative Assistant
Office of Senator Baumgart
Room 306 South
(608) 266-2056
1-888-295-8750
Patrick.Henderson@legis.state.wi.us

-----Original Message-----

From: Richard, JoAnna M.
Sent: Wednesday, January 09, 2002 10:50 AM
To: Henderson, Patrick
Subject: RE: Domestic Security Legislation

We can always take that out if we have to but it is already illegal to possess a machine gun so these guys should not be complaining too much or local law enforcement might just want to know why they care!!

Jo

-----Original Message-----

From: Henderson, Patrick
Sent: Wednesday, January 09, 2002 10:51 AM
To: Richard, JoAnna M.
Subject: RE: Domestic Security Legislation

That sounds great! The only complaining we have heard is from a couple gun rights groups that have concerns over the machine gun section. Just FYI.

Patrick Henderson

Legislative Assistant
Office of Senator Baumgart
Room 306 South
(608) 266-2056
1-888-295-8750
Patrick.Henderson@legis.state.wi.us

-----Original Message-----

From: Richard, JoAnna M.
Sent: Wednesday, January 09, 2002 10:47 AM
To: Henderson, Patrick
Subject: RE: Domestic Security Legislation

Thanks.

I got the organization reference wrong yesterday. The group that endorsed the package was the Law Enforcement Legislative Coalition which is made up of all state law enforcement agencies, including the State Troopers, the WI Professional Police Association, the WI Law Enforcement Officers Association, the Sheriff and Deputy Sheriffs Association, the Badger State Sheriffs Association, and the Wisconsin Chiefs of Police Association. We are also working on getting each separately to endorse it. Will let you know when we receive them.

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From: Henderson, Patrick
Sent: Wednesday, January 09, 2002 10:31 AM
To: Richard, JoAnna M.
Subject: RE: Domestic Security Legislation

The bill is SB 363 but I do not know what the Assembly bill number is yet.

Patrick Henderson

Legislative Assistant
Office of Senator Baumgart
Room 306 South
(608) 266-2056
1-888-295-8750
Patrick.Henderson@legis.state.wi.us

-----Original Message-----

From: Richard, JoAnna M.
Sent: Tuesday, January 08, 2002 12:35 PM
To: Henderson, Patrick
Subject: Domestic Security Legislation

Pat,

Any bill number yet? We just found out today that the legislative committee of the police chiefs association has endorsed the bill and it would be nice to give them a bill number as they send their correspondence to their legislators.

JoAnna Richard
Legislative Liaison
Office of the Attorney General
267-1932

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JoAnna Richard
Legislative Liaison
Office of the Attorney General
267-1932

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number 01-4067/1	Introduction Number SB-363	
Subject Anti-terrorism provisions		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s.20.475(1)(d)		
Agency/Prepared By DA/ Stu Morse (608) 267-2700	Authorized Signature Charles McDowell (608) 267-3836	Date 1/11/02

Fiscal Estimate Narratives

DA 1/14/02

LRB Number 01-4067/1	Introduction Number SB-363	Estimate Type Original
Subject		
Anti-terrorism provisions		

Assumptions Used in Arriving at Fiscal Estimate

One aspect of this bill would cause a very significant additional workload in District Attorneys' Offices. Section 83 of the bill criminalizes all threats that are simply intended to intimidate the recipient of the threat. This creation of a new crime will potentially create a very large number of cases that are then referred to DA offices. As written any argument in which one participant threatens to somehow harm the other person would now be a crime. This would include such actions as a parent threatening to spank his or her child if the child does or does not do something, even if the parent does not actually do the spanking, "trash talk" by one player aimed at intimidating another player during a sports event as well as any such talk aimed at the officials, and most barroom arguments where threats are made. All of these cases and many others could result in a case being referred to the DA office. Even the simple act of reviewing these cases, even if the DA office makes a decision not to prosecute will be very time consuming. Further, as this bill creates this new crime as a misdemeanor, the DA offices, not the Department of Justice, will be responsible for most of the appeals that they generate that then go to the state Court of Appeals. As a result of all of this, there would be a need for additional prosecutorial staff in several of the larger DA offices distributed as follows: Brown 1.0, Dane 1.0, Kenosha 1.0, Milwaukee 3.0, Racine 1.0, Rock 1.0, and Waukesha 1.0. There may be a need for additional staff in other DA offices that has not yet been recognized.

Long-Range Fiscal Implications

Additional prosecutorial resources beyond those noted in this fiscal estimate may be needed in future biennia.

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-4067/1		Introduction Number SB-363	
Subject			
Anti-terrorism provisions			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$454,500		
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$454,500		\$
B. State Costs by Source of Funds			
GPR	454,500		
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues	\$	\$	
NET ANNUALIZED FISCAL IMPACT			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$454,500	\$	
NET CHANGE IN REVENUE	\$	\$	
Agency/Prepared By		Authorized Signature	Date
DA/ Stu Morse (608) 267-2700		Charles McDowell (608) 267-3836	1/11/02

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number 01-4067/1	Introduction Number SB-363
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Fiscal Effect	
State:	
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<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By R&L/ Gary Gorlen (608) 261-7094	Authorized Signature Gary Gorlen (608) 261-7094
Date 1/14/02	

Fiscal Estimate Narratives

R&L 1/14/02

LRB Number 01-4067/1	Introduction Number SB-363	Estimate Type Original
Subject Anti-terrorism provisions		

Assumptions Used in Arriving at Fiscal Estimate

Long-Range Fiscal Implications



State Senator
Kevin Shibilski

January 15, 2002

Senator James Baumgart
State Capitol 306 South
Madison WI, 53707

Dear Senator Baumgart,

I commend you for your work on Senate Bill 363. Many of its provisions protect Wisconsin's citizens from future terrorist activity.

I do believe, however, that some of the bill's provisions require further review and possible amendment. For instance, I am concerned that the provisions related to class III firearms in sections 53-56 may have unintentional consequences for law abiding citizens. This may be one area of law adequately covered by federal statutes.

In addition, the new provisions on lines 24 and 25 of page 41 may threaten to prohibit the possession and use of standard target, hunting and self-defense ammunition. This is because the exemption your bill offers appears to extend only to ammunition used in single-shot rifles and shotguns. The inclusion of primers in the definition of "detonator" on page 37 may also be problematic for reloaders and sportsmen.

I look forward to working with you and sponsoring any amendments to address these potential problems.

Sincerely,

KEVIN W. SHIBILSKI
State Senator
24th Senate District

KS/cje

Henderson, Patrick

From: Lindquist, Martin [mlindquist@papermc.com]
Sent: Thursday, January 17, 2002 4:08 PM
To: Sen.Baumgart@legis.state.wi.us
Cc: Gall, Ken; Morgan, Mark; Budziszewski, Mark; Gordon Naujock (E-mail)
Subject: FW: Gun ban legislation

Senator,

Please read my message to both you and the Attorney General below.

> -----Original Message-----
> From: Lindquist, Martin
> Sent: Thursday, January 17, 2002 4:05 PM
> To: 'doyleje@DOJ.STATE.WI.US'
> Subject: Gun ban legislation
>
> Dear Attorney General,
>
> I just want you to know that I vehemently oppose the gun ban
> provisions tied to the anti-terrorism legislation being proposed by
> Senator Baumgart. I am deeply disappointed at the way this is being
> handled, by taking advantage of the war on terrorism as a means to
> curb the rights of law abiding gun owners. You and the Senator are
> both guilty of not giving us all of the details at the least, and
> being out and out opportunists and liars at the worst.
>
> You can be rest assured that you will not be getting my vote when you
> run for Governor. I will also advise my friends and neighbors not to
> give you their support either.
>
> Sincerely,
>
> Martin Lindquist
> 629 Westridge Dr. #1
> West Bend, WI 53095

Henderson, Patrick

From: Holt, Gary [gholt@papermc.com]
Sent: Thursday, January 17, 2002 4:02 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Baumgart, Doyle Propose Gun Ban



Gun Ban SB 363
Baumgart-Doyle...

Mr. Baumgart;

I've recently read your gun ban proposal and find it ridiculous. I am not a hunter or a gun enthusiast but to see a proposal like yours is just not realistic thinking. You are paid too much to think this foolishly. The problem we have with firearms and or "destructive devices", "explosives," and even the tiny primer that ignites every bullet specifically called a "detonator." today doesn't come from people who hunt or belong to rifle (shooting) clubs, but rather from outlaws or terrorists. While I commend you and agree that we need a law on terrorism the way you are trying to sneak in wording that would essentially make it against the law to own any weapon is distasteful.

I have included the letter I received that prompted this email
<<Gun Ban SB 363 Baumgart-Doyle.doc>>
Gary
ggh@papermc.com

Henderson, Patrick

From: Steve Schwartzer [sms@gdinet.com]
Sent: Thursday, January 17, 2002 11:55
To: Sen.Baumgart@legis.state.wi.us
Cc: Sen.Chvala@legis.state.wi.us
Subject: Senate Bill 363

Dear Senator Baumgart,

Could you please explain what you're thinking with this bill? Do you think I'm a criminal because I own a gun? I really can not even believe what I've read here? What era are you in? Have you read our State and U.S. Constitution? If you need a copy, let me know. You know what they say about history, if you don't study it and learn from it, you're bound to repeat it. I'm thinking 1938 in a country called Germany. A little thing called the Nazi's Weapon Law, enacted March 18, 1938. Below are some links for you to read, that is if you actually get this e-mail and it's not filtered and dumped by a staffer. In fact, those are just three of literally a thousand that help remind us history so we don't repeat it. I'm sending this to my Senator as well. I'm confident this won't see the light of day as far as being law, but I strongly take offense to this legislation and the fact that you even thought about proposing it. I'd love to hear your explanation and reasoning.

http://www.jpfo.org/GCA_68.htm

<http://www.indcollegian.com/archive/20000124/forum/koukeas.html>

http://zolatimes.com/V4.9/gun_violence_myth.htm

Sincerely,

Steve Schwartzer
 210 St. Albans Avenue
 Madison, WI 53714
 608-240-0535
sms@gdinet.com

January 17, 2002

FOR IMMEDIATE RELEASE

For more information, contact: Dave Zien, (608) 266-7511

Baumgart, Doyle Propose Gun Ban Pump Shotguns and Most Other Firearms Banned

Virtually every gun used to hunt in Wisconsin would be illegal to use under a bill authored by Senator Jim Baumgart at the request Attorney General Jim Doyle. The supposed terrorism legislation would outlaw the use of any pump, lever or bolt action rifle or shotgun as well as any revolver or semi-automatic firearm for hunting, self-defense or target practice.

In fact, only single-shot firearms, less than one-percent of all firearms, could be used by anyone except law enforcement and the military. Anyone using a firearm that holds more than one bullet or even owning a single bullet would be guilty of a Felony.

"If Baumgart and Doyle get their way, every hunter in Wisconsin would be an instant criminal, facing prison and a lifetime loss of voting rights," said state Senator Dave Zien (R-Wheaton). "Reloading your own shotgun shells could send you to prison for 15-years."

Rather than ban firearms outright, Doyle and Baumgart ban all types of ammunition by defining the bullet as both a "destructive device" and an "explosive," the gunpowder as an "explosive" and even the tiny primer that ignites every bullet is specifically called a "detonator." Owning, possessing or using any of these items would be a felony offense, unless the citizens could prove they were only for use in "firearms that are designed to shoot no more than one shot without manual reloading" (i.e. single shot firearms).

01/23/2002



STATE SENATOR DAVE ZIEN

COMMITTEES

ECONOMIC DEVELOPMENT AND CORRECTIONS (RANKING MEMBER)
UNIVERSITIES, HOUSING AND GOVERNMENT OPERATIONS

MEMBER

JOINT LEGISLATIVE COUNCIL
COUNCIL ON TOURISM
RURAL ECONOMIC DEVELOPMENT BOARD

REPUBLICAN CAUCUS CHAIRMAN

January 17, 2002

FOR IMMEDIATE RELEASE

For more information, contact: Dave Zien, (608) 266-7511

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"Can you imagine a Wisconsin elected official outlawing the use every pump shotgun and labeling every duck hunter a terrorist?" asked Zien. "Maybe the Attorney General should concentrate on the real terrorists and leave law-abiding gun owners alone."

The bill even goes as far as allowing photographs of a person with banned material to be used as evidence of a crime. "This will make the picture of a hunter with her Remington 870 and a trophy buck evidence of terrorist activity," said Zien.

In 1998, Wisconsin voters amended the state Constitution to protect the right of law-abiding citizens to possess and use firearms. Because the Constitution prevents Doyle from banning the gun, the only way he can deny hunters the use of their guns is to ban the ammunition.

"It is no wonder people are cynical about their government," said Zien, author of Wisconsin's Right to Keep and Bear Arms. "When the attorney charged with upholding our Constitution deliberately tries to thwart that Constitution and deny the will of the people, it gives all public servants a bad name."

Information on the Attorney General's website describing the points of Doyle's "Anti-Terrorism Legislative Package" mentions nothing about the gun ban provisions. Zien noted the information distributed to legislators also mentioned nothing about the bans. Doyle can only propose the language to legislators. The legislative author (Baumgart) takes whatever he chooses from Doyle's draft and introduces his own bill.

Baumgart likewise mentions nothing about the bans in his memo to legislators asking them to join as cosponsors of his bill.

WISCONSIN



1848

OFFICE: P.O. BOX 7882 • STATE CAPITOL • MADISON, WI 53707-7882
PHONE (608) 266 7511 • FAX (608) 267 6794 E-MAIL SEN.ZIEN@LEGIS.STATE.WI.US • Website: WWW.LEGIS.STATE.WI.US
SENATE DISTRICT: 21 E. COLUMBIA STREET • CHIPPEWA FALLS, WI 54729 • PHONE (715) 720 2300

PRINTED ON RECYCLED PAPER



“Unfortunately, a lot of well-intentioned legislators signed on to the 56-page bill without knowing this little treat was hidden inside,” said Zien. “If you are going to take away my right to shoot my deer rifle, at least admit it up front.”

Following are key provisions of the ban language as proposed by Baumgart/Doyle in Senate Bill 363 [Comments in brackets added]:

947.07 (1) (c) "Destructive device" means an overpressure device, or a device that contains an explosive or an incendiary and is designed or configured to cause substantial bodily harm, death, or property damage, including any of the following devices:

947.07 (1) (d) "Detonator" means a device containing an exploding charge used to initiate detonation in an explosive or a destructive device, or any device capable of initiating or setting off an explosive charge including, but not limited to, an impact device, a timing mechanism, a primer, primer or detonating cord, a detonating cap, detonating waves, electric blasting caps, blasting caps for use with safety fuses, a shock tube initiator, or detonating cord delay connectors. [A "primer" is the ignition device that sets off every bullet or shotgun shell.]

947.07 (1) (f) "Explosive" means any chemical compound, other substance, or mechanical system that is intended to produce an explosion capable of causing substantial bodily harm, death, or property damage, including such a compound, substance, or system that contains oxidizing and combustible units in proportions or quantities that ignition, fire, friction, concussion, percussion, or detonation may produce an explosion; including, but not limited to, items on the list of explosive materials published pursuant to 18 USC 841 (d) and 27 CFR 55.23.

947.07 (2) (a) Whoever manufactures, buys, sells, offers to sell, transfers, distributes or possesses an explosive or a destructive device is guilty of a class C felony. [Class C Felony = Up to 15 year sentence.]

947.07 (3) (a) Whoever uses an explosive or a destructive device is guilty of a Class B felony. [Class B Felony = Up to 60 year sentence]

947.07 (7) (c) Ammunition for firearms or components for ammunition for firearms that are designed to shoot no more than one shot without manual reloading. [This is the only firearms related exception to the above restrictions. Attorneys agree, the exception would not apply to any gun that can be loaded with more than one bullet or shell.]

947.07 (8) Evidence. A photograph, electronic image, videotape, or other identifying evidence of an explosive, destructive device, detonator, or weapon of mass destruction that is properly authenticated as provided under ch. 909 is admissible as evidence in lieu of the actual explosive, destructive device, detonator, or weapon of mass destruction in any action or proceeding concerning an explosive, destructive device, detonator, or weapon of mass destruction.

Henderson, Patrick

From: Christopher Stoner [crstoner@hotmail.com]
Sent: Friday, January 18, 2002 9:45 AM
To: Sen.Baumgart@legis.state.wi.us
Subject: Gun Ban Legislation: Senate Bill 363

Sir,

I understand that you proposed Senate Bill 363. This bill contains provisions to make instant felons out of a vast proportion of citizens in this state by possessing or even having images of possessing firearms capable of holding more than a single round of ammunition. Ammunition would become a "destructive device" as well.

Are you aware of the following section to the Wisconsin State Constitution?

Article I, §25

Right to keep and bear arms. Section 25. [As created Nov. 1998]
The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose. [1995 J.R. 27, 1997 J.R. 21, vote November 1998]

I find your proposed legislation to be about as far removed from the demonstrated will of the people as you can get. Now I understand the need for a layer of protections to keep criminals, children and the mentally unstable from gaining access to firearms. Your legislation however turns those who have legal access to firearms into criminals!

The hunters and other lawful firearms owners of Wisconsin are not criminals or terrorists. Your attempt to brand them as such will be noticed and I personally will oppose it with my vote, my civic action and my campaign contributions.

Christopher Stoner
<crstoner@hotmail.com>

MSN Photos is the easiest way to share and print your photos:
<http://photos.msn.com/support/worldwide.aspx>

Henderson, Patrick

From: Ted Lee & Cindy Lebeau
Sent: Friday, January 18, 2002 12:17 PM
To: Sen. Baumgart; Mr. Doyle
Subject: Gun Ban-Sen. Bill 363

I don't know who you two jokers think you are, but if you think the people of WI are just going to hand over their guns to you, you are sadly mistaken!!!

Also, the way you're trying to slip this rider in, without telling anybody about it, is DESPICABLE! I thought the attorney general was supposed to be one of the most honest people on the state payroll, I guess we've all been duped!

I strongly suggest that you drop this matter immediately. The people of WI are NOT terrorists and for you to even think about introducing this law is treasonous to the entire population of the United States. You will NOT subvert the Constitution Of the United States.

What are you trying to do, get a lot of people killed? Because I, like a lot of other people in this state, believe in the immortal words of Charleton Heston " You Can Take My Guns When You Can Pry Them Out Of My Cold, Dead Hands" Are you prepared to live with the consequences of your actions???

You both should also remember that you are not above a recall petition and if you keep going in the direction that YOU HAVE CHOSEN, YOU CAN, AND WILL BE RECALLED!!!!!!!!!!!!!!!!!!!!!!!!!!!!

I expect an immediate response to this correspondence with an explanation for your behavior!

Ted Lee
Peshtigo, WI

Henderson, Patrick

From: Ted Lee & Cindy Lebeau [leelebeau@cybrzn.com]

Sent: Friday, January 18, 2002 12:51 PM

To: Mr. Doyle; Gov. Scott McCallum; Rep Kaufert; Rep. Ainsworth; Rep. Albers; Rep. Balow; Rep. Berceau; Rep. Bies; Rep. Black; Rep. Bock; Rep. Boyle; Rep. Carpenter; Rep. Coggs; Rep. Colon; Rep. Cullen; Rep. Duff; Rep. Fitzgerald; Rep. Foti; Rep. Freese; Rep. Friske; Rep. Gronemus; Rep. Grothman; Rep. Gunderson; Rep. Gundrum; Rep. Hahn; Rep. Hebl; Rep. Hines; Rep. Hoven; Rep. Huber; Rep. Hubler; Rep. Huebsch; Rep. Hundertmark; Rep. J. Lehman; Rep. Jensen; Rep. Jeskewitz; Rep. John Gard; Rep. Johnsrud; Rep. Kedzie; Rep. Kestell; Rep. Krawczyk; Rep. Kreibich; Rep. Kreuser; Rep. Krug; Rep. Krusick; Rep. Ladwig; Rep. Lafave; Rep. Lasee; Rep. Lassa; Rep. Lehman; Rep. Leibham; Rep. Lippert; Rep. Loeffelholz; Rep. Mark Green; Rep. McCormick; Rep. Meyer; Rep. Meyerhofer; Rep. Miller; Rep. Montgomery; Rep. Morris-Tatum; Rep. Musser; Rep. Nass; Rep. Olsen; Rep. Ott; Rep. Owens; Rep. Petrowski; Rep. Pettis; Rep. Plale; Rep. Plouff; Rep. Pocan; Rep. Powers; Rep. Reynolds; Rep. Rhoades; Rep. Richards; Rep. Riley; Rep. Ryba; Rep. Schneider; Rep. Schoof; Rep. Seratti; Rep. Sherman; Rep. Shilling; Rep. Sinicki; Rep. Skindrud; Rep. Starzyk; Rep. Staskunas; Rep. Steinbrink; Rep. Stone; Rep. Sykora; Rep. Townsend; Rep. Travis; Rep. Turner; Rep. Underheim; Rep. Urban; Rep. Vrakas; Rep. Walker; Rep. Ward; Rep. Wasserman; Rep. Weickert; Rep. Wood; Rep. Young; Rep. Ziegelbauer; Rep. Suder; Rep. Williams; Sen. Baumgart; Sen. Breske; Sen. Burke; Sen. Chvala; Sen. Cowles; Sen. Darling; Sen. Decker; Sen. Ellis; Sen. Erpenbach; Sen. Fitzgerald; Sen. George; Sen. Grobschmidt; Sen. Hansen; Sen. Harsdorf; Sen. Herb Kohl; Sen. Huelsman; Sen. Jauch; Sen. Kanavas; Sen. Lasee; Sen. Lazich; Sen. Meyer; Sen. Moen; Sen. Moore; Sen. Panzer; Sen. Plache; Sen. Risser; Sen. Robson; Sen. Roessler; Sen. Rosenzweig; Sen. Schultz; Sen. Shibilski; Sen. Welch; Sen. Wirch; Sen. Zien

Subject: Gun Ban-Senate bill 363-947.07

To All WI Senators and Representatives,

I strongly suggest that you vote NO on Senate bill 363 as it contains language which is subversive to the Constitutions of both The United States and The State of WI in that it seeks to ban all types of firearms, for hunting and self-defense, and ammunition in the State of WI.

The attorney general, Jim Doyle, and Sen. Baumgart are trying to covertly sneak this language into Sen. bill 363 without your knowledge. This is a DESPICABLE act, on the parts of these two men, and should be viewed as possibly treasonous towards the People of WI. This is especially true of Mr. Doyle, Who was elected to PROTECT The Constitution of the State of WI, not subvert it!

The subversive language is located in sec.947.07 of bill 363 Please review it for consideration.

I know I don't have to remind you of the Judicial, Economic and Moral Damage this would do to the State of WI. It is possible that Thousands of People could be killed by over-zealous law enforcement agents that would be responsible for taking firearms away from law-abiding citizens, should this bill become law!!!! I, like a lot of other people in this state, believe in the words of the Pres. Of the NRA, Charleton Heston "YOU CAN TAKE MY GUNS WHEN YOU CAN PRY THEM FROM MY COLD, DEAD HANDS"

Again, I IMPLORE you to vote NO on this bill !

I would like a response to this correspondence with your views on this matter of obviously immense importance to the Great State of WI.

Sincerely,

Ted Lee
Peshtigo,WI

Henderson, Patrick

From: Russel Pond Outfitters [russellpond@nidlink.com]

Sent: Friday, January 18, 2002 12:47 PM

To: Sen.Baumgart@legis.state.wi.us; Sen.Zien@legis.state.wi.us; Sen.Wirch@legis.state.wi.us;
Sen.Welch@legis.state.wi.us; Sen.Shibilski@legis.state.wi.us; Sen.Schultz@legis.state.wi.us;
Sen.Rosenzweig@legis.state.wi.us; Sen.Roessler@legis.state.wi.us; Sen.Robson@legis.state.wi.us;
Sen.Risser@legis.state.wi.us; Sen.Plache@legis.state.wi.us; Sen.Panzer@legis.state.wi.us;
Sen.Moore@legis.state.wi.us; Sen.Moen@legis.state.wi.us; Sen.Meyer@legis.state.wi.us;
Sen.Lazich@legis.state.wi.us; Sen.Lasee@legis.state.wi.us; Sen.Kanavas@legis.state.wi.us;
Sen.Jauch@legis.state.wi.us; Sen.Huelsman@legis.state.wi.us; Sen.Harsdorf@legis.state.wi.us;
Sen.Hansen@legis.state.wi.us; Sen.Grobschmidt@legis.state.wi.us; Sen.George@legis.state.wi.us;
Sen.Fitzgerald@legis.state.wi.us; Sen.Erpenbach@legis.state.wi.us; Sen.Decker@legis.state.wi.us;
Sen.Darling@legis.state.wi.us; Sen.Cowles@legis.state.wi.us; Sen.Chvala@legis.state.wi.us;
Sen.Breske@legis.state.wi.us

Cc: Yancy Shepherd

Subject: Senate Bill #363 - strong opposition

My Dear Honorable Ladies and Gentlemen,

The intent of Senate Bill #363 has come to the attention of hunters and shooting sports enthusiasts around the nation. In this time of struggle to over come the struggle with tyranny and terrorism on our own soil we beseech you to vote NO on this bill #363 should it ever come to vote before you.

The scope and ramification of a proposal like this would have drastic negative results, compromising the safety and rights of your constituents throughout the Fine State of Wisconsin.

The ramification of this bill personally would adversely affect us as we serve the sporting and Hunting community of Wisconsin.

Do not be quick to jump on an anti-gun bandwagon in this time of hardship. The individual citizen as part of our primary peacekeeping infrastructure of this country is called for in the Constitution of these United States. We implore you do not disarm the law abiding citizen, nut support his or her right to keep and bear arms of their own choice as part of our heritage and duty.

Best Regards,

Joe & Inga Cabral
Russell Pond Outfitters

208 245 2458

Henderson, Patrick

From: scott [scott@bio-clean.com]
Sent: Friday, January 18, 2002 1:54 PM
To: Sen.Baumgart@legis.state.wi.us
Cc: Terry Schoepp

I was recently informed about a gun ban proposed by you and Mr. Doyle. I cannot stress enough how ashamed I am that you would use anti-terrorist legislation to try and take away my right to own and operate guns. What have I done? You are the people who give the terrorists power by changing the American way of life because of things they do!! I assure you the people in this great state that own guns and abide by the law will not sit back and let government officials such as yourself destroy our heritage. We will do everything in our power to stop these ridiculous bills and the people who try and pass them. I'm ashamed to say you are from Wisconsin sir, but most of all I'm ashamed you would use the tragedy of Sept. 11 to try and sneak this past the people of Wisconsin.....Rest assured we will not stand for it!!

Scott M. Dahlk
2721 Westview Court #8
Cross Plains, WI. 53528
scott@bio-clean.com

Henderson, Patrick

From: Michael Wolosz [mjwoloszalexis@yahoo.com]
Sent: Friday, January 18, 2002 7:44 PM
To: sen.baumgart@legis.state.wi.us
Subject: SB 363

Dear Senator Baumgart. I take exception to being considered a terrorist because I own a gun and enjoy the sport of hunting & shooting. As of this time I will ask you to withdraw SB-363 if not I will support your opponent and oppose your reelection

Respectfully.... Michael & Alexis Wolosz

If you truly believe in this bill then be up front and tell the citizens of Wisconsin that it is a gun Control Bill and not an anti-terrorism bill. Remember Al Gore & his stand on gun control

Do You Yahoo!?
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Henderson, Patrick

From: Winter S. Hess [wispi@execpc.com]
Sent: Monday, January 21, 2002 4:55 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Gun ban bill

I am trying to find proposed legislation that I am told you authored. It has to do with the banning of firearms. Attorney General Doyle is said to be pushing this legislation. The story I am hearing is that virtually every gun except a single shot gun would be banned in Wisconsin. I would like to read the actual legislation to see what it really says.

Can you provide a number or reference to the bill so that I can read it. Thank you.

Winter S. Hess
W162 N10542 Auburn Lane
P.O. Box 862
Germantown, WI 53022
wispi@execpc.com
262-251-7925 (Home)
262-251-7435 (Germantown office)
414-298-8159 (Milwaukee office)
262-251-7436 (Fax)

Henderson, Patrick

From: Michael Anderson

Sent: Sunday, January 20, 2002 2:06 PM

To: Sen.Baumgart@legis.state.wi.us

Subject: anti-terrorism bill

There's an e-mail circulating that claims your anti-terrorism bill is really a gun / ammunition ban. According to the e-mail, only single shot firearms would be legal. It also claims that possessing ammunition, or any of the components required to load your own ammunition, would be a felony. Is there any truth to this?

Henderson, Patrick

From: Thomas Ehrenberg
Sent: Friday, January 18, 2002 7:15 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Disturbing Information

This url appeared on one of the hunting forums I am invloved in. As I read it, I recalled that Farmers and Sportsman's Club in Sheboyan had donated money for one of your sportsman objectives. I think that there is something missing here. I had always considered you the "sportsman's friend" but the information on the attached link is very disturbing to a life-long hunter.
<http://www.legis.state.wi.us/senate...mgert-Doyle.pdf>

Would you comment on this via e-mail back to me?

Henderson, Patrick

From: Anderson, Jim [ja@JTB.CARLISLE.com]
Sent: Tuesday, January 22, 2002 8:42 AM
To: Anderson, Jim; 'Sen.Baumgart@legis.state.wi.us'; 'Sen.Breske@legis.state.wi.us'; 'Sen.Burke@legis.state.wi.us'; 'Sen.Chvala@legis.state.wi.us'; 'Sen.Cowles@legis.state.wi.us'; 'Sen.Darling@legis.state.wi.us'; 'Sen.Decker@legis.state.wi.us'; 'Sen.Ellis@legis.state.wi.us'; 'Sen.Erpenbach@legis.state.wi.us'; 'Sen.Fitzgerald@legis.state.wi.us'; 'Sen.George@legis.state.wi.us'; 'Sen.Grobschmidt@legis.state.wi.us'; 'Sen.Hansen@legis.state.wi.us'; 'Sen.Harsdorf@legis.state.wi.us'; 'Sen.Huelsman@legis.state.wi.us'; 'Sen.Jauch@legis.state.wi.us'; 'Sen.Kanavas@legis.state.wi.us'; 'Sen.Lasee@legis.state.wi.us'; 'Shari.Lord@legis.state.wi.us'; 'Sen.Lazich@legis.state.wi.us'; 'Sen.Meyer@legis.state.wi.us'; 'Sen.Moen@legis.state.wi.us'; 'Sen.Moore@legis.state.wi.us'; 'Sen.Panzer@legis.state.wi.us'; 'Sen.Plache@legis.state.wi.us'; 'Sen.Risser@legis.state.wi.us'; 'Sen.Robson@legis.state.wi.us'; 'Sen.Roessler@legis.state.wi.us'; 'Sen.Rosenzweig@legis.state.wi.us'; 'Sen.Schultz@legis.state.wi.us'; 'Sen.Shibilski@legis.state.wi.us'; 'Sen.Welch@legis.state.wi.us'; 'Sen.Wirch@legis.state.wi.us'; 'Sen.Zien@legis.state.wi.us'
Subject: RE: Proposed Gun Ban SB 363 Baumgart-Doyle

Senators:

If I have offended anyone by sending this letter, I sincerely apologize. I realize this letter was harsh to those of you who have fought for my right to keep and bear arms under the Second Amendment. Sometimes passion and expediency don't mix. My decision to send my concerns to all the Senators, was easier than sending to those who would vote for this bill. I should have taken the time to review each of your voting records. Please accept this apology!

Jim Anderson
PO Box 143
Rice Lake, WI 54868

715-466-5788

> -----Original Message-----
> From: Anderson, Jim
> Sent: Monday, January 21, 2002 11:13 AM
> To: 'Sen.Baumgart@legis.state.wi.us';
> 'Sen.Breske@legis.state.wi.us';
> 'Sen.Burke@legis.state.wi.us'; 'Sen.Chvala@legis.state.wi.us';
> 'Sen.Cowles@legis.state.wi.us'; 'Sen.Darling@legis.state.wi.us';
> 'Sen.Decker@legis.state.wi.us'; 'Sen.Ellis@legis.state.wi.us';
> 'Sen.Erpenbach@legis.state.wi.us'; 'Sen.Fitzgerald@legis.state.wi.us';
> 'Sen.George@legis.state.wi.us'; 'Sen.Grobschmidt@legis.state.wi.us';
> 'Sen.Hansen@legis.state.wi.us'; 'Sen.Harsdorf@legis.state.wi.us';
> 'Sen.Huelsman@legis.state.wi.us'; 'Sen.Jauch@legis.state.wi.us';
> 'Sen.Kanavas@legis.state.wi.us'; 'Sen.Lasee@legis.state.wi.us';
> 'Shari.Lord@legis.state.wi.us'; 'Sen.Lazich@legis.state.wi.us';
> 'Sen.Meyer@legis.state.wi.us'; 'Sen.Moen@legis.state.wi.us';
> 'Sen.Moore@legis.state.wi.us'; 'Sen.Panzer@legis.state.wi.us';
> 'Sen.Plache@legis.state.wi.us'; 'Sen.Risser@legis.state.wi.us';
> 'Sen.Robson@legis.state.wi.us'; 'Sen.Roessler@legis.state.wi.us';
> 'Sen.Rosenzweig@legis.state.wi.us'; 'Sen.Schultz@legis.state.wi.us';
> 'Sen.Shibilski@legis.state.wi.us'; 'Sen.Welch@legis.state.wi.us';
> 'Sen.Wirch@legis.state.wi.us'; 'Sen.Zien@legis.state.wi.us'

> Subject: Proposed Gun Ban SB 363 Baumgart-Doyle

>

> I am writing you today to voice my total and vehement displeasure with
> this proposed bill. While i agree with additional protection from
> terrorists, i don't agree with those who would use terrorism to aid in
> their hidden agenda. If you, or any other State Senator or
Representative

> were to vote in favor of this bill, as written, i would do everything
> within my power and rights under the constitution to have your and
others

> tenure as representatives, ceased!

>

> Jim Anderson

> PO Box 143

> Rice Lake, WI 54868

> 715-466-5788

Henderson, Patrick

From: Daniel Look [dan.look@spenceonline.com]
Sent: Tuesday, January 22, 2002 2:43 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Proposed Gun Ban

Greetings!

I received an e-mail from a friend indicating that you authored a bill to ban certain firearms for hunting. Why would you do this? Hunting is a big part of Wisconsin's history and tax dollars!! My family and I look forward to hunting season every year. We get together and enjoy each others company.

I used to be a police officer and don't feel that hunting guns pose much of a threat!

Cars kill, knives kill, rocks kill, Doctors kill and so on. No matter what

the weapon is, are you going to ban them all? Please don't take away my right to keep and bear arms!! Why should I as a law abiding citizen be punished for something another idiot has done. I don't break the law, drink,

smoke, have sex with anyone but my wife, and yet might have one of my freedoms removed. We need more law enforcement for our current laws.

Lets

get back to the town hangings. That will send a message to the criminals.

Please support the thousands of people in Wisconsin who enjoy hunting!!

Henderson, Patrick

From: Dingman Family [leadingman@santel.net]
Sent: Tuesday, January 22, 2002 3:45 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: bill 363

Dear Senator,

I was sent an e-mail from friends about senate bill 363. They are concerned about some of the language in this bill. I decided not to act before checking the facts. I've read the 56 pages that are on the Wisconsin Senate web page.

I am concerned about the wording as it pertains to hunters. I am the wife of a former US Marine who is now a guardsman in the state of SD. We are very concerned and upset about the WTC and the aftermath of the war on terrorism. We personally know people who are there and who could die to defend the freedoms and rights we have taken for granted for so many years.

I applaud your efforts, but do not want to lose hunters rights and priveledges in a misdirected effort to thwart terrorism.

It is my understanding that the bill 363 would make it a crime to re-load your own hunting ammunition, and to possess the supplies to do so. It is also my understanding that owning anything other than a single shot rifle or shotgun would be a felony.

As I'm sure you are aware many law abiding citizens possess shotguns for hunting that hold 2-4 shells at a time, that are not only legal, but necessary when hunting upland game birds, ducks, geese, and many other legally hunted animals.

Please reconsider the wording of this bill so that you don't destroy the traditions that have made this country great. Stop any terrorist activities without jeporadizing the rights of the people who are fighting to do so.

I would appreciate your response to my letter as well as any updates on the modifications to the bill. This is the web address for the site I was referred to to sign a pettition against your bill 363.
www.PetitionOnline.com/WGB/

I think you would be interested to know what is being said about you.

Concerned in SD,
Mrs. Lea Dingman

Henderson, Patrick

From: Steve [biteme@wi.net]
Sent: Tuesday, January 22, 2002 5:47
To: Sen.Baumgart@legis.state.wi.us
Subject: gun ban

I hope you aren't serious about this gun ban in Wisconsin? If you are and ATT: Doyle you have just made a lot of mad hunters,sportsmen,women and families who like to hunt sport shot Trap skeet you know the family things. I have been brought up on guns from the time I can remember I use them safely my kids use them safely and thousands of other people in this state do the same and I MEAS THOUSANDS. you must not have polled the people in Wisconsin who do hunt an own guns law abiding citizens vs the anti hunners because if you would have you would have never came up with something as so stupid I;m sure,I don't think you two have thought this out very hard at all,This is a hunting state a gun sporting state people in this state have allways had guns and use them accordinly, The crimminals are allways going to have guns even if this had a chance to pass which I know it dosen;t it will not stop the crimminals from having them never did never will Total proabition does not work never does.You have made thousands of sportsmen very unhappy,my question is why would you even think of comming up with a bill like this,don;t you have more important things to do at you office like ways to keep crimminals behind bars this bill is not going to do a thing to stop crimminal activity in the State of Wisconsin I guarentee that and you two know that also. Steve biteme599@yahoo.com

Henderson, Patrick

From: Kevin and Tammy Naze [kevntam@itol.com]
Sent: Tuesday, January 22, 2002 3:14 PM
To: Sen. Jim Baumgart
Subject: Gun bill

Jim, I'm getting bombarded with forwards of Zien's press release ... was this just a political jab or does this proposed bill really do what he's saying it would?

Thanks for any insight or press release on your response,

Kevin

Henderson, Patrick

From: Jeff McCullick [mcculjd@mwt.net]

Sent: Tuesday, January 22, 2002 8:39

To: Sen.Baumgart@legis.state.wi.us

Subject: SB363

Senator,

I understand that you are sponsoring a bill that would greatly affect of certain firearms and ammunition. I hope this is not true. I am willing to hear your side of the story before judging your motives. Please reply.

Sincerely,
Jeff McCullick (average citizen and proud gun owner)

Henderson, Patrick

From: Eric Skell [eskell@electro-pro.com]
Sent: Tuesday, January 22, 2002 9:37 AM
To: Sen.Baumgart@legis.state.wi.us
Subject: Gun Ban

Sneator:

Please explain to me the basis for your gun ban Bill. I have seen the Republican side and I am willing to listen to what you have to say. Thank you for your time.

Eric Skell

--

Learning is not compulsory. Neither is survival. - W. Edwards Deming

Henderson, Patrick

From: Robert Richmond [brdayr@yahoo.com]
Sent: Tuesday, January 22, 2002 11:15 PM
To: Sen.Baumgart@legis.state.wi.us
Cc: Anne.Eskeitz@legis.state.wi.us; Patrick.Henderson@legis.state.wi.us; Scott.Mueller@legis.state.wi.us;
James.Wexler@legis.state.wi.us
Subject: Rumors abound of legislation regarding gun-ban

This is floating around the internet:

*Baumgart, Doyle Propose Gun Ban**Pump Shotguns and Most Other Firearms Banned*

Virtually every gun used to hunt in Wisconsin would be illegal to use under a bill authored by Senator Jim Baumgart at the request Attorney General Jim Doyle. The supposed terrorism legislation would outlaw the use of any pump, lever or bolt action rifle or shotgun as well as any revolver or semi-automatic firearm for hunting, self-defense or target practice.

In fact, only single-shot firearms, less than one-percent of all firearms, could be used by anyone except law enforcement and the military. Anyone using a firearm that holds more than one bullet or even owning a single bullet would be guilty of a Felony.

"If Baumgart and Doyle get their way, every hunter in Wisconsin would be an instant criminal, facing prison and a lifetime loss of voting rights," said state Senator Dave Zien (R-Wheaton).

"Reloading your own shotgun shells could send you to prison for 15-years." Rather than ban firearms outright, Doyle and Baumgart ban all types of ammunition by defining the bullet as both a "destructive device" and an "explosive," the gunpowder as an "explosive" and even the tiny primer that ignites every bullet is specifically called a "detonator."

Owning, possessing or using any of these items would be a felony offense, unless the citizens could prove they were only for use in "firearms that are designed to shoot no more than one shot without manual reloading" (i.e. single shot firearms).

"Can you imagine a Wisconsin elected official outlawing the use every pump shotgun and labeling every duck hunter a asked Zien. "Maybe the Attorney General should concentrate on the real terrorists and leave law-abiding gun owners alone."

This is an portion of a "press release" floating around various (usually gun-related) forums.

I'm a cynic, personally, so I never accept something without collaboration. I did various searches on assorted search engines looking for verification, but turned up nothing. I've decided to go straight to the source on this and email is usually my first avenue of contact with politicians and government agencies.

I would appreciate it if you, or someone from your staff, would clarify this rumor.

Thank you,
Robert Richmond
brdayr@yahoo.com



**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: SENATOR JAMES BAUMGART

FROM: Ronald Sklansky, Senior Staff Attorney *RS*

RE: 2001 Senate Bill 363

DATE: January 22, 2002

This memorandum, prepared at your request, responds to a series of questions you have raised regarding 2001 Senate Bill 363. Specifically, you have, in general, asked questions regarding the meaning and effect of language proposed in Senate Bill 363, relating to explosives, destructive devices, detonators, and weapons of mass destruction.

A. Provisions of Senate Bill 363

The pertinent provisions of Senate Bill 363 in proposed s. 947.07, Stats., provide that:

1. Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or possesses an explosive or a destructive device is guilty of a Class C felony.
2. Whoever manufactures, buys, sells, offers to sell, transfers, distributes or possesses a detonator with intent to commit a crime is guilty of a Class C felony.
3. Whoever manufactures, buys, sells, offers to sell, transfers, distributes, uses, or possesses a device component with intent that the device component be used to construct or assemble a destructive device is guilty of a Class C felony.
4. Whoever uses an explosive or a destructive device is guilty of a Class B felony.
5. Whoever uses a detonator with intent to commit a crime is guilty of a Class B felony.

[See proposed s. 947.07 (2) (a), (b), and (d) and (3) (a) and (b), Stats.]

The definition of the term "destructive device" in part means a device that contains an explosive and is designed or configured to cause substantial bodily harm, death, or property damage, including a

missile having an explosive charge of more than one-quarter ounce. [See proposed s. 947.07 (1) (c), Stats.]

The term "explosive" is defined in part to mean any chemical compound, other substance, or mechanical system that is intended to produce an explosion capable of causing substantial bodily harm, death, or property damage. [See proposed s. 947.07 (1) (f), Stats.]

The term "detonator" is defined in part to mean a device containing an exploding charge used to initiate detonation in an explosive or a destructive device, or any device capable of initiating or setting off an explosive charge including an impact device, a timing mechanism, a primer, primer or detonating cord, a detonating cap or detonating cord, a detonating cap, or detonating cord delay connectors. [See proposed s. 947.07 (1) (d), Stats.]

In general, the prohibitions on the manufacture, trade, possession or use of explosives, destructive devices or detonators does not apply to the following individuals:

1. Persons acting under federal or state licenses or permits.
2. Members of the armed forces.
3. Law enforcement officers or firefighters.
4. Persons conducting research or education.

[See proposed s. 947.07 (6), Stats.]

Finally, the criminal prohibitions contained in the statute do not apply to the manufacture, trade, or possession of ammunition for firearms or components for ammunition for firearms that are designed to shoot no more than one shot without manual reloading. [See proposed s. 947.07 (7) (c), Stats.]

B. Discussion

You have asked how the prohibitions of proposed s. 947.07, Stats., will affect the typical resident of Wisconsin who is not otherwise exempted from the provisions of the statute because of licensure, a permit, membership in the armed forces, status as a law enforcement officer or firefighter, or status as a person conducting research or education.

With respect to the issue of the manufacture, trade, possession, or use of a detonator, the impact of the proposed statute is clear. Only a person who commits an act with a detonator "with intent to commit a crime" will be guilty of a felony. Since the typical citizen does not act with the intent to commit a crime, the provisions of the proposed statute relating to a detonator should provide no obstacle to these individuals.

The effect of the remaining prohibitions is not altogether clear because the statutory definitions may, in some respects, be ambiguous. For example, the term "explosive" is defined to mean in part any chemical compound or mechanical system that is intended to produce an explosion capable of causing substantial bodily harm, death, or property damage. This language could include gunpowder or a firearm because either might be considered an item "intended to produce an explosion capable of

causing substantial bodily harm, death, or property damage.” Similarly, the term “destructive device” may include a device (a firearm) that contains an explosive (gunpowder) that is designed or configured to cause substantial bodily harm, death, or property damage and may include a missile (ammunition) having an explosive charge of more than one-quarter ounce. Consequently, if the terms “explosive” and “destructive device” include gunpowder, ammunition, and a firearm, then whoever manufactures, buys, sells, offers to sell, transfers, distributes, possesses, or uses gunpowder, ammunition or a firearm, may be guilty of committing a felony, with one exception. [Compare s. 941.31 (1), Stats., which provides that whoever makes or trades any explosive compound or offers to do the same, either with intent to use the explosive to commit a crime or knowing that another intends to use it to commit a crime, is guilty of a Class C felony.]

The exception referred to in the previous paragraph is contained in proposed s. 947.07 (7) (c), Stats., and states that the statute’s prohibitions do not apply to the manufacture, purchase, sale, offer to sell, transfer, distribution or possession of ammunition for firearms or components for ammunition for firearms that are designed to shoot no more than one shot without manual reloading. Obviously, the effect of this exception depends on the meaning of the phrase “firearms that are designed to shoot no more than one shot without manual reloading.” The phrase may be referring to ammunition used in any firearm other than a machine gun. For example, the definition of the term “machine gun” in s. 941.27 (1) (a), Stats., provides that a machine gun is any weapon that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. Perhaps the exception contained in Senate Bill 363 can be read to apply to the ammunition for any firearm that is not the fully automatic weapon described in s. 941.27, Stats. However, the definition in s. 941.27, Stats., only applies to ss. 941.25 and 941.26, Stats. It is possible that the exception in the bill could be read to apply only to ammunition for firearms that require the operator to insert ammunition into the firearm after each shot. If so, a person using ammunition for any other type of firearm conceivably could place the individual in jeopardy of committing a felony described in this memorandum. [In contrast, see s. 941.31 (2) (a), Stats., which provides that the term “improvised explosive device” used in that statute does not include ammunition for any rifle, pistol, or shotgun. Section 941.31, Stats., is repealed in Senate Bill 363.]

In summary, you have suggested a concern for the ability of Wisconsin residents to continue to possess, transfer, and use ammunition and firearms if proposed s. 947.07, Stats., is enacted into law. Because the meaning of the provisions of s. 947.07, Stats., is not entirely clear, amendments to Senate Bill 363 may be required to specifically describe the limits of the proposal.

If I can be of any further assistance in this matter, please feel free to contact me.

RS:jal;tlu

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Doyle defends proposed bill to fight terrorism

By Martha H. Shad

Sheboygan Press staff



Wisconsin Attorney General James Doyle said Monday in Sheboygan that his anti-terrorism proposal is being misinterpreted by opponents who claim the law would amount to a ban on almost all guns in Wisconsin.

This proposal (Senate Bill 363) was not meant to restrict ammunition, but bombs, Doyle said Monday of his anti-terrorism proposal.

Doyle said his anti-terrorism proposal seeks to ban items that use or contain a destructive device, detonator or explosive.

Opponents say the bill would ban almost all ammunition and guns.

In particular, the paragraphs that seem to be causing the most controversy make ammunition for firearms or components for ammunition for firearms that are designed to shoot no more than one shot without manual reloading a destructive device ... designed ... to cause substantial bodily harm, death or property damage.

Opponents of Doyle's plan, such as Dave Zien, a state senator from Eau Claire and chair of the Republican caucus, say the proposal will lead to a ban on virtually all weapons except those used by police.

The supposed terrorism legislation would outlaw the use of any pump, lever or bolt action rifle or shotgun as well as any revolver or semi-automatic firearm for hunting, self-defense or target practice, Zien said. In fact, only

single-shot firearms, less than 1 percent of all firearms could be used by anyone except law enforcement and the military. Anyone using a firearm that holds more than one bullet or even owning a single bullet would be guilty of a felony.

Doyle's proposal has already been returned to the legislative drafting committee for clarification.

The proposal falls under Doyle's Domestic Security Plan, released in October, which seeks to punish anyone involved in a terrorist act.

The proposal is sponsored by three Senators, including Sheboygan Democrat James Baumgart, and 16 state representatives.

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Henderson, Patrick

From: Kevin and Tammy Naze [kevntam@itol.com]
Sent: Tuesday, January 22, 2002 3:14 PM
To: Sen. Jim Baumgart
Subject: Gun bill

Jim, I'm getting bombarded with forwards of Zien's press release ... was this just a political jab or does this proposed bill really do what he's saying it would?

Thanks for any insight or press release on your response,

Kevin

Henderson, Patrick

From: Robert Lindert [rlindert@execpc.com]
Sent: Wednesday, January 23, 2002 6:38
To: Sen.Baumgart@legis.state.wi.us
Subject: Gun Control

Dear Mr. State Senator Baumgart,

Today at work I saw a piece of letterhead that talked about a possible gun law or proposal about controlling guns in Wisconsin. It was sent via email and was on your office letterhead. It talked about outlawing most guns except for the single shot shotgun. Was this document for real, or can you shed any light on this subject? If I could see a copy of it via email, that would be great. I have been a hunter here in Wisconsin for 15 years and am interested in weather this story is true. Reading your bio on the internet, I can hardly believe this is true but would like to know the truth. Thank you for your time.

Sincerely,

Robert Lindert

01/25/2002

Henderson, Patrick

From: Tempas Jeff [Jeff.Tempas@kohler.com]
Sent: Wednesday, January 23, 2002 2:34 PM
To: 'Sen.Baumgart@legis.state.wi.us'
Subject: Bill 363

I don't understand how you could author bill 363 and also claim that you are a sportsman and will protect sportsman's rights. The bill very clearly outlaws almost all ammunition that sportsmen use in their firearms. This is not a bill to prevent terrorism but rather one that eliminates the use of firearms incognito. Don't people who sign and author these bills actually read them?

Jeff Tempas
Oostburg, WI

Henderson, Patrick

From: Bartz Dan [Dan.Bartz@kohler.com]
Sent: Wednesday, January 23, 2002 2:28 PM
To: 'Sen.Baumgart@legis.state.wi.us'
Subject: Proposed Senate Bill 363

To The Honorable Senator Jim Baumgart:

Jim Remember me? Dan Bartz from the Cleveland Family Restaurant, Kohler Co. Employee, your friend, A Koenig's Conservation Club member, a Sheboygan County Conservation Assn. member.

About Sen. Bill 363..... I totally can understand the intent and could support a bill that establishes rigid criteria for combating terrorism in the State of Wisconsin, for that matter the entire world, but what is this?

I humbly ask, heck I am begging you to please go back and look at this proposed bill. The way it is written sportsman in the State of Wisconsin might as well pack their bags and move to another state, because the bill if passed will make us gun Deer Hunters, Trapshooters, Duck Hunters and the like, criminals and felons, subject to prison terms. If I recall correctly this bill would do the same to you! The State could suffer significant commerce income loss because there will be no hunting sports allowed that require the use of firearms. At the same time we can add additional inmates to the already overcrowded prisons, then we can tack more onto the budget and make it even more difficult for property tax payers.

Jim, As my Senator, as my friend please go back and rethink this proposed bill.

As you friend and a constituent I am in opposition to this bill as it is currently proposed.

Thank you for listening

Daniel J. Bartz
Staff Analyst, Codes & Standards
Engineering
Kohler Plumbing North America
dan.bartz@kohlerco.com
(920) 457-4441 Ext. 77274

Henderson, Patrick

From: spooky [spooky0001@yahoo.com]
Sent: Wednesday, January 23, 2002 7:58 AM
To: Sen.Baumgart@legis.state.wi.us
Subject: you just lost your job COMMIE!!!!

MR BUM....AND YOUR BILL ON REPEATING TYPE HUNTING GUNS...

SIR... THE 18 MILLION STRONG NRA ARE COMING AFTER YOUR JOB! WE PROMISE YOU..THAT BECAUSE OFYOUR COMMUNISTIST..SOCIALIST ANTI AMERICAN LIBERAL VIEWS ON THE RIGHTS OF ALL AMERICANS UNDER THE 2ND AMENDMENT..WE WILL REMOVE YOU FROM OFFICE YOU CUR, YOU ARE NOT FIT TO HOLD THE OFFICE OF A U S SENATOR..MUCH LESS CALL YOURSELF AN AMERICAN...IF THE NRA CAN PUT PRESIDENTS IN AND OUT OF OFFICE..REMOVING A SOCIALIST MARXIST ANTI AMIERICAN ANTI CONSTUTIONAL SCUMBAG LIKE YOURSELF..SHOULDNT BE A PROBLEM AT ALL..KIND OF LIKE SWATTING FLIES...MR DIRTBAG..CONSIDER YOURSELF FIRED! COME NEXT ELECTION..YOUR HISTORY! DONT BELIEVE IT...WAIT AND SEE....

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Henderson, Patrick

From: Gary J. Fritsch
Sent: Thursday, January 24, 2002 2:09 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Senate Bill 363

Dear Senator Baumgart,

I am very disappointed to have it come to my attention that you are co-sponsoring Senate Bill 363, which in effect, makes almost all guns and ammunition owned by the law-abiding citizen's of the State of Wisconsin illegal. After reading the bill and seeing that the Legislative Council agree that this would be the result of this bill, I can not believe you or Attorney General Doyle when you claim that it is just partisan Republicans that are playing "political games" to further their own agenda's.

What disappoints me the most, Senator, is that I have seen you and met you at many outdoor banquets such as Woods & Waters in Sheboygan and always thought that you were on the side of the Wisconsin Sportsmen. After seeing this bill and noticing that you are one of the only one's that hasn't withdrawn your name from the bill, I now believe that you were at these banquets under false pretences. Your presence at these was just a hypocritical ploy to get people to vote for you even though you knew that you would not be governing in these peoples best interests. You have lost all credibility with the Wisconsin sportsman and we will make sure to get the word out about your anti-gun stance. Hopefully, when the next opportunity comes you to try to act as though you care about the law-abiding gun owners of Wisconsin in a face to face meeting, the gun owner will shake your hand and say "nice to meet you, but I know what you are about and will not be voting for you anymore. Have a nice day."

Sincerely,

Gary Fritsch
Sheboygan

Henderson, Patrick

From: Bill Murphy [murf@eishome.com]
Sent: Thursday, January 24, 2002 5:21 PM
To: Sen.Baumgart@legis.state.wi.us
Subject: Senate Bill 363: have you lost your mind?

Sir,

I cannot believe that you have sponsored a bill that is totally against all WI sportsmen and women. You must withdraw this bill. Just what do you think will be accomplished? An end of terrorism? You've got to be kidding. As a retired Police Officer, I can tell you this would do NO good. If you continue to remain in political bed with Att. Gen. Doyle, you have sounded the end of your political career. I will lend my financial support and time/energy to whoever your next opponent is.

Regards, Bill Murphy

"Life is tough, it's tougher if you're stupid." - John Wayne

-Smith & Wesson: the original point and click interface.-

Henderson, Patrick

From: Mike Vandervest [mvandervest@engagenet.com]
Sent: Thursday, January 24, 2002 11:24 AM
To: 'Sen.Baumgart@legis.state.wi.us'
Subject: gun ban

Dear sir,

I have just looked at your new proposal and I am amazed that you as a representative of ours has the audacity to propose such a thing! How could you in good faith tell me that I should no longer be able to own my guns? I have never even had a speeding ticket and enjoy going to the woods hunting, need I remind you sir that Wisconsin gets allot of money from hunting? and what you and the minority of people in Wisconsin want goes against the majority? YOU WILL NEVER RECEIVE MY VOTE AGAIN!!!! Next time you come up with a touchy feel good bill think about that.

sincerely,

mike vandervest

JAN 28 2002

Thursday, Jan, 24 2002

Jim Baumgart
P.O. Box 7882
Madison, Wi. 53707

file

Dear Jim,

I think its very patriotic of some legislator to try to protect the fine people of this state, by introducing an Anti-Terrorism Legislative Package. But what I have read and have learned by making a few phone calls, there seems to be a hidden agenda in this package. That agenda could be used as a back door effort to rid the law bidding citizens of this state, The Right to Keep and Bear Arms. A right the State Constitution has granted us since its amendment in 1998. The question put to you as a representative of the people. Is this legislation written to protect us from the threat of terrorism, or just another attempt to deny us of, or infringe on one of our constitutional rights. If it is truly to protect us from the threat of terrorism. I would think that the language of this bill could be written as to not infringe on any of our constitutional rights.

But if in fact it is a back door attempt at another form of Gun Control. I feel it is disgraceful and disgusting of any representative of this state to try to cash in on the terror and tragedy of what happen to this Nation on September 11th. And to stand up and call themselves patriots of this nation.

Sincerely Yours,



Walter M. Kogutkiewicz
5332 Cty. K.
Chippewa Falls, Wi. 54729

*Feel free to pass this
on to James Doty.
Thank you*