

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB214)

Received: **11/04/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing:

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Beverages**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Carrying concealed weapon while under the influence or with a prohibited BAC

Instructions:

See Attached

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>
/?	mdsida 11/05/2003	kfollett 11/05/2003		_____			
/1			pgreensl 11/05/2003	_____	sbasford 11/05/2003	sbasford 11/05/2003	

FE Sent For:

<END>

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/?	mdsida	11/11 11/5	11/5 ps	11/5 ps/ch			
FE Sent For:							
<END>							

Dsida, Michael

From: Rep.Black
Sent: Tuesday, November 04, 2003 5:37 PM
To: Dsida, Michael
Subject: RE: amendments

yes

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

From: Dsida, Michael
Sent: Tuesday, November 04, 2003 5:33 PM
To: Rep.Black
Subject: RE: amendments

Besides lowering the penalties for carrying while intoxicated, the bill also creates a new offense, carrying a concealed weapon with a BAC of 0.08, and establishes mechanisms for testing for BAC. (Current law does not have a BAC prohibition -- only a "while intoxicated" prohibition.) Do you want your amendment to affect the 0.08 BAC provision? For example, you may want to have the penalty for a violation of the 0.08 prohibition the same as the penalty (under current law and under your amdt) for carrying while intoxicated. (Note that the 0.08 provision only applies to concealed weapons under the bill.)

Feel free to call if you have questions.

Mike Dsida

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

From: Rep.Black
Sent: Tuesday, November 04, 2003 5:17 PM
To: Dsida, Michael
Subject: amendments

Mike: I know that Glenn has communicated with you about the amendments I want. The stem from the Leg Council memo

Feel free to call/email me if you have questions. You can list me as the requestor and send me the amendments.

What I want is two amendments.

1. keep current penalties for possession of a weapon in a school zone or on school premises regardless of whether it is concealed or not.
2. keep current penalties for possession of a weapon when intoxicated regardless of whether it is concealed or not.

Thank you Spencer Black

ASSEMBLY AMENDMENT,
TO 2003 SENATE BILL 214

Wed

- 1 At the locations indicated, amend the engrossed bill as follows:
- 2 **1.** Page 28, line 21: after that line insert:
- 3 “(qm) Within the preceding 3 years, the individual was not convicted of, or was
- 4 not serving a sentence or on probation for, a violation of sub. (2k) (e) or (16) (cm) 1.”.
- 5 **2.** Page 32, line 2: after “(o),” insert “(qm),”.
- 6 **3.** Page 32, line 21: after “(o),” insert “(qm),”.
- 7 **4.** Page 32, line 24: after “(o),” insert “(qm),”.
- 8 **5.** Page 33, line 3: after “(o),” insert “(qm),”.
- 9 **6.** Page 34, line 9: after “(o),” insert “(qm),”.
- 10 **7.** Page 34, line 14: after “(o),” insert “(qm),”.
- 11 **8.** Page 35, line 13: after “(o),” insert “(qm),”.
- 12 **9.** Page 47, line 8: delete lines 8 to 12 and substitute:

1 "(cm) 1. A person may not carry a concealed weapon if his or her alcohol
2 concentration exceeds 0.04."

3 ~~10.~~ Page 47, line 14: delete "a or b" and substitute "or s. 941.20 (1) (bm)".

4 ~~11.~~ Page 47, line 15: delete "a."

5 ~~12.~~ Page 47, line 16: delete "the", the" and substitute "and s. 941.20 (1) (bm)

6 the".

7 ~~13.~~ Page 47, line 17: delete "a. and b." and substitute "and s. 941.20 (1) (bm)".

8 ~~14.~~ Page 47, line 16: delete "requires" and substitute "require".

9 ~~15.~~ Page 47, line 18: delete "This subsection does" and substitute "Paragraphs
10 (a), (at), (b), and (c) do".

11 ~~16.~~ Page 47, line 21: delete "(2k) (e) or (16)" and substitute "(16) (a), (at), (b),
12 or (c)".

13 ~~17.~~ Page 47, line 22: after that line insert:

14 "(bm) Any person who violates sub. (2k) (e) or (16) (cm) ^{may} shall be fined not less
15 than ~~\$500~~ ^{or} more than \$10,000 ^{and} may be imprisoned for not more than 9
16 months." or both

17 ~~18.~~ Page 53, line 11: delete "a. or b." insert "or s. 941.20 (1) (bm)"

18 ~~19.~~ Page 53, line 13: delete "0.08" and substitute "0.04"

19 ~~20.~~ Page 53, line 14: delete "0.08" and substitute "0.04".

20 ~~21.~~ Page 53, line 15: delete "1. a." and substitute "1"

21 ~~22.~~ Page 53, line 16: delete "0.08" and substitute "0.04"

22 ~~23.~~ Page 53, line 17: delete "0.08" and substitute "0.04"

17 = after "require." insert "Subdivision 1.a. and s. 941.20
(1) (bm) each requires proof of a fact for conviction which the other does
not require."

1
2
3

~~24~~. Page 55, line 3: delete lines 3 to 7 and substitute "influence of an
intoxicant."

(END)