

2003 ASSEMBLY BILL 71

February 18, 2003 – Introduced by Representatives WIECKERT, MUSSER, HINES, M. LEHMAN, HAHN, GIELOW, KRAWCZYK, BIES, OWENS, LADWIG, OLSEN, GUNDERSON, JESKEWITZ, TOWNSEND, OTT, F. LASEE, NASS, STONE, J. FITZGERALD, VRAKAS, VAN ROY and WEBER, cosponsored by Senators COWLES, SCHULTZ, LAZICH, STEPP, BROWN, KANAVAS, ROESSLER and LEIBHAM. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 947.017 and 973.06 (1) (ar) of the statutes; **relating to:** threats
 2 to release or disseminate harmful chemical, biological, or radioactive
 3 substances and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits making or conveying a threat to destroy property with explosives knowing that the threat is false. This bill prohibits intentionally making a threat to release or disseminate a harmful substance knowing that the threat is false, if the threat induces a reasonable expectation or fear that the person making the threat will release or disseminate a harmful substance. The bill defines “harmful substance” as a radioactive material that is harmful to human life, a toxic chemical or its precursor, or a biological agent. A person who violates the prohibition against threats concerning harmful substances on or after February 1, 2003, may be fined not more than \$10,000, sentenced to a period of confinement in prison followed by a term of extended supervision that together may not exceed three and a half years, or both.

The bill also requires that courts assess against persons convicted of making threats related to harmful substances, certain costs incurred by state and local government agencies in responding to the threat, including the cost of supplying emergency law enforcement and medical personnel to respond to the threat, the cost of analyzing any allegedly harmful substance, and the cost of treating suspected victims exposed to an allegedly harmful substance.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

2 **947.017 Threats to release chemical, biological, or radioactive**
3 **substances. (1)** In this section:

4 (a) “Biological agent” means a microorganism or an infectious substance, or any
5 naturally occurring, bioengineered, or synthesized toxin or component of a
6 microorganism or an infectious substance that is capable of causing death, disease,
7 or other biological malfunction in humans.

8 (b) “Harmful substance” means radioactive material that is harmful to human
9 life, a toxic chemical or its precursor, or a biological agent.

10 (c) “Microorganism” includes a bacterium, virus, fungus, rickettsia, or
11 protozoan.

12 (d) “Precursor” means any chemical reactant that takes part at any stage in the
13 production by whatever method of a toxic chemical.

14 (e) “Toxic chemical” means any chemical that through its chemical action on life
15 processes can cause death, temporary incapacitation, or permanent harm to
16 humans.

17 **(2)** Whoever, knowing the threat to be false, intentionally threatens to release
18 or disseminate a harmful substance, if the threat induces a reasonable expectation
19 or fear that the person will release or disseminate a harmful substance, is guilty of
20 a Class I felony.

