

2003 SENATE BILL 105

April 9, 2003 – Introduced by Senators LEIBHAM, A. LASEE and STEPP, cosponsored by Representatives SUDER, JESKEWITZ, KESTELL, HAHN, HINES, OTT, LEMAHIEU, NASS, ALBERS, GIELOW and TOWNSEND. Referred to Committee on Transportation and Information Infrastructure.

1 AN ACT *to amend* 343.10 (1) (a) and 343.31 (3) (a); and *to create* 343.31 (2s),
2 938.34 (14q) and 973.137 of the statutes; **relating to:** mandatory operating
3 privilege suspension for certain firearm offenses and bomb scares.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from making a bomb scare (intentionally conveying or causing to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives). Making a bomb scare is a Class I felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

Current law prohibits, with exceptions, any person from knowingly possessing a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone. Such a violation is a Class I felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

Current law prohibits, with exceptions, any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm at a place the individual knows is a school zone. Such a violation is a Class G felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed ten years, or both.

This bill requires a court that convicts a person of one of the firearm offenses described above or of a bomb scare involving the threatened destruction of property that is owned or leased by the state or any political subdivision of the state or of school

SENATE BILL 105

premises, or that adjudicates a juvenile delinquent for one of those offenses, to notify the Department of Transportation (DOT) of the person's conviction or adjudication. Upon receiving the notice, DOT must suspend the person's operating privilege for two years. If the person's operating privilege is already suspended or revoked at the time of the violation, or if the person is not eligible for an operator's license at the time of the violation, the period of suspension does not begin until the person is eligible and applies for an operator's license.

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.** 343.10 (1) (a) of the statutes is amended to read:

2 343.10 (1) (a) If a person's license or operating privilege is revoked or
3 suspended under this chapter or s. 767.303, 938.34 (14q), or 961.50 and if the person
4 is engaged in an occupation, including homemaking or full-time or part-time study,
5 or a trade making it essential that he or she operate a motor vehicle, the person, after
6 payment of the fee provided in sub. (6), may file an application with the department
7 setting forth in detail the need for operating a motor vehicle. No person may file more
8 than one application with respect to each revocation or suspension of the person's
9 license or operating privilege under this chapter or s. 767.303, 938.34 (14q), or
10 961.50, except that this limitation does not apply to an application to amend an
11 occupational license restriction.

12 **SECTION 2.** 343.31 (2s) of the statutes is created to read:

13 343.31 (2s) The department shall suspend a person's operating privilege for 2
14 years upon receiving a record of conviction under s. 973.137. If the department
15 receives a record of conviction under s. 973.137 or a notice of suspension under s.
16 938.34 (14q) for a person whose license or operating privilege is currently suspended
17 or revoked or for a person who does not currently possess a valid operator's license,

SENATE BILL 105

1 the suspension is first effective on the date on which the person is first eligible for
2 issuance, renewal, or reinstatement of an operator's license.

3 **SECTION 3.** 343.31 (3) (a) of the statutes is amended to read:

4 343.31 **(3)** (a) Except as otherwise provided in this subsection or sub. (2m) or
5 (2s), all revocations or suspensions under this section shall be for a period of one year.

6 **SECTION 4.** 938.34 (14q) of the statutes is created to read:

7 938.34 **(14q)** CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
8 other disposition imposed under this section, if the juvenile is found to have violated
9 s. 947.015 and the property involved is owned or leased by the state or any political
10 subdivision of the state, or if the property involved is a school premises, as defined
11 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235 or 948.605,
12 the court shall immediately suspend the juvenile's operating privilege, as defined in
13 s. 340.01 (40), for 2 years. The court shall immediately forward to the department
14 of transportation the notice of suspension, clearly stating that the suspension is for
15 a violation of s. 947.015 involving school premises, or for a violation of s. 941.235 or
16 948.605. If otherwise eligible, the juvenile is eligible for an occupational license
17 under s. 343.10.

18 **SECTION 5.** 973.137 of the statutes is created to read:

19 **973.137 Courts to report convictions to the department of**
20 **transportation.** Upon conviction of a person for any of the following offenses, the
21 clerk of the court in which such conviction occurred shall promptly forward the record
22 of conviction to the department of transportation:

23 **(1)** A violation of s. 941.235.

