

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/27/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Making a bomb threat and loss of driving privileges

---

**Instructions:**

redraft AB 171

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**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>
/?	phurley 01/27/2003	wjackson 02/13/2003		_____			S&L
/1			pgreensl 02/14/2003	_____	mbarman 02/14/2003	mbarman 03/07/2003	S&L
/2	phurley	wjackson	rschluet	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	03/11/2003	03/12/2003	03/12/2003 _____		03/12/2003	03/12/2003	

FE Sent For:

<END>

↳ At intro

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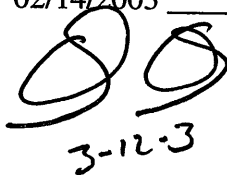
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/1		1/2 WLj 3/12	pgreensl 02/14/2003	_____	mbarman 02/14/2003	mbarman 03/07/2003	

  
3-12-3

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/?	phurley	1 WLJ 2/13	2/13 pg	2/14 pg/RS			

FE Sent For:

<END>

# 2001 ASSEMBLY BILL 171

March 6, 2001 - Introduced by Representatives LEIBHAM, KESTELL, STARZYK, RHOADES, SUDER, GARD, GRONEMUS, GUNDERSON, POWERS, SYKORA, ALBERS, TOWNSEND, STONE and JESKEWITZ, cosponsored by Senators DARLING, WELCH and ROSENZWEIG. Referred to Committee on Transportation.

REGEN

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 firearms offenses and bomb scares involving  
4 school premises.

### 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 ~~five years~~, 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 ~~felony~~ <sup>I</sup> ~~misdemeanor~~, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed ~~five 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 ~~D~~ <sup>E</sup> ~~felony~~, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed ten years, or both.

This bill requires a court that convicts a person of one of the firearms offenses described above or of a bomb scare involving the threatened destruction of school

Three years and six months



**ASSEMBLY BILL 171**

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 to run 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:*

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

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

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

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

Please  
proof  
w/  
stats.

**ASSEMBLY BILL 171**

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

3 **SECTION 3.** 343.31 (3) (a) <sup>X</sup> 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.

} Please  
proof  
w/stats

6 **SECTION 4.** 938.34 (14q) <sup>X</sup> of the statutes is created to read:

7 938.34 (14q) VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT SCHOOL. In  
8 addition to any other disposition imposed under this section, if the juvenile is found  
9 to have violated s. 947.015<sup>↓</sup> and the property involved is <sup>STET</sup> a school premises, as defined  
10 in s. 948.61 (1) (c)<sup>↓</sup>, or is found to have violated s. 948.605<sup>↓</sup>, the court shall immediately  
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40)<sup>↓</sup>, for 2 years.  
12 The court shall immediately forward to the department of transportation the notice  
13 of suspension, clearly stating that the suspension is for a violation of s. 947.015<sup>↓</sup>  
14 involving school premises, or for a violation of s. 948.605<sup>↓</sup>. If otherwise eligible, the  
15 juvenile is eligible for an occupational license under s. 343.10<sup>↓</sup>.

16 **SECTION 5.** 973.137 <sup>X</sup> of the statutes is created to read:

17 **973.137 Courts to report convictions to the department of**  
18 **transportation.** Upon conviction of a person for any of the following offenses, the  
19 clerk of the court in which such conviction occurred shall promptly forward the record  
20 of conviction to the department of transportation:

- 21 (1) A violation of s. 947.015, if the property involved is <sup>STET</sup> a school premises, as  
22 defined in s. 948.61 (1) (c)<sup>↓</sup>.  
23 (2) A violation of s. 948.605<sup>↓</sup>.

24 **SECTION 6. Initial applicability.**



**Barman, Mike**

---

**From:** Hurley, Peggy  
**Sent:** Thursday, March 06, 2003 4:31 PM  
**To:** Barman, Mike  
**Subject:** FW: LRB 1781/1

Is this for you guys?

**Peggy J. Hurley**  
Legislative Reference Bureau  
100 North Hamilton Street  
Madison, Wisconsin 53701-2037  
608 266 8906

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

**From:** Vander Sanden, Patrick  
**Sent:** Thursday, March 06, 2003 4:28 PM  
**To:** Hurley, Peggy  
**Subject:** LRB 1781/1

Peggy,

A while back you prepared for us LRB 1781/1 - can you see that it gets jacketed and sent back to us - Sen. Leibham?

---

**Patrick B. Vander Sanden**  
Policy Director  
Office of State Senator Joe Leibham  
409 South, State Capitol  
(608) 266-2056

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 171**

March 26, 2001 – Offered by Representative LEIBHAM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete the material beginning with “involving” and ending  
3 with “premises” on line 4. ✓

4 **2.** Page 3, line 7: delete “VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT  
5 SCHOOL.” and substitute “CERTAIN BOMB SCARE AND FIREARM VIOLATIONS.”. ✓

6 **3.** Page 3, line 9: before “a school” insert “owned or leased by the state or any  
7 political subdivision of the state, or if the property involved is” ✓

8 **4.** Page 3, line 10: delete “is found to have violated s.” and substitute “if the  
9 juvenile is found to have violated s. 941.235 or”. ✓

10 **5.** Page 3, line 14: before “948.605” insert “941.235 or”. ✓

11 **6.** Page 3, line 21: delete lines 21 to 23 and substitute:

12 “(1) A violation of s. 941.235.



**ASSEMBLY AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 171**

March 29, 2001 - Offered by Representative LEIBHAM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 1: delete ", and". ✓

3 **2.** Page 3, line 2: delete "applies,". ✓

4 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-17814  
PJH:wlj:aw

2 (MR)

2003 BILL

OTHER

REGEN

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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 firearms offenses described above or of a bomb scare involving the threatened destruction of school

of property that is owned or leased by the state or any political subdivision of the state or



**BILL**

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.

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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.

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17 or revoked or for a person who does not currently possess a valid operator's license,

**BILL**

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2 ~~applies~~ for issuance, renewal, or reinstatement of an operator's license.

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7 938.34 (14q) ~~VIOLATIONS INVOLVING BOMB SCARES OR FIREARMS AT SCHOOLS~~ <sup>CERTAIN</sup> <sup>AND</sup> <sup>ES</sup> <sup>VIOLATIONS</sup> <sup>SO</sup> In

8 addition to any other disposition imposed under this section, if the juvenile is found  
9 to have violated s. 947.015 and the property involved is a school premises, as defined

10 in s. 948.61 (1) (c), <sup>941.235 or</sup> <sup>✓</sup> or is found to have violated s. 948.605, the court shall immediately  
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for 2 years.

12 The court shall immediately forward to the department of transportation the notice  
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15 juvenile is eligible for an occupational license under s. 343.10.

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17 **973.137 Courts to report convictions to the department of**  
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24 **SECTION 6. Initial applicability.**

<sup>(1)</sup> A violation of s. 941.235

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