2007 DRAFTING REQUEST

Bill

Wanted: As time permits For: Mark Gundrum (608) 267-5158 This file may be shown to any legislator: NO May Contact:					Identical to LRB: By/Representing: Drafter: phurley Addl. Drafters:												
									Subject:	Crimin	al Law - guns	and weapor	ns	Extra Copies:			
									Submit v	via email: YES							
									Requesto	er's email:	Rep.Gund	rum@legis.	.wisconsin.go	v			
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<END>

2007 DRAFTING REQUEST

Bill

FE Sent For:

Received: 10/29/2007 Wanted: As time permits					Received By: phurley		
					Identical to LRB:		
For: Ma	ark Gundrum	(608) 267-5158		By/Representing: Drafter: phurley			
This file	e may be shown	to any legislate					
May Co	ontact:		Addl. Drafters:				
Subject:	: Crimin	al Law - guns	and weapor	ns	Extra Copies:		
	via email: YES						
Request	ter's email:	Rep.Gund	rum@legis.	.wisconsin.go	v		
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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	phurley 10/29/2007	jdyer 10/29/2007		***************************************			S&L Crime
/1			pgreensl 10/29/200	07	sbasford 10/29/2007		

<END>

2007 DRAFTING REQUEST

Bill

Received: 10/29/2007	Received By: phurley			
Wanted: As time permits	Identical to LRB:			
For: Mark Gundrum (608) 267-5158	By/Representing:			
This file may be shown to any legislator: NO	Drafter: phurley			
May Contact:	Addl. Drafters:			
Subject: Criminal Law - guns and weapons Submit via email: YES	Extra Copies:			
Requester's email: Rep.Gundrum@legis.wisco Carbon copy (CC:) to:	onsin.gov			
Pre Topic: No specific pre topic given Topic: Accidental shootings				
Instructions: 2094/2 Drafting History: Vers. Drafted Reviewed Typed Pro	oofed Submitted Jacketed Required			
Present For:	2/2000 3000			

FE Sent For:

<END>

3365 LRB-2094/2 PJHJldnwn 4

2007 BILL



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AN ACT to repeal 29.341 and 346.74 (5) (e); and to create 940.245 of the statutes;

relating to: duties upon causing an injury, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who accidentally injures another person while hunting with a firearm or a bow has a duty to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to comply with these requirements is subject to a fine of up to \$5,000 or imprisonment for up to one year if the person intentionally failed to comply, or for up to nine months if the person negligently failed to comply, or both.

Under this bill, any person who knows that he or she has injured another with a dangerous weapon is required to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to do so is guilty of: 1) a Class A misdemeanor if the violation involved injury to a person but the person did not suffer great bodily harm; 2) a Class E felony if the violation involved injury to a person and the person suffered great bodily harm; or 3) a Class D felony if the violation involved death to a person. The bill also eliminates a provision in the statutes that leaving the scene of a motor vehicle accident is a felony if the accident involved injury, but not great bodily harm, to another person.

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

BILL

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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.** 29.341 of the statutes is repealed.
- 2 Section 2. 346.74 (5) (e) of the statutes is repealed.
- 3 **SECTION 3.** 940.245 of the statutes is created to read:
 - 940.245 Duties upon accidental injury by dangerous weapon. (1) Any person who injures or kills another person with a dangerous weapon, and who knows or should know that the person has been injured or killed, shall immediately give his or her name and address to the injured person, render assistance to the injured person and obtain immediate medical or hospital care for the injured person, and immediately report the injury or death to the sheriff or police of the locality in which the incident took place.
 - (2) Any person who violates sub. (1):
 - (a) Is guilty of a Class A misdemeanor if the violation involved injury to a person but the person did not suffer great bodily harm.
 - (b) Is guilty of a Class E felony if the violation involved injury to a person and the person suffered great bodily harm.
 - (c) Is guilty of a Class D felony if the violation involved death to a person.

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(END)

Barman, Mike

From: Knudson, Steve

Sent: Monday, October 29, 2007 2:47 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-3365/1 Topic: Accidental shootings

Please Jacket LRB 07-3365/1 for the ASSEMBLY.

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,

Monday, November 05, 2007 at 9:17 AM

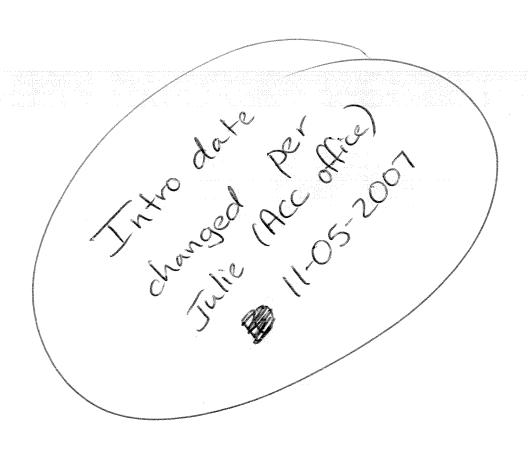
is considered the official date and time of introduction for the proposals listed in this document.

ASSEMBLY BILL 564 (LRB -3365)

Relating to: duties upon causing an injury, and providing a penalty.

By Representatives Gundrum, Musser, LeMahieu, Jeskewitz, Berceau, Hahn, Shilling, Townsend and A. Ott; cosponsored by Senators Kapanke, Vinehout, Lazich, Olsen and Roessler.

Referred to Committee on **JUDICIARY AND ETHICS**.



2007 - 2008 LEGISLATURE

Corrected Copy

LRB-3365/1

PJH:jld:pg

2007 ASSEMBLY BILL 564



2

November 5, 2007 – Introduced by Representatives Gundrum, Musser, LeMahieu, Jeskewitz, Berceau, Hahn, Shilling, Townsend and A. Ott, cosponsored by Senators Kapanke, Vinehout, Lazich, Olsen and Roessler. Referred to Committee on Judiciary and Ethics.

1 AN ACT to repeal 29.341 and 346.74 (5) (e); and to create 940.245 of the statutes;

relating to: duties upon causing an injury, and providing a penalty.

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Under current law, a person who accidentally injures another person while hunting with a firearm or a bow has a duty to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to comply with these requirements is subject to a fine of up to \$5,000 or imprisonment for up to one year if the person intentionally failed to comply, or for up to nine months if the person negligently failed to comply, or both.

Under this bill, any person who knows that he or she has injured another with a dangerous weapon is required to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to do so is guilty of: 1) a Class A misdemeanor if the violation involved injury to a person but the person did not suffer great bodily harm; 2) a Class E felony if the violation involved injury to a person and the person suffered great bodily harm; or 3) a Class D felony if the violation involved death to a person. The bill also eliminates a provision in the statutes that leaving the scene of a motor vehicle accident is a felony if the accident involved injury, but not great bodily harm, to another person.

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