

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB564)

Received: 12/06/2007

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

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Causing an injury by firearm

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>
/1	phurley 12/06/2007	kfollett 12/07/2007	pgreensl 12/07/2007	_____	cduerst 12/07/2007	cduerst 12/07/2007	

FE Sent For:

<END>

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FE Sent For:

<END>

2007 - 2008 LEGISLATURE

CORRECTED

2007 ASSEMBLY BILL 564 

[Link to Bill History](#)

November 2, 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.

Pg1Ln1 **An Act** to repeal 29.341 and 346.74 (5) (e); and to create 940.245 of the statutes;
Pg1Ln2 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.

Hurley, Peggy

From: Perlich, John H.
Sent: Tuesday, December 04, 2007 10:27 AM
To: Hurley, Peggy
Subject: RE: AB 564 - possible amendment

Peggy would you please draft the requested amendment below for AB 564 and SB 306 for Rep. Gundrum's office and ours. Thanks.

John

John H. Perlich

Office of Senator Dan Kapanke
32nd District
Room 3 South
608-266-5490
800-385-3385
john.perlich@legis.wisconsin.gov

From: Hurley, Peggy
Sent: Tuesday, November 06, 2007 12:06 PM
To: Perlich, John H.; Patronsky, Mark; Sklansky, Ron
Subject: RE: AB 564 - possible amendment

I think that would solve the problem. Shall I enter and draft this amendment?

From: Perlich, John H.
Sent: Tuesday, November 06, 2007 11:57 AM
To: Hurley, Peggy; Patronsky, Mark; Sklansky, Ron
Subject: FW: AB 564 - possible amendment

This email came in from the DNR after I got back from the Assembly Cmte on Judiciary and Ethics public hearing and exec on AB 546. Thoughts?? Is the DNR correct in their thinking? None of the lawyers and/or stakeholders had not brought this up during the drafting process. The bill as drafted is attached.

Thanks,
John

Thanks again for agreeing to take a look at this language, we appreciate it. As I mentioned, repealing 29.341 has the unintended consequence of deleting warden authority over these accidents. It makes sense that we retain the ability to enforce and investigate these instances since we are generally the first responders to a hunting accident.

I discussed this with our legal staff this morning, and they've told me an appropriate amendment would read:

12/06/2007

29.921(1) is amended to read:

29.921 Warrants; arrests; police powers.

(1) Generally. The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, 940.24, 940.245, 941.20, 948.60, 948.605 and 948.61 in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the officer has probable cause to believe is guilty of a violation of any of the laws cited in this subsection, whether the violation is punishable by criminal penalties or by forfeiture, and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any officer may stop and board any boat and stop any vehicle, if the officer reasonably suspects there is a violation of those sections.

I think this should do it, but if the drafter or you have any other suggestions, we're certainly open on how to best take care of this issue. Thanks again for your consideration.

 *Amber Meyer Smith*

Legislative Liaison
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**ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 564**

12-6-07

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

2 **1.** Page 2, line 1: after that line insert:

3 "SECTION 1m. 29.921 (1) of the statutes is amended to read:

4 29.921 (1) GENERALLY. The department and its wardens may execute and serve
5 warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31,
6 346.19, 940.24, 940.245, 941.20, 948.60, 948.605 and 948.61 in the same manner as
7 any constable may serve and execute the process; and may arrest, with or without
8 a warrant, any person detected in the actual violation, or whom the officer has
9 probable cause to believe is guilty of a violation of any of the laws cited in this
10 subsection, whether the violation is punishable by criminal penalties or by forfeiture,
11 and may take the person before any court in the county where the offense was
12 committed and make a proper complaint. For the purpose of enforcing any of the

1 laws cited in this subsection, any officer may stop and board any boat and stop any
2 vehicle, if the officer reasonably suspects there is a violation of those sections.”.

3 **History:** 1997 a. 248 ss. 98 to 102, 708 to 710; 2001 a. 109.

(END)