2007 DRAFTING REQUEST

Assembly Amendment (AA-AB564)

Received: 12/06/2007 Wanted: As time permits For: Mark Gundrum (608) 267-5158 This file may be shown to any legislator: NO May Contact: Subject: Criminal Law - guns and weapons					Received By: phurley Identical to LRB: By/Representing: Drafter: phurley Addl. Drafters: Extra Copies:													
									Submit	via email: YES								
									Requester's email: Rep.Gundrum@legis.wisconsin.gov									
									Carbon	copy (CC:) to:								
									Pre To	pic:								
									No spec	cific pre topic gi	ven							
Topic:			ś.				May 2											
Causing	g an injury by fi	rearm																
Instruc	ctions:																	
See Atta	ached																	
Draftin	ng History:																	
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required											
/1	phurley 12/06/2007	kfollett 12/07/2007		07	cduerst 12/07/2007	cduerst 12/07/2007												
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<**END>**

2007 DRAFTING REQUEST

Assembly	Amendment ((AA-A)	AB564)
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Received By: phurley Received: 12/06/2007 Identical to LRB: Wanted: As time permits By/Representing: For: Mark Gundrum (608) 267-5158 This file may be shown to any legislator: NO Drafter: phurley Addl. Drafters: May Contact: Extra Copies: Criminal Law - guns and weapons Subject: Submit via email: YES Rep.Gundrum@legis.wisconsin.gov Requester's email: Carbon copy (CC:) to: **Pre Topic:** No specific pre topic given Topic: Causing an injury by firearm **Instructions:** See Attached **Drafting History:** Required Jacketed Proofed **Submitted** Drafted Reviewed **Typed** Vers. phurley /1

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 Pg1Ln2 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.

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:

Pg2Ln1	Section 1 . 29.341 of the statutes is repealed.			
Pg2Ln2	Section 2. 346.74 (5) (e) of the statutes is repealed.			
Pg2Ln3	Section 3. 940.245 of the statutes is created to read:			
Pg2Ln4 Pg2Ln5 Pg2Ln6 Pg2Ln7 Pg2Ln8 Pg2Ln9 Pg2Ln9	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.			
Pg2Ln11 Pg2Ln12 Pg2Ln13	(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.			
Pg2Ln14 Pg2Ln15	(b) Is guilty of a Class E felony if the violation involved injury to a person and the person suffered great bodily harm.			
Pg2Ln16 Pg2Ln17	(c) Is guilty of a Class D felony if the violation involved death to a person. (End)			

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:

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.

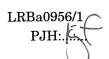
I think this should do it, but if the drafter or you have any other suggestions, we're certainly open on how to best take care of this issue. Thanks again for your consideration.



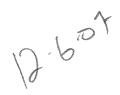
Legislative Liaison Wisconsin Department of Natural Resources 101 S. Webster St AD/5 PO Box 7921 Madison, WI 53707

(a) phone: (608) 266-2243 (a) fax: (608) 266-6983

() e-mail: amber.smith@wisconsin.gov



ASSEMBLY AMENDMENT, TO 2007 ASSEMBLY BILL 564



At the locations indicated, amend the bill as follows:

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

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

29.921 (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.".

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

3

(END)