Bill

| Received | Received: 11/30/2006 | | | | | Received By: phurley | | | |
|-----------------------------------------------------------------|------------------------------------------------|--------------------------------------------------|-----------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|--|--|
| Wanted: | As time permi | its | | | Identical to LRB: | | | | |
| For: J.A. | Hines (608) 2 | 266-7746 | | | By/Representing | : | | | |
| This file | may be shown | to any legislate | Drafter: phurley | | | | | | |
| May Con | tact: | | | | Addl. Drafters: | | | | |
| Subject: | Crimina | al Law - law er | Extra Copies: | | | | | | |
| Submit v | ia email: YES | | | | | | | | |
| Requeste | r's email: | Rep.Hines | @legis.wisc | onsin.gov | | | | | |
| Carbon c | opy (CC:) to: | | | | | | | | |
| Pre Topi | ic: | | | | | | | | |
| No specif | fic pre topic gi | ven | | | | | | | |
| Topic: | | | | | The state of the s | | | | |
| Making a | false criminal | complaint | | | | | | | |
| Instruct | ions: | | | | | | | | |
| See Attac | ched | | | | | | | | |
| Drafting | History: | | | | | | | | |
| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required | | |
| /? | | | | | | | S&L Crime | | |
| /1 | phurley 02/21/2007 phurley 07/24/2007 | wjackson 03/06/2007 wjackson 07/27/2007 | rschluet 03/07/200 |)7 | lparisi 03/07/2007 | | S&L Crime | | |
| /2 phurley wjackson nnatzke 12/04/2007 12/06/2007 07/30/2007 | | | | sbasford 07/30/2007 | | S&L Crime | | | |

LRB-0949 01/11/2008 03:45:55 PM Page 2

| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required |
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| /3 | | | rschluet 12/06/200 |)7 | lparisi 12/06/2007 | cduerst 01/11/2008 | |
| FE Sent l | For: "/3" @ | intro. | 1-15-08 | <end></end> | | | |

Bill

| Receive | Received: 11/30/2006 | | | | | Received By: phurley | | | | |
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| Wanted | : As time perm | its | | | Identical to LRB: | | | | | |
| For: J. <i>A</i> | A. Hines (608) | 266-7746 | | | By/Representing: | | | | | |
| This file | e may be shown | to any legislate | or: NO | | Drafter: phurley | 7 | | | | |
| May Co | ontact: | | | | Addl. Drafters: | | | | | |
| Subject | Crimin | al Law - law e | Extra Copies: | | | | | | | |
| Submit | via email: YES | | | | | | | | | |
| Request | er's email: | Rep.Hines | @legis.wisco | onsin.gov | | | | | | |
| Carbon | copy (CC:) to: | | | | | | | | | |
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LRB-0949

12/06/2007 04:51:23 PM Page 2

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Received By: phurley

2007 DRAFTING REQUEST

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Received: 11/30/2006

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| For: J.A | . Hines (608) 2 | 266-7746 | | | By/Representing: | | | | |
| Γhis file | may be shown | Drafter: phurley | | | | | | | |
| May Co | ntact: | | Addl. Drafters: | | | | | | |
| Subject: | Crimina | al Law - law er | Extra Copies: | | | | | | |
| Submit v | via email: YES | | | | | | | | |
| Request | er's email: | Rep.Hines | @legis.wisco | onsin.gov | | | | | |
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| /1 | phurley 02/21/2007 phurley 07/24/2007 | wjackson 03/06/2007 wjackson 07/27/2007 | rschluet 03/07/200 |)7 | lparisi 03/07/2007 | | S&L Crime | | |
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| | | | | JNN | | | | | |

LRB-0949 07/30/2007 10:34:30 AM Page 2

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

FE Sent For:

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Bill

| Received | : 11/30/2006 | | | | Received By: phurley | | | | | | |
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| Wanted: | Wanted: As time permits | | | | | Identical to LRB: | | | | | |
| For: J.A. Hines (608) 266-7746 | | | | | By/Representing: | | | | | | |
| This file | This file may be shown to any legislator: NO | | | | | | | | | | |
| May Contact: | | | | | Addl. Drafters: | | | | | | |
| Subject: Criminal Law - law enforcement | | | | | Extra Copies: | | | | | | |
| Submit v | ia email: YES | l . | | | | | | | | | |
| Requeste | r's email: | Rep.Hines | @legis.wisco | onsin.gov | | | | | | | |
| Carbon c | opy (CC:) to: | | | | | | | | | | |
| Pre Topi | ic: | | | | | | - | | | | |
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| Topic: | - | | | | | | | | | | |
| Making a | a false crimina | l complaint | | | | | | | | | |
| Instruct | ions: | | | | | | | | | | |
| See Attac | ched | | | | | | | | | | |
| Drafting | g History: | | | | | · | | | | | |
| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | Jacketed | Required | | | | |
| /? | | | | | | | S&L Crime | | | | |
| /1 | phurley 02/21/2007 | wjackson 03/06/2007 | rschluet 03/07/200 | Adapate Service Servic | lparisi 03/07/2007 | | | | | | |
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Bill

FE Sent For:

| Received: | 11/30/200 | 06 | Received By: phurley | | | | | |
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| Wanted: A | s time pe | rmits | Identical to LRB: | | | | | |
| For: J.A. F | Hines (60 | 8) 266-7746 | By/Representing | : | | | | |
| This file m | nay be sho | wn to any legislate | Drafter: phurley | | | | | |
| May Conta | act: | | | Addl. Drafters: | | | | |
| Subject: | Crin | ninal Law - law en | Extra Copies: | Extra Copies: | | | | |
| Submit via | ı email: Y | ES | | | | | | |
| Requester's | Requester's email: Rep.Hines@legis.wisconsin.gov | | | | | | | |
| Carbon coj | py (CC:) t | o: | , | | | | | |
| Pre Topic | , o | | | | | | | |
| No specific | c pre topic | e given | | | | | | |
| Topic: | | | | | | | | |
| Making a f | false crimi | inal complaint | | | | | | |
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| <u>Vers.</u> | <u>Drafted</u> | Reviewed | Typed Proofed | Submitted | Jacketed | Required | | |
| /? | phurley | /1 WL) 3/6 | 0/4 | | | S&L | | |





AN ACT ...; relating to: making a false criminal complaint, and providing a penaltics penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from knowingly giving false information to a law enforcement officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty. A person who does so is guilty of a Class A misdemeanor, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed 9 months, or both.

This bill prohibits a person from knowingly making a false report of a crime to a law enforcement officer. Under the bill, if a person makes a false report of a misdemeanor, the person is guilty of a Class A misdemeanor, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed 9 months, or both. If a person makes a false report of a felony, the person is guilty of a Class I felony, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed 3 years and 6 months, or both.

Further, the bill allows a court to order a person convicted of making a false report to reimburse the law enforcement or emergency response agency that responded to the false report for costs the agency incurred while responding to the false report.



(SP)

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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. 946.405 of the statutes is created to read:

946.405 Making a false report of a crime. (1) Whoever knowingly makes a false report of a misdemeanor to an officer, as defined in s. 946.41 (1) (b), is guilty of a Class A misdemeanor.

(2) Whoever knowingly makes a false report of a felony to an officer, as defined in s. 946.41 (1) (b), is guilty of a Class I felony.

SECTION 2. 973.06 (1) (av) of the statutes is created to read:

973.06 (1) (av) If the defendant violated 946.405, the moneys expended by a state or a local government law enforcement agency or emergency response agency to respond to or investigate the misdemeanor or felony that the defendant falsely reported. Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.

13 (END)

Hurley, Peggy

From:

Dernbach, BJ

Sent:

Tuesday, July 24, 2007 9:38 AM

To:

Hurley, Peggy

Subject:

RE: False Report Legislation

Hey Peggy, Doug passed this bill on to me (LRB0949/1), so I will be working on it. We needed to make one change to the bill. Here is the conversation I had with Ann Sappenfield over at leg council.

So the concern is that right now, if this where statue, then reporting a crime to a EMT, which causes a response, would not be covered. Under Michigan law, if we added the following sentence (in bold), would that then cover issue?

"A person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made..."

My understanding is that a crime would eventually make its way to the police, and if I call and say I was robbed (when I wasn't) and I told my friend, my friend then calls in the crime, I would be guilty of the new crime since I caused him to make the false reporting.

Could we add the bolded language to the bill as 946.405(1)? Thoughts? Thanks.

Here is the full text of the Michigan Law. Also, the MCLS 750.509 (below) covered in law? Would it need to be included (minus the specific time and \$)?

MCLS § 28.754

A person shall not intentionally make a false report of the abduction of a child, or intentionally cause a false report of the abduction of a child to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive the report, knowing the report is false. Provides felony penalties and restitution.

MCLS § 750.509

Any person who shall willfully make to any radio broadcasting station operated by any law enforcement agency any false, misleading, or unfounded report, for the purpose of interfering with the operation thereof, or with the intention of misleading any peace officer or officers of this state, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

BJ Dernbach Legislative Assistant Representative J.A. "Doc" Hines Phone: (608) 266-7746 Fax: (608) 282-3642

From:

Hurley, Peggy

Sent:

Monday, January 08, 2007 3:41 PM

To:

Parrott, Douglas

Subject:

RE: False Report Legislation

Hi Doug,

Most of it is drafted, but I'm having a bit of a problem with the restitution part of it. I need to untangle some of the current language to see what is, and what isn't allowed under current law. It appears to me that many of the things you are requesting may already be allowed under current law, but apparently many judges don't see it that way. I need to do a bit

more research on that part of the draft. Do you need it by a particular date?

Peggy

From:

Parrott, Douglas

Sent:

Monday, January 08, 2007 3:38 PM

To:

Hurley, Peggy

Subject:

False Report Legislation

Peggy,

Rep. Hines asked me to follow-up with you to see how the draft regarding false report crimes is coming.

If you have any questions feel free to contact me.

Sincerely,

Doug

Douglas Parrott Committee Clerk Assembly Committee on Public Health Office of Rep. J.A. "Doc" Hines 608-266-7746 888-534-0042

No virus found in this outgoing message.

Checked by AVG Free Edition. Version: 7.5.446 / Virus Database: 268.18.23/740 - Release Date: 3/30/2007 1:15 PM

LRB-0949/X PJH:wlj:rs

2007 BILL

 $\Delta^{\mathcal{V}}$

Low roy of the collection

 $ext{AN ACT}$ to create 946.405 and 973.06 (1) (av) of the statutes; relating to: making

a false criminal complaint and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from knowingly giving false information to a law enforcement officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty. A person who does so is guilty of a Class A misdemeanor, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both.

This bill prohibits a person from knowingly making a false report of a crime to a law enforcement officer. Under the bill, if a person makes a false report of a misdemeanor, the person is guilty of a Class A misdemeanor, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both. If a person makes a false report of a felony, the person is guilty of a Class I felony, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

Further, the bill allows a court to order a person convicted of making a false report to reimburse the law enforcement or emergency response agency that responded to the false report for costs the agency incurred while responding to the false report.

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.

Knowingly

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Sor causes another person to make a false reports

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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. 946.405 of the statutes is created to read:

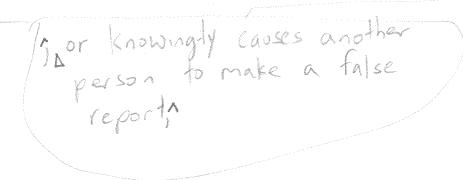
946.405 Making a false report of a crime. (1) Whoever knowingly makes a false report of a misdemeanor to an officer, as defined in s. 946.41 (2) (b), is guilty of a Class A misdemeanor.

(2) Whoever knowingly makes a false report of a felony to an officer, as defined in s. 946.41 (2) (b), is guilty of a Class I felony.

Section 2. 973.06 (1) (av) of the statutes is created to read:

973.06 (1) (av) If the defendant violated s. 946.405, the moneys expended by a state or a local government law enforcement agency or emergency response agency to respond to or investigate the misdemeanor or felony that the defendant falsely reported. Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.

(END)



LRB-0949/2 PJH:wlj:jf

2007 BILL



 $\operatorname{AN}\operatorname{ACT}$ to create 946.405 and 973.06 (1) (av) of the statutes; relating to: making

a false criminal complaint and providing penalties.

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Analysis by the Legislative Reference Bureau

Current law prohibits a person from knowingly giving false information to a law enforcement officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty. A person who does so is guilty of a Class A misdemeanor, and may be subject to a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both.

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BILL

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(END) He charged under this

3) A person may not be charged under this

Section solely because he or she recants

the report or solely because his or her

the report or solely because his or her

report does not lead to criminal charges

Barman, Mike

From:

Dernbach, BJ

Sent:

Friday, January 11, 2008 2:24 PM LRB.Legal

To:

Subject:

Draft Review: LRB 07-0949/3 Topic: Making a false criminal complaint

Please Jacket LRB 07-0949/3 for the ASSEMBLY.