

2007 DRAFTING REQUEST

Bill

Received: **11/30/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **J.A. Hines (608) 266-7746**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hines@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Making a false criminal complaint

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>
/?				_____			S&L Crime
/1	phurley 02/21/2007	wjackson 03/06/2007	rschluet 03/07/2007	_____	lparisi 03/07/2007		S&L Crime
	phurley 07/24/2007	wjackson 07/27/2007		_____			
/2	phurley 12/04/2007	wjackson 12/06/2007	nmatzke 07/30/2007	_____	sbasford 07/30/2007		S&L Crime

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1/2 WLJ 7/27

[Handwritten signature]
7/27

mwy/rs
7/30

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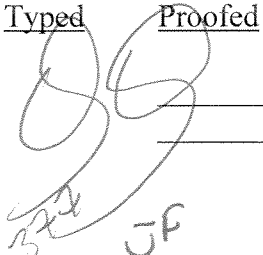
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/?	phurley	11 WLJ 3/6					S&L

FE Sent For:

<END>

2007 BILL

2-21-07

Gen

1

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

2

penalties
A 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.

SP

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.

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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.

CRIME →

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 statute, 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

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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

↑
stays

2007 BILL

7-26

or causing another person to make a false report

Regen

1 AN ACT to create 946.405 and 973.06 (1) (av) of the statutes; relating to: making
2 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.

knowingly

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.

or causes another person to make a false report

↑
stays

2007 BILL

2-4-07

Regen

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- 2 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, or causing another person to make a false report, of a crime to a law enforcement officer. Under the bill, if a person knowingly makes a false report, or causes another person to make 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 knowingly makes a false report, or causes another person to make 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

Barman, Mike

From: Dernbach, BJ
Sent: Friday, January 11, 2008 2:24 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0949/3 Topic: Making a false criminal complaint

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