

## 2007 SENATE BILL 465

February 8, 2008 – Introduced by Senators HANSEN, BRESKE, WIRCH, SCHULTZ and LASSA, cosponsored by Representatives KAUFERT, NELSON, HIXSON, TOWNSEND, ALBERS, TURNER and ZIEGELBAUER. Referred to Committee on Judiciary, Corrections, and Housing.

1     **AN ACT** *to renumber* 146.50 (1) (ig); *to renumber and amend* 146.50 (1) (ag);  
2             *to amend* 38.04 (9), 165.85 (4) (b) 1d. e. and 946.82 (4); and *to create* 146.50  
3             (1) (ae) and 946.78 of the statutes; **relating to:** manufacturing, distributing,  
4             or selling counterfeit or altered identification documents and providing a  
5             penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, it is a Class I felony for a person, other than the Department of Transportation, to make, alter, or duplicate a Wisconsin driver's license or identification card for money or other consideration. Also, a person is guilty of a Class A misdemeanor if he or she falsely makes or alters any writing of a kind commonly relied upon for identification with intent to defraud.

This bill provides that any person who manufactures, distributes, or sells an altered or counterfeit identification document knowing that the document is intended to be used to satisfy document production requirements for completing the federal "Employment Eligibility Verification" or "I-9" form, to facilitate an act of terrorism, or to commit identity theft is guilty of a Class G felony (falsification of identification documents). Under the bill, an identification document includes any document that is issued by the U.S. government, a state, a political subdivision of a state, or a foreign government and that is commonly relied upon for identification of individuals. The bill also makes falsification of identification documents "racketeering activity" so that a person may be convicted of a Class E felony for using

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proceeds from a criminal scheme involving falsification of identification document offenses or for obtaining income in excess of \$25,000 from supervising others in committing such offenses.

The penalties for the crimes mentioned above are as follows:

<i>Crime</i>	<i>Maximum Fine</i>	<i>Maximum Imprisonment</i> (For felonies, includes term of extended supervision)
Class A misdemeanor	\$10,000	Nine months
Class I felony	\$10,000	Three and one-half years
Class G felony	\$25,000	Ten years
Class E felony	\$50,000	Fifteen years

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.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 38.04 (9) of the statutes is amended to read:

2           **38.04 (9)** TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to  
 3 life and property, the board may establish and supervise training programs in fire  
 4 prevention and protection. The programs shall include training in responding to acts  
 5 of terrorism, as defined in s. 146.50 ~~(1) (ag)~~ 939.22 (1m), and shall be available to  
 6 members of volunteer and paid fire departments maintained by public and private  
 7 agencies, including industrial plants. No training program required for  
 8 participation in structural fire fighting that is offered to members of volunteer and  
 9 paid fire departments maintained by public agencies may require more than 60  
 10 hours of training.

11           **SECTION 2.** 146.50 (1) (ae) of the statutes is created to read:

12           **146.50 (1)** (ae) “Act of terrorism” has the meaning given in s. 939.22 (1m).

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1           **SECTION 3.** 146.50 (1) (ag) of the statutes is renumbered 939.22 (1m) and 939.22  
2 (1m) (intro.), as renumbered, is amended to read:

3           939.22 **(1m)** (intro.) “Act of terrorism” means a felony under ch. 939 to 951,  
4 other than a felony under s. 946.78, that is committed with intent to terrorize and  
5 is committed under any of the following circumstances:

6           **SECTION 4.** 146.50 (1) (ig) of the statutes is renumbered 939.22 (18g).

7           **SECTION 5.** 165.85 (4) (b) 1d. e. of the statutes is amended to read:

8           165.85 **(4)** (b) 1d. e. Training on responding to an act of terrorism, as defined  
9 in s. ~~146.50 (1) (ag)~~ 939.22(1m).

10          **SECTION 6.** 946.78 of the statutes is created to read:

11          **946.78 Falsification of identification documents. (1)** In this section,  
12 “identification document” means a document that is made or issued by or under the  
13 authority of the U.S. government, a state, a political subdivision of a state, a foreign  
14 government, a political subdivision of a foreign government, or an international  
15 governmental or quasi-governmental organization and that is of a kind commonly  
16 relied upon for the purpose of identification of individuals.

17          **(2)** Whoever manufactures, distributes, or sells, an altered or counterfeit  
18 identification document knowing it is intended to be used for any of the following  
19 purposes is guilty of a Class G felony:

20          (a) To satisfy document production requirements under 8 USC 1324a (b) (1) for  
21 verification of an individual’s employment eligibility.

22          (b) To facilitate an act of terrorism.

23          (c) To violate s. 943.201 or 943.41 (2).

24          **SECTION 7.** 946.82 (4) of the statutes is amended to read:

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1           946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961  
2 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
3 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
4 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
5 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
6 940.19 (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
7 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g),  
8 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)  
9 (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28,  
10 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and  
11 (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83,  
12 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32,  
13 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,  
14 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,  
15 946.76, 946.78, 946.79, 947.015, 948.05, 948.08, 948.12, and 948.30.

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(END)