

2007 DRAFTING REQUEST

Bill

Received: 09/25/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalty for making or distributing false identification documents

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> |
|--------------|---------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | rryan 09/26/2007 | kfollett 09/26/2007 | | _____ | | | Crime |
| /1 | | | rschluet 09/26/2007 | _____ | cduerst 09/26/2007 | cduerst 01/23/2008 | |

FE Sent For: N/A

<END>

2007 DRAFTING REQUEST

Bill

Received: **09/25/2007**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Jay Wadd**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalty for making or distributing false identification documents

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> |
|--------------|---------------------|------------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | rryan 09/26/2007 | kfollett 09/26/2007 | | _____ | | | Crime |
| /1 | | | rschluet 09/26/2007 | _____ | cduerst 09/26/2007 | | |

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/25/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalty for making or distributing false identification documents

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> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

| | | | | | | | |
|----|-------|----------------|---|--|--|--|--|
| /? | rryan | 11 kjf 9/26 |  | | | | |
|----|-------|----------------|---|--|--|--|--|

FE Sent For:

<END>

9/25/07

Bill similar to 07-3147/1

ie. increase penalty for
making false ID's under
certain circumstances

except the 1st circumstance is
now - for purpose of evading
fed. employment requirements
instead of for concealing
immigration status

link condition to federal I-9
form requirements

- same penalty & felony
- and included in definition of racketeering

3233/1

Today

↓
E/gf

2007 BILL

Regen

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.

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 conceal the true citizenship or resident alien status of another individual, 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 proceeds from a criminal scheme involving

Inset

BILL

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).

BILL

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:

JNS
3-19 →

(a) To conceal the true citizenship or resident alien status of another individual.

21 (b) To facilitate an act of terrorism.

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

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

24 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
25 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission

BILL

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

14

(END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3233/lins
RLR:.....

Analysis insert:

10P

satisfy document production requirements for completing the federal
"Employment Eligibility Verification" or "I-9" form,

Ins 3-19:

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

Ryan, Robin

From: Wadd, Jay
Sent: Tuesday, January 22, 2008 2:30 PM
To: Ryan, Robin
Subject: RE: document fraud bill

Hi, Robin.

This is the most recent draft of this bill, correct? If the answer is yes would you please have it jacketed for introduction in the Senate?

Thanks,

Jay

From: Ryan, Robin
Sent: Wednesday, September 26, 2007 12:53 PM
To: Wadd, Jay
Subject: document fraud bill

<< File: 07-3233/1 >>