

2009 DRAFTING REQUEST

Bill

Received: 01/16/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Karl Van Roy (608) 266-0616

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies:

Submit via email: YES

Requester's email: Rep.VanRoy@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Facsimile firearms

Instructions:

AB 603 + AA1 redraft

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>
/?	phurley 02/06/2009	jdye 02/23/2009		_____			Crime
/1			mduchek 02/24/2009	_____	sbasford 02/24/2009	lparisi 03/10/2009	

FE Sent For: NONE

<END>

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/?

phurley

1 3/4 jld

MD

AD

2/24 PH

FE Sent For:

<END>

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 603**

February 26, 2008 – Offered by Representative KLEEFISCH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: before "a facsimile" insert "while using or threatening to use".

3 (END)

15811
mnr
stays

2009 BILL

2007 ASSEMBLY BILL 603

LOS
P.W.T.
Please

November 29, 2007 - Introduced by Representatives MONTGOMERY, VAN ROY, ZEPNICK, BERCEAU, MUSSER, OWENS, NERISON, HRAYCHUCK, A. OTT, CULLEN and SOLETSKI, cosponsored by Senators KAPANKE, HANSEN, OLSEN, ROESSLER and SCHULTZ. Referred to Committee on Criminal Justice.

2-6-09

Gen

x

1 AN ACT *to amend* 939.63 (1) (intro.), 940.225 (1) (b), 941.2965 (2), 943.32 (2) and
2 946.415 (2) (c) of the statutes; **relating to:** use of a facsimile[✓] firearm and
3 providing a penalty[✓].

Analysis by the Legislative Reference Bureau

Under current law, a person who commits certain crimes[✓] by using or threatening to use a dangerous weapon or an article used or fashioned in a manner that the victim believes is a dangerous weapon is subject to greater penalties than he or she would be if he or she committed the crime without using a dangerous weapon. *

Under this bill, a person is subject to the same penalties as he or she would be under current law for using a dangerous weapon if the person commits a crime using a facsimile firearm[✓]. A[✓] "facsimile firearm" is[✓] any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm[✓]. *

Current law also prohibits a person from carrying or displaying[✓] a facsimile firearm in a way that would alarm, intimidate, threaten, or terrify another person. Anyone who does so is subject to a[✓] Class C forfeiture and may be required to pay a forfeiture not to exceed \$500[✓].

This bill increases that penalty to a Class A[✓] misdemeanor and a person who violates the provision may be fined up to \$10,000[✓], imprisoned for up to nine months, or both.

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

the person

defined as

ASSEMBLY BILL 603

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.** 939.63 (1) (intro.)[✓] of the statutes is amended to read:

2 939.63 (1) (intro.) If a person commits a crime while possessing, using or
3 threatening to use a dangerous weapon or a facsimile firearm,[✓] the maximum term
4 of imprisonment prescribed by law for that crime may be increased as follows:

5 **SECTION 2.** 940.225 (1) (b)[✓] of the statutes is amended to read:

6 940.225 (1) (b) Has sexual contact or sexual intercourse with another person
7 without consent of that person by use or threat of use of a dangerous weapon, a
8 facsimile firearm,[✓] or any other[✓] article used or fashioned in a manner to lead the
9 victim reasonably to believe it to be a dangerous weapon.

10 **SECTION 3.** 941.2965 (2)[✓] of the statutes is amended to read:

11 941.2965 (2) No person may carry or display a facsimile firearm in a manner
12 that could reasonably be expected to alarm, intimidate, threaten or terrify another
13 person. Whoever violates this section[✓] is ~~subject to a Class C forfeiture~~[✓] guilty of a
14 Class A misdemeanor.[✓]

15 **SECTION 4.** 943.32 (2) of the statutes is amended to read:

16 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
17 weapon, a device or container described under s. 941.26 (4) (a), a facsimile firearm,[✓]
18 or any other[✓] article used or fashioned in a manner to lead the victim reasonably to
19 believe that it is a dangerous weapon or such a device or container is guilty of a Class
20 C felony.

21 **SECTION 5.** 946.415 (2) (c) of the statutes is amended to read:

while
using or
threatening to
use

Duerst, Christina

From: Hein, Tanya
Sent: Tuesday, March 10, 2009 10:25 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1581/1 Topic: Facsimile firearms

Please Jacket LRB 09-1581/1 for the ASSEMBLY.