

2011 DRAFTING REQUEST

Bill

Received: 07/27/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Daniel Knodl (608) 266-3796

By/Representing: BJ

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Recovery of costs related to false information provided to law enforcement

Instructions:

Allow law enforcement agencies to recover costs for violations of s. 946.41

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 07/28/2011	kfollett 07/28/2011		_____			S&L
/1	phurley 08/24/2011		rschluet 07/28/2011	_____	lparisi 07/28/2011	sbasford 09/06/2011	

FE Sent For:

<END>

at
intro
9-15-11

2011 DRAFTING REQUEST

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/?	phurley	1/15 f 7/28		_____	_____		
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FE Sent For:

<END>

Hurley, Peggy

From: Hurley, Peggy
Sent: Wednesday, July 27, 2011 4:05 PM
To: Dernbach, BJ
Subject: RE: Redraft: LRB0949/3 2007-2009

Thanks for clarifying; I think I'll go with a new draft, then, because the focus of the analysis will be on the restitution rather than on the criminal act. I should still be able to get it to you by Monday.

Peggy

From: Dernbach, BJ
Sent: Wednesday, July 27, 2011 1:20 PM
To: Hurley, Peggy
Subject: RE: Redraft: LRB0949/3 2007-2009

Thanks Peggy,

Currently, most police departments charge people with obstruction of an officer if they false report, and the intent was not to create a new crime, but to allow resituion for the law enforcement agency.

If a new bill is easier, that works for me, and changing the clause to "false information" is a good idea.

Thanks.

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796

From: Hurley, Peggy
Sent: Wednesday, July 27, 2011 12:15 PM
To: Dernbach, BJ
Subject: RE: Redraft: LRB0949/3 2007-2009

Hi BJ,

I'm having a bit of trouble following the instructions you submitted. It appears as though you want to delete the creation of a new crime, "making a false report of a crime," and change the cross-reference in s. 973.06 (1) (av) of the draft to violations of s. 946.41. The problem I see with that is that s. 946.41 doesn't specifically mention making a false report - it defines "obstruction" as "knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead . . . "

I can change s. 973.06 (1) (av) to refer to the costs of responding to or investigating "false information", but "a report of false information" is not something that is really specified under current s. 946.41.

The relating clause will need to be changed, because this bill would no longer make a new crime or impose a criminal penalty - it appears that your intent is to make someone who resists or obstructs an officer liable for costs associated with certain kinds of obstruction. Is that correct? If that is correct, perhaps it would be better to start with a completely new draft, because AB 699 really focused on creating a specific crime of making a false report. Please let me know your thoughts. I will be out of the office for a few hours this afternoon and most of the day Friday, but I will be in all day tomorrow and after 3:30 or so this afternoon.

Peggy J. Hurley

7/27/2011

266 8906

From: Dernbach, BJ
Sent: Wednesday, July 27, 2011 11:46 AM
To: Hurley, Peggy
Subject: Redraft: LRB0949/3 2007-2009

Peggy,

I had a bill I worked on with Doc Hines in 2007, it was later presented at 699.

Wanted to get it redrafted right away with some changes.

Line 1: change 946.405 to 946.41

Delete lines 2 through 11

Line 13: change 946.405 to 946.41

Line 13: change "moneys" to "reasonable costs"

Line 15: change "misdemeanor or felony" to "a report of false information,"

If there are any changes that need to be made to make things more consistent, feel free to make those changes.

If I could get this back by Monday of next week, that would be great. Thanks.

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796

7/27/2011

2007 ASSEMBLY BILL 699

2470/1
/mnr

January 15, 2008 - Introduced by Representatives HINES, ALBERS, BIES, GUNDERSON, HAHN, JESKEWITZ, MURSAU, MUSSER, A. OTT, PRIDEMORE, STRACHOTA, TOWNSEND and VOS, cosponsored by Senators LAZICH, A. LASEE and ROESSLER. Referred to Committee on Criminal Justice.

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, 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

ASSEMBLY BILL 699

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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, or knowingly causes another person to make 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, or knowingly causes another person to make a false report, of a felony to an officer, as defined in s. 946.41 (2) (b), is guilty of a Class I felony.

(3) A person may not be charged under this section solely because he or she recants the report or solely because his or her report does not lead to criminal charges against, or a conviction of, another person.

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 money 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)

946.41
reasonable costs
note "moneys" used
9/13/06



1
PJH...

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

By
7-29-11

1

AN ACT ...; relating to: ✓ costs associated with providing false information to a
2 law enforcement officer.

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of a crime may be assessed certain costs associated with his or her crime. Current law allows a court to assess costs and fees incurred in connection with the arrest, preliminary examination, and trial of the person, but generally, a person may not be assessed the costs of routine investigations. Under current law, a person who is convicted of certain crimes may be assessed specific costs that are related to those particular crimes.

Under this bill, a person who is convicted of obstructing a law enforcement officer by providing false information to the officer or placing physical evidence with the intent to mislead the officer may be assessed the costs incurred by the law enforcement agency when it investigated or responded to the false information or evidence.

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:

3

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



2011 BILL

1 AN ACT *to create* 973.06 (1) (av) of the statutes; **relating to:** costs associated
2 with providing false information to a law enforcement officer.

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of a crime may be assessed certain costs associated with his or her crime. Current law allows a court to assess costs and fees incurred in connection with the arrest, preliminary examination, and trial of the person, but generally, a person may not be assessed the costs of routine investigations. Under current law, a person who is convicted of certain crimes may be assessed specific costs that are related to those particular crimes.

Under this bill, a person who is convicted of obstructing a law enforcement officer by providing false information to the officer or placing physical evidence with the intent to mislead the officer may be assessed the costs incurred by the law enforcement agency when it investigated or responded to the false information or evidence.

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:

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

Basford, Sarah

From: Dembach, BJ

Sent: Tuesday, September 06, 2011 8:56 AM

To: LRB.Legal

Subject: Draft Review: LRB 11-2470/1 Topic: Recovery of costs related to false information provided to law enforcement

Please Jacket LRB 11-2470/1 for the ASSEMBLY.

9/6/2011