

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/28/2015 Received By: phurley  
For: Janet Bewley (608) 266-3510 Same as LRB: -1884  
May Contact: By/Representing: Joey  
Subject: Criminal Law - guns and weapons Drafter: phurley  
Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Bewley@legis.wi.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Similar to bomb scare: threat to use a firearm on school premises to harm or kill another person (not just threat to bring a gun)

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/23/2015	rschluet 2/12/2015	_____	sbasford 2/12/2015		State S&L Crime
/1		jfrantze 2/23/2015	_____	sbasford 2/23/2015	mbarman 6/10/2015	State S&L Crime

FE Sent For:

→ At Intro.

<END>



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1504/P1  
PJH:...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2-12

Gen

1  
2

AN ACT ...; relating to: making a false threat to use a firearm to injure or kill another person in a school zone and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under this bill, a person who conveys or causes to be conveyed a false threat to use a firearm to injure or kill another person on or within 1,000 feet from the premises of a school, on a school bus or public transportation transporting students to and from a school, or at school bus stops where students are waiting for a school bus or are being dropped off by a school bus, is guilty of a Class I felony.

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.

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. 301.048 (2) (bm) 1. a. of the statutes is amended to read:  
301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,

1 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
 2 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
 3 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
 4 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
 5 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
 6 947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,  
 7 948.07, 948.08, 948.085, or 948.30.

**History:** 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109; 2005 a. 277; 2007 a. 116; 2009 a. 28; 2011 a. 38; 2013 a. 173 s. 33; 2013 a. 362.

8 **SECTION 2.** 895.035 (4a) (a) 2. of the statutes is amended to read:

9 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,  
 10 943.05, 943.06 or <sup>2</sup>947.015, or 947.019.

**History:** 1985 a. 311; 1987 a. 27; 1993 a. 71; 1995 a. 24, 77, 262, 352; 1997 a. 27, 35, 205, 239, 252; 1999 a. 9, 32; 2003 a. 138; 2005 a. 443 s. 265; 2013 a. 237.

11 **SECTION 3.** 938.34 (14q) of the statutes is amended to read:

12 938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any  
 13 other disposition imposed under this section, if the juvenile is found to have violated  
 14 s. 947.015 and the property involved is owned or leased by the state or any political  
 15 subdivision of the state, or if the property involved is a school premises, as defined  
 16 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235, 947.019, or  
 17 948.605, immediately suspend the juvenile's operating privilege, as defined in s.  
 18 340.01 (40), for 2 years. The court shall immediately forward to the department of  
 19 transportation the notice of suspension, stating that the suspension is for a violation  
 20 of s. 947.015 involving school premises, or for a violation of s. 941.235, 947.019, or  
 21 948.605. If otherwise eligible, the juvenile is eligible for an occupational license  
 22 under s. 343.10.

**History:** 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; 2013 a. 165 s. 115; 2013 a. 362.

23 **SECTION 4.** 941.291 (1) (b) of the statutes is amended to read:

1           941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,  
2 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
4 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
5 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,  
6 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),  
7 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89,  
8 943.90, 946.43, 947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,  
9 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution,  
10 as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to  
11 commit a felony under s. 943.84 (1) or (2).

History: 2001 a. 95; 2003 a. 321; 2005 a. 212, 277; 2007 a. 97.

12           **SECTION 5.** 946.82 (4) of the statutes is amended to read:

13           946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961  
14 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
15 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
16 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
17 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
18 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
19 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
20 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
21 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
22 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
23 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
24 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.34,

1 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,  
 2 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015,  
 3 947.019, 948.05, 948.051, 948.08, 948.12, and 948.30.

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9, 150; 2001 a. 16, 105, 109; 2003 a. 36, 321; 2005 a. 212; 2007 a. 116, 196; 2009 a. 180; 2011 a. 174; 2013 a. 362.

4 **SECTION 6.** 947.019 of the statutes is created to read:

5 **947.019 Threat to use a firearm on school premises.** Whoever  
 6 intentionally conveys or causes to be conveyed any threat or false information,  
 7 knowing such to be false, concerning an attempt or alleged attempt being made or  
 8 to be made to use a firearm in a school zone, as defined in s. 939.632 (1) (d), to injure  
 9 or kill another individual is guilty of a Class I felony.

10 **SECTION 7.** 969.08 (10) (b) of the statutes is amended to read:

11 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),  
 12 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
 13 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
 14 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
 15 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01  
 16 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30,  
 17 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90,  
 18 946.01, 946.02, 946.43, 947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04,  
 19 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial  
 20 institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

History: 1971 c. 298; 1977 c. 449; 1979 c. 112; 1981 c. 183; 1985 a. 293 s. 3; 1987 a. 90, 332, 399; 403; 1991 a. 153, 269; 1993 a. 50, 92, 94, 227, 441, 445, 491; 1997 a. 143, 180, 295; 1999 a. 32; 2001 a. 109; 2005 a. 212, 277; 2007 a. 97, 116.

21 **SECTION 8.** 973.137 (1m) of the statutes is amended to read:

1           973.137 (1m) A violation of s. 947.015, if the property involved is owned or  
2           leased by the state or any political subdivision of the state, or if the property involved  
3           is a school premises, as defined in s. 948.61 (1) (c), or a violation of s. 947.019.

4           History: 2003 a. 200.

(END)

*D-Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1504/P1dn

PJH: [Signature]

Date

X Representative Bewley, <sup>Senator</sup>

X Please review this draft to ensure it is consistent with your intent. Please note that the draft uses the term "school zone," which is broader than "school premises," and includes school premises and a 1000 foot zone around the premises, school buses, and school bus stops. Please let me know if that does not reflect your intent.

Please also note that the draft includes, in every statutory cross-reference to making a bomb threat, the newly created crime of making a false threat to use a firearm in a school zone. As a result, the new crime is classified as a violent or a serious crime for various purposes, as an offense for which a parent may be liable for the act of a child, as racketeering activity, or as an offense for which driving privileges may be withheld. Please let me know if you would like the cross-reference to the new crime removed from any of these provisions.

If you have any questions or would like changes to the draft, let me know. When the draft meets your approval, I will redraft it in introducible form.

Peggy J. Hurley  
Senior Legislative Attorney  
(608) 266-8906  
peggy.hurley@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1504/P1dn  
PJH:kjfrs

February 12, 2015

Senator Bewley,

Please review this draft to ensure it is consistent with your intent. Please note that the draft uses the term "school zone," which is broader than "school premises," and includes school premises and a 1,000 foot zone around the premises, school buses, and school bus stops. Please let me know if that does not reflect your intent.

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Peggy J. Hurley  
Senior Legislative Attorney  
(608) 266-8906  
peggy.hurley@legis.wisconsin.gov





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1504/PT  
PJH:kjfrs

mr

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

2-24

No changes

Regen

1 AN ACT to amend 301.048 (2) (bm) 1. a., 895.035 (4a) (a) 2., 938.34 (14q), 941.291  
2 (1) (b), 946.82 (4), 969.08 (10) (b) and 973.137 (1m); and to create 947.019 of  
3 the statutes; relating to: making a false threat to use a firearm to injure or kill  
4 another person in a school zone and providing a penalty.

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

Under this bill, a person who conveys or causes to be conveyed a false threat to use a firearm to injure or kill another person on or within 1,000 feet from the premises of a school, on a school bus or public transportation transporting students to and from a school, or at school bus stops where students are waiting for a school bus or are being dropped off by a school bus, is guilty of a Class I felony.

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.

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:***

5 SECTION 1. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

1           301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
2           (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,  
3           940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
4           or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
5           (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
6           940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
7           943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
8           947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,  
9           948.07, 948.08, 948.085, or 948.30.

10           **SECTION 2.** 895.035 (4a) (a) 2. of the statutes is amended to read:

11           895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,  
12           943.05, 943.06 ~~or~~, 947.015, or 947.019.

13           **SECTION 3.** 938.34 (14q) of the statutes is amended to read:

14           **938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS.** In addition to any  
15           other disposition imposed under this section, if the juvenile is found to have violated  
16           s. 947.015 and the property involved is owned or leased by the state or any political  
17           subdivision of the state, or if the property involved is a school premises, as defined  
18           in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235, 947.019, or  
19           948.605, immediately suspend the juvenile's operating privilege, as defined in s.  
20           340.01 (40), for 2 years. The court shall immediately forward to the department of  
21           transportation the notice of suspension, stating that the suspension is for a violation  
22           of s. 947.015 involving school premises, or for a violation of s. 941.235, 947.019, or  
23           948.605. If otherwise eligible, the juvenile is eligible for an occupational license  
24           under s. 343.10.

25           **SECTION 4.** 941.291 (1) (b) of the statutes is amended to read:

1           941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,  
2 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
4 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
5 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,  
6 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),  
7 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89,  
8 943.90, 946.43, 947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,  
9 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution,  
10 as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to  
11 commit a felony under s. 943.84 (1) or (2).

12           **SECTION 5.** 946.82 (4) of the statutes is amended to read:

13           946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961  
14 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
15 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
16 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
17 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
18 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
19 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
20 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
21 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
22 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
23 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
24 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.34,  
25 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,

1 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015,  
2 947.019, 948.05, 948.051, 948.08, 948.12, and 948.30.

3 **SECTION 6.** 947.019 of the statutes is created to read:

4 **947.019 Threat to use a firearm on school premises.** Whoever  
5 intentionally conveys or causes to be conveyed any threat or false information,  
6 knowing such to be false, concerning an attempt or alleged attempt being made or  
7 to be made to use a firearm in a school zone, as defined in s. 939.632 (1) (d), to injure  
8 or kill another individual is guilty of a Class I felony.

9 **SECTION 7.** 969.08 (10) (b) of the statutes is amended to read:

10 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),  
11 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
12 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
13 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
14 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01  
15 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30,  
16 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90,  
17 946.01, 946.02, 946.43, 947.015, 947.019, 948.02 (1) or (2), 948.025, 948.03, 948.04,  
18 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial  
19 institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

20 **SECTION 8.** 973.137 (1m) of the statutes is amended to read:

21 973.137 (1m) A violation of s. 947.015, if the property involved is owned or  
22 leased by the state or any political subdivision of the state, or if the property involved  
23 is a school premises, as defined in s. 948.61 (1) (c), or a violation of s. 947.019.

24

(END)

**Rose, Stefanie**

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**From:** Hoey, Joseph  
**Sent:** Tuesday, June 09, 2015 6:19 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1504/1 Topic: Similar to bomb scare: threat to use a firearm on school premises to harm or kill another person (not just threat to bring a gun)

Please Jacket LRB -1504/1 for the SENATE.