

**2015 DRAFTING REQUEST**

**Bill**

Received: 2/10/2015 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Edward Brooks (608) 266-8531 By/Representing:  
May Contact: Drafter: phurley  
Subject: Criminal Law - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Brooks@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Making terrorist threats

**Instructions:**

Use relevant portion of 01 SB 363; add in to cause panic or terror

**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 2/10/2015			_____			
/1		jdyer 2/23/2015	rschluet 2/23/2015	_____	sbasford 2/23/2015	lparisi 2/26/2015	State S&L Crime

FE Sent For:  
↪ At Intro.

<END>

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/? phurley

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FE Sent For:

<END>

PJH

**Rose, Stefanie**

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**From:** Griffiths, Terri  
**Sent:** Monday, February 09, 2015 2:54 PM  
**To:** LRB.Legal  
**Subject:** Rep. Ed Brooks draft request

Rep. Brooks is looking for a draft modelled after Minnesota law for terroristic threats/hoaxes.

The Problem: Threats over Facebook, or some social media, that causes the evacuation of a school or business.

Solution Modelled from Minnesota Law: 609.713 – TERRORISTIC THREATS. Subdivision 1. Threaten violence; intent to terrorize. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. As used in this subdivision, “crime of violence” has the meaning given “violent crime” in section 609.1095, subdivision 1, paragraph (d).

Rep. Brooks has been working with the police chief in Reedsburg on this matter and he suggested the Minnesota law.

I am the contact on this matter. Thank you.

Look at AGDS omnibus bill

Terri

## Hurley, Peggy

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**From:** Hurley, Peggy  
**Sent:** Monday, February 09, 2015 5:15 PM  
**To:** Rep.Brooks  
**Subject:** terroristic threats

Representative Brooks,

I can prepare a draft for you that addresses making a terroristic threat. As you are aware, our statutes already prohibit making a false threat to use explosives or to release a chemical, biological, or radioactive substance. A person who commits either of those crimes is guilty of a Class I felony, and subject to fine up to \$10,000, imprisonment for up to three years and six months, or both.

In the 2001 legislative session, a bill was introduced that addressed a wide variety of issues related to terrorism. One section of the bill addressed making a terrorist threat. It appears that the language drafted for that session addresses many of the same points as the Minnesota statute you sent to me, except for the italicized paragraph, which I added upon review of the statute you forwarded. Please review this language and let me know if it accomplishes your intent, or if you would like changes to this language.

947.05 Terrorist threats.

(1) Whoever, under any of the following circumstances, threatens to cause the death of or bodily harm to any person or to damage any person's property is guilty of a Class E felony:

(a) The actor intends to prevent the occupation of or cause the evacuation of a building, dwelling, school premises, vehicle, facility of public transportation, or place of public assembly or any room within a building, dwelling, or school premises.

(b) The actor intends to cause serious public inconvenience.

*(bg) The actor intends to cause panic or fear, or to terrorize another individual.*

(c) The actor intends to cause an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service.

(d) The actor creates an unreasonable and substantial risk of causing a result described in par. (a), (b), *(bg)*, or (c) and is aware of that risk.

(2) Any person who violates sub. (1) and thereby contributes to any individual's death is guilty of a class C felony.

If you would like to meet to discuss this, please let me know.

Peggy Hurley  
Legislative Reference Bureau  
608 266 8906



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1672/1

PJH:A:...

Jed

2015 BILL

2.23

Gen

1

AN ACT ...; relating to: making a terrorist threat and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, no person may intentionally convey false information threatening to destroy property by means of an explosive or threatening to release a chemical, biological, or radioactive substance. A person who does either of these things is guilty of a Class I felony. ✓

Under this bill, no person may threaten to cause the death of or bodily injury to any person or to damage any person's property by any means under any of the following circumstances: 1) the actor intends to prevent the occupation of or cause the evacuation of a building, dwelling, school premises, vehicle (which is defined to include any bus, train, boat, or airplane), facility of public transportation, or place of public assembly or any room within a building, dwelling, or school premises; 2) the actor intends to cause serious public inconvenience; 3) the actor intends to cause serious public panic or fear; 4) the actor intends to cause an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service; or 5) the actor creates an unreasonable and substantial risk of causing one of those occurrences and is aware of that risk. ✓

Under the bill, a person who violates this prohibition is guilty of a Class I felony, unless the person thereby contributes to the death of any person. In that case, the person is guilty of a Class G felony. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

INSERT  
A  
move to  
next  
pages

**BILL**

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

Insert  
A (from  
p. 13)

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

1 SECTION 1. 947.019 of the statutes is created to read:

2 **947.019 Terrorist threats.** (1) Whoever, under any of the following  
3 circumstances, threatens to cause the death of or bodily harm to any person or to  
4 damage any person's property is guilty of a Class <sup>2</sup>~~E~~<sup>I</sup> felony:

5 (a) The actor intends to prevent the occupation of or cause the evacuation of a  
6 building, dwelling, school premises, vehicle, facility of public transportation, or place  
7 of public assembly or any room within a building, dwelling, or school premises. ✓

8 (b) The actor intends to cause serious public inconvenience. ✓

9 (c) The actor intends to cause serious public panic or fear. ✓

10 (d) The actor intends to cause an interruption or impairment of governmental  
11 operations or public communication, of transportation, or of a supply of water, gas,  
12 or other public service. ✓

13 (e) The actor creates an unreasonable and substantial risk of causing a result  
14 described in par. (a), (b), (c), or (d) ✓ and is aware of that risk.

15 (2) Any person who violates sub. (1) ✓ and thereby contributes to any individual's  
16 death is guilty of a class <sup>520</sup>~~C~~ felony.

(END)

d-note  
↓

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

LRB-1672/3dn

PJH:K...

Jld

Representative Brooks, ✓

Please review this draft to ensure it is consistent with your intent. As we discussed, this draft is based on language introduced as part of 2001 SB, 363. Please note that the penalty for making a terrorist threat in 2001 SB, 363 was a Class E felony, with an enhanced penalty of a Class C felony if a person was killed as a result of the terrorist threat.

In this draft, the penalty for making a terrorist threat is a Class I felony, with an enhanced penalty to a Class G felony if a person is killed as a result of the threat. I made this change because when 2001 SB, 363 was introduced, the penalty for making a bomb scare was a Class E felony; legislation passed later that year changed the penalty from a Class E to a Class I felony. Additionally, the penalty for making a threat to release a toxic agent (that statute was created in the 2003 legislative session) is likewise a Class I felony. ✓

I drafted this bill so that the penalty for making a terrorist threat matched the penalty in the similar statutes; please let me know if you would like that changed. ✓

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



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

LRB-1672/1dn  
PJH:jld:rs

February 23, 2015

Representative Brooks,

Please review this draft to ensure it is consistent with your intent. As we discussed, this draft is based on language introduced as part of 2001 SB-363. Please note that the penalty for making a terrorist threat in 2001 SB-363 was a Class E felony, with an enhanced penalty of a Class C felony if a person was killed as a result of the terrorist threat.

In this draft, the penalty for making a terrorist threat is a Class I felony, with an enhanced penalty to a Class G felony if a person is killed as a result of the threat. I made this change because when 2001 SB-363 was introduced, the penalty for making a bomb scare was a Class E felony; legislation passed later that year changed the penalty from a Class E to a Class I felony. Additionally, the penalty for making a threat to release a toxic agent (that statute was created in the 2003 legislative session) is likewise a Class I felony.

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

**Parisi, Lori**

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**From:** Rep.Brooks  
**Sent:** Thursday, February 26, 2015 10:42 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1672/1 Topic: Making terrorist threats

Please Jacket LRB -1672/1 for the ASSEMBLY.