



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 634

Senate Amendment 1

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Assembly Bill 634 extends the time limit for prosecution of arson crimes and modifies the definition of “fire bomb.”

Assembly Bill 634, as Amended by the Assembly

Under **current law**, prosecution for crimes of arson (arson of buildings, damage of property by explosives, arson of property other than a building, and arson with intent to defraud) may be commenced within six years after the commission of the violation. A prosecution has commenced when a warrant or summons is issued, an indictment is found, or an information is filed.

Also, current law prohibits a person from possessing, manufacturing, selling, offering for sale or giving or transferring a “fire bomb,” or Molotov cocktail. A fire bomb is defined to mean a “breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.”

2013 Assembly Bill 634, as amended by the Assembly, extends the time period for which prosecution may be commenced for the crimes of arson from six years to 10 years after the commission of the violation. This provision of the bill first applies to an act for which the time limit on prosecution has not yet expired.

The bill also amends the definition of a “fire bomb” so that it may include any container, not just a breakable container.

Senate Amendment 1

Senate Amendment 1 changes how long the time period for which prosecution may be commenced for the crimes of arson. Under the amendment, prosecution may be commenced within eight years after the commission of the violation.

Assembly Action

Assembly Amendment 2

Assembly Amendment 2 provided that a prosecution for a crime of arson could be commenced within 10 years after the commission of the violation. The original bill permitted commencing such a prosecution within 15 years.

Bill History

The Senate Committee on Judiciary and Labor offered Senate Amendment 1. On March 6, 2014, the committee voted unanimously to adopt Senate Amendment 1 to the bill and to recommend passage of the bill, as amended.

AS:ksm