

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 699

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

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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

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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:

1 **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.

- 6 (2) Whoever knowingly makes a false report, or knowingly causes another
 7 person to make a false report, of a felony to an officer, as defined in s. 946.41 (2) (b),
 8 is guilty of a Class I felony.
- 9 (3) A person may not be charged under this section solely because he or she 10 recants the report or solely because his or her report does not lead to criminal charges 11 against, or a conviction of, another person.

12 **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 moneys 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.

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