

State of Wisconsin



1995 Assembly Bill 159

Date of enactment: **June 30, 1995**

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1995 WISCONSIN ACT 22

AN ACT to amend 48.34 (intro.) and 48.34 (9) (d); and to create 48.34 (7r) and 939.632 of the statutes; relating to committing a violent crime at or near a school and providing penalties.

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

SECTION 1. 48.34 (intro.) of the statutes, as affected by 1993 Wisconsin Acts 385 and 491, is amended to read:

48.34 Disposition of child adjudged delinquent. (intro.) If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan. Subsections (4m) and (8) are exclusive dispositions, except that either disposition may be combined with the disposition under sub. (4p), (5), (7m), (7r) or (15) and a disposition under sub. (4m) must be combined with a disposition under sub. (4n). The dispositions under this section are:

SECTION 2. 48.34 (7r) of the statutes is created to read:

48.34 (7r) (a) If the child is adjudicated delinquent under a violation of a violent crime law specified in s. 939.632 (1) (e) in a school zone, as defined in s. 939.632 (1) (d), the court may require that the child participate for 100 hours in a supervised work program under sub. (9) or perform 100 hours of other community service work.

(b) The court shall not impose the requirement under par. (a) if the court determines that the person would pose a threat to public safety while completing the requirement.

SECTION 3. 48.34 (9) (d) of the statutes is amended to read:

48.34 (9) (d) Under this subsection, a court may not order a child who is 12 or 13 years of age to perform more than 40 total hours of community service work, except as provided in subs. (7m) and (7r).

SECTION 4. 939.632 of the statutes is created to read: **939.632 Penalties; violent crime in a school zone.**

(1) In this section:

(a) "School" means a public, parochial or private school that provides an educational program for one or more grades between grades 1 and 12 and that is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(b) "School bus" has the meaning given in s. 340.01 (56).

(c) "School premises" means any school building, grounds, recreation area or athletic field or any other property owned, used or operated for school administration.

(d) "School zone" means any of the following:

1. On the premises of a school.
2. Within 1,000 feet from the premises of a school.
3. On a school bus or public transportation transporting students to and from a public or private school.

3m. At school bus stops where students are waiting for a school bus or are being dropped off by a school bus.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(e) "Violent crime" means any of the following:

1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

2. The solicitation, conspiracy or attempt, under s. 939.30, 939.31 or 939.32, to commit a Class A felony.

3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

(2) If a person commits a violent crime in a school zone, the maximum period of imprisonment is increased as follows:

(a) If the violent crime is a felony, the maximum period of imprisonment is increased by 5 years.

(b) If the violent crime is a misdemeanor, the maximum period of imprisonment is increased by 3 months and the place of imprisonment is the county jail.

(3) (a) In addition to any other penalties that may apply to the crime under sub. (2), the court may require the

person to complete 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order. Any organization or agency acting in good faith to which a defendant is assigned under an order under this paragraph has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.

(b) The court shall not impose the requirement under par. (a) if the court determines that the person would pose a threat to public safety while completing the requirement.

(4) This section provides for the enhancement of the penalties applicable for the underlying crime. The court shall direct that the trier of fact find a special verdict as to all of the issues specified in sub. (2).

SECTION 5. Initial applicability; other.

(1) VIOLENT CRIME IN SCHOOL ZONES. This act first applies to acts occurring on the effective date of this subsection.