



Assembly Committee on Criminal Justice and Public Safety
Public Hearing on AB 273
January 28, 2016

Good morning Chairman Kleefisch, Vice-Chair Kremer and members of the Assembly Committee on Criminal Justice and Public Safety. Thank you for holding a hearing and giving me the chance to talk to you today on Assembly Bill 273. This bill was drafted at the request of a local sheriff and district attorney to close a current loophole in the law that makes it difficult to charge a person who makes a threat to use a firearm to injure or kill people in a school zone.

In the case I referenced, an individual threatened to “bring a gun to school and kill you all.” Without the specific threat to hurt a named individual, a local district attorney found himself unable to charge the person with anything more than a misdemeanor. In contrast, Wisconsin’s bomb scare laws allow DAs to charge individuals with a felony for making a bomb threat or a threat to release chemical, biological or radioactive substances. This bill models our gun threat laws on the successful bomb scare laws by making it a Class I felony to knowingly make a false threat to use a firearm to harm or kill another person in a school zone.

In the time since this bill is introduced, I have heard stories from school districts around the state who have faced similar situations. And as you can see, this bill has earned support from the Association of Wisconsin School Administrators, the Wisconsin Chiefs of Police Association, the Wisconsin Association of School Business Officials, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Personnel Administrators, and the Wisconsin Council for Administrators of Special Services.

As you may know, this bill’s companion Senate Bill 197 passed the Senate Committee on Judiciary and Public Safety yesterday unanimously. My co-author, Senator Bewley introduced an amendment that changes this bill’s applicable area from a school zone to property owned or leased by a school or school district, transportation provided by a school or school district, or an event sanctioned by a school or school district. With this amendment, the bill was able to pass out of committee. We have drafted an assembly version of the amendment that can be introduced at a later date depending on if the Senate passes the bill and sends it to our house as amendment.

Again, thank you for taking the time to hold a hearing on this bill. I would be happy to answer any questions you may have.



SENATOR JANET BEWLEY

WISCONSIN STATE SENATE

Assembly Committee on Criminal Justice and Public Safety Public Hearing on Assembly Bill 273 January 28, 2016

Good morning Representative Kleefisch and committee members. I want to start off by thanking you for this opportunity to testify in support of Assembly Bill 273. I am proud to be working with Rep. Doyle on this bill. And I appreciate Rep. Kleefisch's willingness to work across party lines on issues important to law enforcement and public safety.

At the request of a local Sheriff and District Attorney I introduced this legislation to close a loophole in current law that makes it difficult to charge a person who makes a threat to use a firearm to injure or kill people in a school zone.

Prosecutors face a conundrum as to what criminal statute should be charged when conduct of an individual is not specifically outlined in statutes. Chapter 947, Crimes Against Public Peace, Order and Other Interests, explicitly deals with bomb scares and threats to release chemical, biological or radioactive substances, but does not address the situation when a person makes a threat to bring a gun to school and shoot un-named people. Without a specific threat to hurt a named individual, it becomes difficult to charge anything more than a misdemeanor. As a result, a defendant can avoid the threat of a meaningful penalty, thereby stripping both law enforcement and school officials of the tools they need to address the situation.

Wisconsin has in place laws regarding bomb scares, which we used as a model. This bill would make it a Class I felony to knowingly make a false threat to use a firearm to injure or kill another person in a school zone. The law regarding bomb scares has been effective as both a deterrent and a way to convince offenders to recognize and address the seriousness of the behavior. I know you've also heard from Officer Nathan Emmons of the Barron Police Department about the circumstances that led to the drafting of this bill. I also have copies of testimony Officer Emmons has submitted.

The Senate version of the bill, which passed out of committee yesterday unanimously, included an amendment that replaces "school zone," with a more limited definition. Instead of encompassing property within 1000 feet of a school, the amended version would apply to threats to shoot people on property owned or leased by a school or school district, on transportation provided by a school or school district, or at a school sanctioned event.

Rep. Doyle and I would be happy to answer any questions you have. Thank you for your time and consideration.



25th Senate District

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Pewaukee cancels classes on Friday after threat

By [Ashley Luthern](#) of the Journal Sentinel

Oct. 1, 2015

The Pewaukee School District has canceled Friday classes and all after-school activities, including those related to homecoming, after a handwritten message threatening a school shooting was found at Pewaukee High School.

The message read, "There will be a school shooting on Friday, October 2nd." Once school staff saw the message, they contacted Pewaukee Village Police Department to investigate the threat, according to a letter to parents from Superintendent JoAnn Sternke.

The school campus will be locked down beginning at 8 p.m. Thursday, and students will be unable to access the building after that time. Police will sweep the buildings after 8 p.m. Thursday and continue on Friday.

The pep rally, parade and football game scheduled for Friday are canceled. Sternke wrote that staff members would notify parents "if and when these events will be rescheduled."

The homecoming dance is still scheduled on Saturday. Tickets will be sold at the door for students who had planned to purchase them at school on Friday. Classes are expected to resume Monday.

Anyone with information can call CrimeStoppers at 1-(888) 441-5505 or go online to www.stopcrimewaukesha.com to submit a tip anonymously.

Find this article at:

<http://www.jsonline.com/news/crime/pewaukee-cancels-classes-on-friday-after-threat-b99588725z1-330324121.html>

Check the box to include the list of links referenced in the article.

Testimony: Assembly Bill 273

Joseph Moylan, PhD

Principal Oconomowoc High School

Good Morning and thank you for allowing to speak in support for this Bill. I have been a principal for going on two decades. I moved back to Wisconsin after serving as an assistant principal in Littleton, Colorado and living through Columbine. I use one word to describe an incident that everyone recognizes. You recognize it because it was one of the worst tragedies in American modern history. We all vowed back then, never again. This year I have had three threats at OHS and one of those the student had the plan, the people and the gun. At his expulsion hearing, his father told the board of education, "Come on, this is not even that big of a deal. If it was, the police would be charging him with something more than disorderly conduct. That is what you get for being too loud at bar time!"

This is the most serious of problems schools face. A student who plans or threatens to shoot students in a school. The statutes for expulsion from school are clear in several ways with regard to this issue. The Statute provides for expulsion from school when a student threatens the health and safety of other students. That same Statute, which I have included the provisions for you, talks about repeated disruption to the learning environment and clearly values the order of the school environment. When a student makes this type of a threat, parents keep their children home at a high rate. We can lose 20%-30% of the students in the school to a wasted day. That is a disruption.

I would ask your help in moving this Bill along in this session of the Assembly. We need to provide the police with the help they need to negotiate help for the young people who make this choice. We need to provide schools with a message that this is a very serious action and it has the most serious of consequences. We need to be able to do what the police had to do in Mequon at Homestead high school this past week. I have provided that article for your review.

Thank you for your time and attention. We look forward to your support.

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UPDATE: 15-year-old boy in custody in connection to bomb threat that closed Homestead High School



Homestead High School Photo By Staff photo by C.T. Kruger



By Ty Schmidt Jan. 22, 2016

print e-mail

Mequon — A 15-year-old boy is in custody as Mequon police investigate a threat that was made on social media and directed at Homestead High School Jan. 22.

The threat, which was reportedly made using a social media app identified as "whatsgoodly," was first reported to Mequon police just after 4:30 p.m. Jan. 21, according to a release by the police department.

The Mequon Police Department, with help from the Ozaukee County District Attorney's Office, began an investigation into the threat and identified a potential subject, who was arrested the morning of Jan. 22, the release said.

Shortly after 5 a.m. Jan. 22, Mequon police entered a Mequon home, where they later took the boy into custody. It is believed the boy was acting alone, according to the release, which added that officials believe the boy was not going to take the action any further.

Charges of making a bomb threat and unlawful use of a computerized communication system will be sought in Washington County court.

Mequon Police wish to emphasize that there is no further concern for any students or staff of the Mequon-Thiensville School District, or the community, related to this incident, the release said.

In the meantime, Mequon officials are emphasizing there is no further concern over safety for students, staff or the community.

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Students did not need to report to school on Jan. 22, after Superintendent Demond Means addressed parents in a Jan. 21 letter explaining the situation.

The district worked with the police department to investigate the threat, the letter stated, which was made and subsequently deleted from social media.

The district provided an update to parents on Jan. 22, which indicated that the school district "intends to levy discipline to the fullest extent available."

"Thank you for your patience as we worked through this unfortunate situation," said Means, in the letter. "I would also like to extend our collective appreciation to local law enforcement...While the cancellation of school is never ideal, the safety of our students and staff is paramount."

Evening activities at the school will continue as planned, but will have a heightened level of security, Means said.

All other schools remained open Jan. 22.

No further information will be released until next week, as investigators finish up interviews and reports.

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Homestead student arrested in social media threat

By Bruce Vielmetti of the Journal Sentinel

Jan. 22, 2016

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Demond Means

A 15-year-old Homestead High School student was arrested early Friday and is expected to be formally charged as a juvenile with making a threat against the school Thursday on a social media polling application.

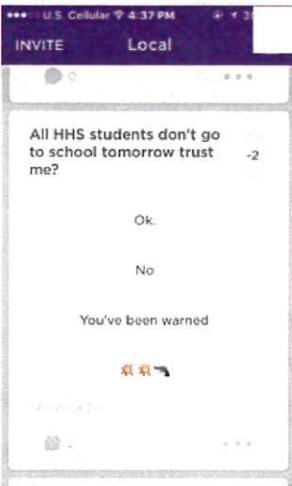
The arrest was announced at a 10 a.m. news conference by Mequon Police Chief Steve Graff and Mequon-Thiensville School District Superintendent Demond Means, who had decided Thursday evening to cancel classes at the high school for Friday.

Graff said police got a report of the threat, in the form of a poll question with possible answers on the app Whatsgoodly. He said the app's California developer helped police identify who had posted the threat. Police then worked with the Ozaukee County district attorney to obtain a search warrant, served at the boy's Mequon home at 5:13 a.m. Friday.

Graff said the boy was acting alone and didn't plan any further action. There was no more concern for students or staff.

Graff offered this message to teens who think they can remain anonymous behind social media apps: "You can't."

Means said Friday evening activities at Homestead would go on as scheduled, though with increased security. He thanked police for the quick resolution and stressed that all such threats would be taken seriously and prosecuted fully.



Classes at Homestead High School in Mequon were canceled Friday because of a threat received posted on the social media app Whatsgoodly on Thursday afternoon. A 15-year-old Homestead student was arrested Friday.

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He said it was the focused nature of the threat — a specific date and specific school — that led to his decision to cancel school.

Means said several students, and some parents, took screen grabs of the threat, which disappeared quickly, and forwarded them to school officials.

The boy is being charged under a statute titled bomb scares, but the language actually covers any threat to destroy any property by means of explosives. The charge is a felony punishable by up to 18 months in prison.

The post was in the form of a question, "All HHS students don't go to school tomorrow trust me?" with four choices a reader could select: Ok, No, You've been warned, and a button with three symbols: two explosions and a handgun.

The boy also will be charged with using a computer to make a threatening communication, a misdemeanor. Ozaukee County District Attorney Adam Gerol said the boy was expected to make a juvenile court appearance Friday afternoon.

Legislators are working on a bill to specifically make false threats of gun violence in schools a separate felony after some law enforcement officials complained that they could only be charged with misdemeanors in those situations.

Whatsgoodly supposedly allows users, anonymous but for their gender, to ask questions of others signed into the same college campus or geographic area. Critics have said it enables cyberbullying.



About Bruce Vielmetti

Bruce Vielmetti writes about legal affairs.

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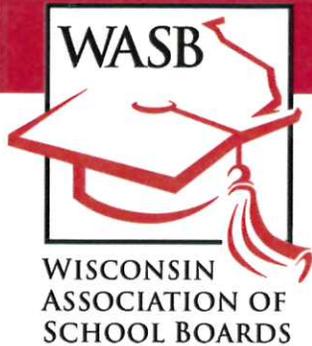
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Thursday, January 28, 2016

Statutory Grounds for Expulsion

The statutory reasons specified under 120.13, Wisconsin Statutes, for expelling a student are as follows:

1. has repeatedly refused to or neglected to obey the rules established by the School District;
2. has engaged in conduct while at school or while under the supervision of a school authority which has endangered the property, health and safety of others, which includes a threat to endanger the property, health or safety of others;
3. has engaged in conduct, while not at school or while not under the supervision of a school authority which endangered the property, health or safety of others at school or under the supervision of a school authority, or endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled, which includes a threat to endanger the property, health or safety of others;
4. knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
5. is at least 16 years old and has repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not otherwise constitute grounds for expulsion; and/or,
6. while at school or while under the supervision of a school authority possessed a firearm as defined in 18 USC 921(a)(3).



122 W. Washington Avenue, Madison, WI 53703
Phone: 608-257-2622 Fax: 608-257-8386

John H. Ashley, Executive Director

TO: Members, Assembly Committee on Criminal Justice and Public Safety
FROM: Dan Rossmiller, Government Relations Director
RE: Assembly Bill 273, relating to: making a false threat to use a firearm to injure or kill another person in a school zone and providing a penalty.
DATE: January 28, 2016

The Wisconsin Association of School Boards, representing 423 school boards across the state of Wisconsin, strongly supports Assembly Bill 273.

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. This is the same penalty that applies to a person who makes a bomb threat against a school.

Under current law, a person who threatens to use a firearm to injure or kill an unnamed person can be charged at most with disorderly conduct, a Class B misdemeanor under section 947.01, Wis. Statutes. Unfortunately, some students who have made these threats and their parents do not view a misdemeanor conviction as a serious consequence. As a result, current law provides an inadequate deterrent that denigrates the seriousness of these offenses. It may also prevent student offenders who make such threats because they need mental health treatment from receiving such treatment.

Assembly Bill 273 will allow prosecutors to charge violators with a felony to emphasize the seriousness of the impact such threats have on schools and communities. These threats are incredibly disruptive to the learning environment in those districts and create fear and anxiety for students and parents that is not easily dispelled and often long lasting. These threats shake the confidence of students, parents, staff and communities in the safety and security of our schools

Regrettably, such threats are no longer an isolated occurrence. Since the Senate companion to this bill received a public hearing, the WASB has become aware of at least four Wisconsin school districts that have faced such threats.

Students need and deserve safe places to learn. School board members, parents, students, teachers, administrators, and members of the general public all have a shared interest in ensuring student safety. We take student safety and security seriously. That is why all public school districts have internal procedures to address student behavior issues, including suspension and expulsion policies, and why we work closely with law enforcement agencies in our communities.

Assembly Bill 273 will give prosecutors an important additional tool to deal with persons who make such threats and will help school officials ensure that those students who make such threats because of unmet mental health needs get appropriate treatment. We urge your support.

January 28, 2016

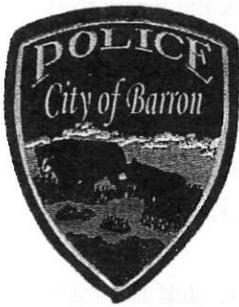
Chairman Kleefisch and Members of the Criminal Justice and Public Safety Committee:

Thank you for your time this morning. My name is Roger Rindo, and I am proud to serve as superintendent in the Oconomowoc Area School District. I am here today to testify in support of Assembly Bill 273 relating to making a false threat to use a firearm to injure or kill another person in a school zone.

Over that last two and a half months, our District has had the unfortunate experience that too many school districts in our state, and frankly around our country, have experienced. During this time we have experienced three separate incidents in which students have made threats to cause harm to others and themselves at school with a firearm. In each case, excellent police work headed off any potential tragedy through timely investigation, and helped to determine the level of credibility. I can tell you with absolutely certainty, however, that each case left a school community shaken, in fear, and questioning just what legal consequences might await the individuals who leveled the threats to our children's safety. It was during the first incident that I was made aware that there was currently nothing in statute that addressed threats of this nature. During my time as a building and district administrator, I have also experienced bomb threats in schools, and I simply operated under the false assumption that threats to cause harm with a firearm were included similarly in the statute. Today, I am asking you to support AB 273, making these threats a crime to the same degree as a bomb threat. It is not the penalty under the law that will help us in schools, but the teeth of the law itself.

Perhaps there once was a time when threats to harm children, teachers, or other school personnel could have been passed off as an adolescent prank. Not anymore. We live in an age in which such threats, even those without credibility, are far from a harmless prank. When individuals act in ways that cause fear and disrupt the learning environment in our schools through apprehension and insecurity, it is impossible to do the important work of educating our kids. Like our colleagues around the state, in Oconomowoc we show up every day and do everything that we can to ensure a safe environment for our kids. The safety and security of our kids will always be our top priority. I respectfully request this committee's help to provide yet another measure of that security by supporting Assembly Bill 273.

Thank you again for the time.



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**Testimony at Assembly Public Hearing
Committee on Criminal Justice and Public Safety
Thursday, January 28, 2016
Assembly Bill 273**

Good morning Chairman Joel Kleefisch and Committee Members. I appreciate the opportunity to share with you my testimony via this letter regarding Assembly Bill 273. I regret that I am unable to speak before you today but I have training that I have to attend. I want to thank Senator Bewley, Representative Doyle for drafting the bill and those who have sponsored the bill.

My name is Nathan Emmons and I work for the City of Barron Police Department in Barron, Wisconsin. I am our departments Investigator and K9 Officer. Prior to my career in Law Enforcement I was a pastor for over 30 years.

Assembly Bill 273 has its roots in an incident that occurred on October 22, 2014 at the Barron High School. At approximately 4:00 PM that afternoon I received a phone call from the High School Principle Kirk Haugestuen. Principle Haugestuen stated that a threat had been found written in a men's bathroom at the High School. Upon arrival at the High School Principle Haugestuen showed me the threat. The threat read, "I'm Going to bring a gun to school and kill you all."

The threat was written by a 17 year old male student who was mad because the principle had gotten after him for goofing around and not doing his school work. Just prior to writing the threat that student did a google search on his school issued computer on "how to kill people you like."

Just recently the Menomonie, Eau Claire, and Oconomowoc schools have had gun threats.

These threats cost the tax payers of Wisconsin thousands of dollars. Our high school population is about 390 students and the one day school canceled on account of the threat cost our school district an estimated \$25,000. Our department had over 120 hours involved with this one case. Each threat must be taken seriously and dealt with immediately to ensure the safety of our students no matter how much it may cost.

But the real cost of these threats can not be measured monetarily. The real cost is the since that school is no longer a safe place to be. Our young people become fearful of going to school. Parents are afraid and keep their children home from school. I have friends whose kids go to the Menomonie Schools. They kept their kids home Monday and Tuesday and school was canceled on Wednesday. For our high school to be closed for one day means our students lose approximately 1,950 hours of instruction based on 5 hours of classroom time and 390 students.

When I took our case to the Barron County District Attorney's Office I was told that the only thing we could charge the student with was Disorderly Conduct, which is basically of small fine. Wisconsin State Statute 947.015 only deals with Bomb Threats and Wisconsin State Statute 947.017 only deals with the Threat to release chemical, biological, or radioactive substances.

Thus began my journey to where I am today, writing to you on behalf of Assembly Bill 273. I have called Senators and Representatives. I have written many letters. I have called or emailed Senator Bewley's office several times so that this bill doesn't die along the way. I am passionate about protecting the young people of Wisconsin and ask that you join me in that passion by supporting this bill.

I realize that passing this bill will not end all the threats. The purpose of this bill is not to create more felons; just as the law regarding bomb threats has not created more felons. But I do believe it can serve as a deterrent as people think about the consequences they could face by making such threats. This will require educating our students of the consequences of making such threats. I believe threats to bring a gun to school and harm people are more likely to happen over bomb threats and as such needs at least the same consequences as bomb threats.

Many of today's young people believe there is little to no negative consequence to what they do. The student who wrote the threat in our high school went on to commit several other crimes in our community after being expelled from school. Since he was only being charged with a disorderly conduct he never went before a judge, there was no intervention recommended and his parents paid the fine. Perhaps had this bill been in place he would have received the necessary intervention that could have impacted his future choices for the better.

Today, I ask that you send a strong message to the young people of Wisconsin that we take threats of any kind to their safety seriously and that we will do all that we can to protect them and make our schools a safe zone by seeing that this bill is passed. Thank you for your time this morning.

Sincerely,



Nathan Emmons

Investigator/K9 Officer