



EDWARD BROOKS

STATE REPRESENTATIVE

TESTIMONY IN SUPPORT OF 2015 ASSEMBLY BILL 341

Mr. Chairman and members of the Committee on Criminal Justice and Public Safety, thank you for hearing AB 341 today.

My local police chief asked me to introduce this legislation in response to an incident from 2014 in the Reedsburg.

A Reedsburg man posted a threat to “shoot up” a local elementary school on Facebook. The threat forced precautionary lockdowns at Reedsburg schools and elementary schools in Loganville and LaValle.

It also went viral locally, spreading fear and panic resulting in 200 students being pulled from school.

What used to be considered a childish prank and dismissed with a slap on the wrist in the past now results in mobilization and expenditure of significant public resources, and most states already have laws that allow prosecution of a school threat as a felony, according to a recent Associated Press news article.

For example, the Reedsburg Police Department needed assistance from the Sauk County Sheriff’s Department to secure school buildings. Last month in California, the entire Los Angeles School District was shut down by school officials due to a threat. Keep in mind that earlier in the month 14 people were killed and 22 were seriously injured in a terrorist attack in San Bernardino, California, which consisted of a mass shooting and an attempted bombing.



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Times and circumstances have changed, and in Wisconsin, the punishment no longer fits the crime. In the Reedsburg incident, disorderly conduct was the only charge the law would allow, a Class B misdemeanor.

Assembly Bill 341 makes terrorist threats under certain circumstances a Class I felony, and when a death occurs, a Class G felony. It is not limited to terrorist threats against schools, but also includes vehicles, public transportation, places of public assembly or any room within a building, dwelling, or school premises.

Assembly Bill 341 does **not** mandate a felony charge or sentence. This is of particular importance to those concerned with keeping non-violent juvenile offenders out of prison. I've attached a message from the Legislative Council on this point.

The bill is supported by the Wisconsin Chiefs of Police Association. I respectfully request your recommendation for passage of AB 341 at your next executive session.

Rep.Brooks

From: Schmidt, Melissa
Sent: Tuesday, January 12, 2016 10:28 AM
To: Flynn, John; Rep.Brooks
Subject: Question Regarding Assembly Bill 341

Importance: High

Representative Brooks,

You have asked whether Assembly Bill 341 (the bill), relating to making a terrorist threat and providing a penalty, eliminates a District Attorney's charging discretion, or a judge's sentencing discretion, if a juvenile commits a violation of the crime created under the bill. The answer to both questions is, "no." The bill creates a new crime; it does not amend a District Attorney's charging discretion or a judge's sentencing discretion with respect to anyone – including a juvenile – who is alleged to have committed a violation of the crime created under the bill. Whatever discretion a District Attorney and a judge have under current law, is not affected by the bill.

Please let me know if you have any further questions.

Sincerely,

Melissa Schmidt

Senior Staff Attorney
Wisconsin Legislative Council
Phone: (608) 266-2298
<http://lc.legis.wisconsin.gov/>



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

January 14, 2016

TESTIMONY ON ASSEMBLY BILL 341

Thank you Chairman Kleefisch and the Assembly Committee on Criminal Justice and Public Safety for hearing Assembly Bill 341.

In May of 2014, a man posted a message on Facebook threatening to shoot up an elementary school in Reedsburg. While the individual claimed that he had no intention of carrying out this act, this incident created a large disruption to the Reedsburg Police Department and the school district. In this particular case, the individual only paid a few hundred dollars in bail to get out of jail and was charged with a misdemeanor.

While it was deemed safe students to attend school the next day, over 200 families in Reedsburg chose to keep their kids at home. This incident had disrupted the school day and the schedules of many families in Reedsburg.

Under current law, if an individual calls in a certain type of mass threat, such as a bomb threat, they would be subject to a felony, but the statutes do not address someone threatening to “shoot up” a public place. The police department went to his home and determined that the threat was not credible. He was charged with misdemeanor disorderly conduct and was released from jail.

Representative Brooks and I have authored Assembly Bill 341 and Senate Bill 256 to make this kind of threat a Class I felony in Wisconsin. If an individual threatens to cause death, bodily injury, or property damage by any means to prevent the occupation of a building, vehicle, or other public place of assembly, they would be subject to a felony charge. This would also apply if the individual intends to cause interruption or public panic. The penalty for a Class I felony in Wisconsin is a fine up to \$10,000 and/or a prison sentence of up to three years and six months.

We believe this legislation would address situations like the one in Reedsburg and ensure that individuals who threaten to harm others and create disruption will face appropriate penalties.

I would like to thank Representative Brooks for his leadership on this legislation and the City of Reedsburg for working with our offices to address this concern.



CITY OF
REEDSBURG
POLICE DEPARTMENT

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TIMOTHY M. BECKER
CHIEF OF POLICE

January 14, 2016

To: Committee on Criminal Justice & Public Safety
From: Tim Becker, Chief of Police
Re: AB 341

Committee Members,

I apologize for not being able to make this hearing in person; I hope that you do not interpret my inability to attend as a lack of passion or commitment to this important bill.

On May 15, 2014 a 21-year old Reedsburg man posted a threat on his Facebook page that he wanted to shoot up an elementary school. Although the message existed on his page for less than an hour, it received considerable attention. His post was "shared" numerous times and caused considerable stress for hundreds of parents and residents. Our suspect was quickly apprehended but the effect of his threat was much longer-lasting.

When our suspect was apprehended we reviewed the current statutes and found that the only criminal charge that was appropriate to this incident was Disorderly Conduct, a class B misdemeanor. Our suspect posted \$150 cash in approximately 10 minutes and he was on his way home. That charge was certainly not proportionate to the amount of panic and fear that this individual caused. Parents and school staff were infuriated and, frankly, afraid for their safety. Over 200 children were called in "sick" to school based on the threat. Armed officers were present at all schools for a week due to parental and staff concerns. Reedsburg is NOT an isolated event; similar cases have been reported all over the State with very similar frustrations.

Currently, if an individual communicates a bomb or explosive threat, that is a class I felony (947.015). There needs to be some parity in the law. Unfortunately, gun violence, real or threatened, has become increasingly popular. I do not recall the last time an explosive device has been detonated locally but we can all remember incidents of gun violence. As crime evolves our response to it must also evolve. By making terroristic threats an appropriate felony we can work together to hold those offenders responsible and hopefully deter some of these threats.

I would encourage you to pass this important legislation. Thank you for your attention and if I can be of any assistance please do not hesitate to contact me.