



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 608

Assembly Amendment 1

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Current law [s. 939.648, Stats.] provides for increased penalties (i.e., penalty enhancer) for acts of terrorism. A person engages in an act of terrorism if he or she commits certain felonies with the intent to influence the policy of the federal or state government or any local government with the intent to punish the federal or state government or any local government for a previous policy decision. If the person is found to have engaged in an act of terrorism, the maximum fine for the underlying felony may be increased by not more than \$50,000 and the maximum period of imprisonment for the felony may be increased by not more than 15 years.

2001 Assembly Bill 608 prohibits a person from soliciting or collecting “material support,” as defined in the bill, if he or she knows that the material support is intended to be used to plan, prepare, commit, or escape after committing an act of international terrorism. The bill also prohibits a person from providing material support to another if he or she knows that the material support is intended to be used to plan, prepare, commit, or escape after committing an act of international terrorism. The bill defines an “act of international terrorism” to be an act committed outside the United States, that causes harm or death to another or the use of force or violence against another, and that is intended to influence the policy or conduct of a government, governmental unit, or government agency or to intimidate or coerce a civilian population. A person who violates the prohibitions created in the bill is guilty of a Class C felony (punishment by a fine not to exceed \$10,000 or imprisonment not to exceed 15 years, or both).

Current law also requires a charitable organization to be registered with the Department of Regulation and Licensing (DRL) in order to be able to solicit contributions in this state. [subch. III, ch. 440, Stats.] Current law also requires professional fundraisers (persons paid to solicit charitable contributions) and fundraising counsel (persons paid to plan, manage, or give advice concerning the solicitation of charitable contributions) to be registered with DRL. DRL may deny, limit, suspend, or revoke the registration of a charitable organization, professional fundraiser, or fundraising counsel that does any of the following: (1) makes a false statement in a registration statement, annual report, or other information required to be filed with DRL; or (2) violates a statute or rule that regulates the solicitation

of charitable contributions. Assembly Bill 608 provides that DRL may deny, limit, suspend, or revoke the registration of a charitable organization, professional fundraiser, or fundraising counsel that violates the prohibitions created in the bill against soliciting or collecting material support that is intended to be used to plan, prepare, commit, or escape after committing acts of international terrorism.

Assembly Amendment 1 makes the following changes in the bill:

1. By deleting references to “international,” expands the scope of the bill to cover material support for both international and domestic acts of terrorism (see changes in the definition of “Act of [international] terrorism” in items 1., 2. and 3., p. 1 of the amendment).
2. Replaces a provision in the definition of “Act of [international] terrorism” which describes the required intent of the acts covered by the definition, with a requirement that the act be done with the intent to terrorize (item 6., p. 1 of the amendment) and defines the phrase “intent to terrorize” in par. (c) of item 7., p. 2 of the amendment to read:

(c) “Intent to terrorize” means intent to accomplish any of the following:

1. To influence the policy or conduct of a governmental unit or to influence an official policy decision or the official conduct of a public officer or public employee.
2. To punish a governmental unit or a public officer or public employee for a prior policy decision, other official decision, or official conduct.
3. To intimidate or coerce a civilian population.

“Government unit” as used in the definition of “intent to terrorize” is defined in par. (c) of item 7., p. 2 of the amendment to have the meaning given in current penalty enhancer statute that applies to acts of terrorism. [s. 939.648 (1), Stats.] This definition reads as follows:

(1) In this section, “governmental unit” means the United States; the state; any county, city, village or town; or any political subdivision, department, division, board or agency of the United States, the state or any county, city, village or town.

3. Changes the introduction to the definition of “material support” in the bill by substituting “includes” for “means” (item 8., p. 2 of the amendment). Using “includes” allows a court to adopt additional meanings; using “means” restricts courts to reasonable construction of the various items or acts of support listed in the definition.
4. Adds “or their precursors” after “poisonous substances” in the list of activities and items that constitute “material support.” A precursor is a substance from which another substance (in this case, a “poisonous substance”) is formed.
5. Adds the phrase “reason to know” after “knows” in the prohibition against soliciting, collecting or providing material support (items 11. and 13., p. 2 of the amendment). This modification will enable prosecution where evidence of actual knowledge is unavailable.

The bill, as affected by Assembly Amendment 1, was recommended for passage by the Assembly Committee on Criminal Justice on a vote of Ayes, 11; Noes, 3.

SPH:rv:tlujal