

State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 500

January 26, 2012 – Introduced by Representatives Clark, Brooks, Hulsey, Grigsby, C. Taylor, Steineke, Ringhand, Turner, Pasch, Bewley, Pope-Roberts, Pocan, Berceau, Roys, Sinicki and Seidel, cosponsored by Senators Hansen, Risser, Schultz, Lassa, C. Larson, S. Coggs and T. Cullen. Referred to Committee on Criminal Justice and Corrections.

AN ACT *to amend* 948.61 (1) (b) of the statutes; **relating to:** adding kindergarten to definition of school for the purposes of the gun-free school zone law and the prohibition against weapons on school premises.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony. With exceptions, an individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. With exceptions, an individual who knowingly possesses a dangerous weapon that is not a firearm on school premises is guilty of a Class A misdemeanor for a first violation or a Class I felony for a second or subsequent violation within a five-year period. For these crimes, "school" is defined as a school that provides an educational program for one or more grades between 1 and 12. This bill changes the definition of school so that it includes a prekindergarten, four-year-old kindergarten, or five-year-old kindergarten program, and specifies that it must be a facility dedicated to educational programming.

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

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SECTION 1. 948.61 (1) (b) of the statutes is amended	l to read:
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948.61 (1) (b) "School" means a public school, parochial or private school, or tribal school, as defined in s. 115.001 (15m), which provides an educational program for one or more grades between grades 1 kindergarten and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school. In this paragraph, "kindergarten" includes prekindergarten, 4-year-old kindergarten, and 5-year-old kindergarten, and "school" includes only a facility that is dedicated to educational programming.

9 (END)