



SENATOR JANET BEWLEY
WISCONSIN STATE SENATE

**Senate Committee on Judiciary and Public Safety
Public Hearing on Senate Bill 311
August 14, 2019**

Good morning Chairman Wanggaard and committee members. Thank you for this opportunity to testify in support of Senate Bill 311 (SB311). I am proud to be working with Rep. Doyle on this bill and I appreciate the unanimous support this bill received from this committee and the full Assembly last year. I'm hopeful we can get this through both houses this session.

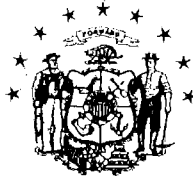
SB 311 is the result of a request from local law enforcement and prosecutors to close a loophole that makes it difficult to charge a person who makes a general threat to use a dangerous weapon to injure or kill people at a school or school event.

Unfortunately, state law currently does not address instances when a person makes a threat to bring a gun, knife, or other item with the intent to cause injury or loss of life at a school. The bill would bring this penalty into line with our current bomb scare prohibition and make it a



25th Senate District

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Class I felony to knowingly make a false threat to use a weapon to injure or kill another person in a school zone.

Under current law it is difficult to charge anything more than a misdemeanor without a specific threat to hurt a named individual. As a result, a defendant can avoid the threat of a meaningful penalty, which strips both law enforcement and school officials of the tools they need to address the situation. 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 threats that often close schools and create real dangers for students and staff.

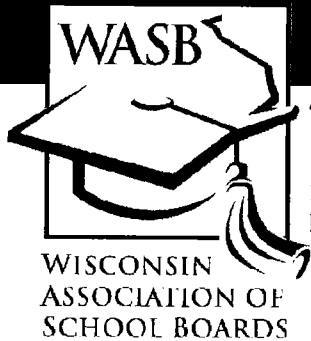
This bill is strongly supported by law enforcement and school officials, including Officer Nathan Emmons from the City of Barron who came down to testify today about the need for this bill and a situation that occurred at the high school in our community.

Thank you for your time and consideration and for your committee's dedication to law enforcement and public safety.



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TO: Members, Senate Committee on Judiciary and Public Safety
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: August 14, 2019
RE: SUPPORT for Senate Bill 311, relating to threats to use a dangerous weapon on school property to injure or kill a person and providing a criminal penalty.

Mr. Chairman, members of the committee, my name is Dan Rossmiller. I am the Government Relations Director for the Wisconsin Association of School Boards (WASB). I am here on behalf of the 421 locally elected school boards in our state. Thank you for the opportunity to testify in support of Senate Bill 311.

Senate Bill 311 would allow criminal prosecution for the specific crime of intentionally conveying any threat or false information concerning an attempt or alleged attempt to use a dangerous weapon to injure or kill a person on school property, on transportation provided by a school, or at an event sanctioned by a school.

Senate Bill 311 is a slightly modified redraft of a bill that was introduced originally as 2015 Assembly Bill 273. That bill was introduced at the request of the Barron County Sheriff's Department and the Barron Police Department. The WASB supported that bill, which passed the Assembly on a voice vote but did not receive a floor vote in the Senate. Last session, the WASB supported 2017 Assembly Bill 111, a similar redraft, which also passed the Assembly and this committee but did not receive a floor vote in the Senate. Both of those bills, as originally introduced, referred to threats or false information to use a **firearm**. 2017 Assembly Bill 111 was amended to expand the bill to prohibit threats or false information related to a **dangerous weapon**, which under current law, is defined to include a firearm. The current bill, 2019 Senate Bill 311, also refers to threats or false information related to a **dangerous weapon**.

Ensuring student safety is of paramount concern to school board members. Threats to use dangerous weapons, and especially firearms, on school property to cause injury or death are disruptive to the educational process. These sorts of threats result in the school being evacuated and the community becoming unsettled. Parents are reluctant to send their children to school and teachers and staff are similarly apprehensive.

Wisconsin currently has criminal statutes on the books specifically addressing bomb threats or threats to release chemical or biological agents or radioactive substances, which at times in the past were commonly made against schools, but has no statute specifically addressing threats to bring a dangerous weapon to school and kill or injure unnamed persons. This bill would create new offense with a potential penalty identical to the penalty for creating a bomb scare or making a threat to release chemical, biological, or radioactive substances.

Testimony offered in support of the predecessor bills referenced above indicated that it is particularly difficult to prosecute these types of threat cases when the threat is not made against a specifically identified person or persons under current statutes as anything more serious than a misdemeanor offense such as disorderly conduct. This type of behavior is not included under the crime of recklessly endangering safety.

We are aware that threat incidents that would have been covered by this bill have been reported in the several Wisconsin school districts over the last several years. The disruptions caused by those threats were significant.

Our interest is ensuring school safety and deterring the types of threats covered by this bill.

Senate Bill 311 would provide prosecutors with an additional tool that is straightforward and conveys the seriousness and disruptive nature of the offense. This, in turn, could increase the likelihood that county social services assistance or other appropriate interventions would be provided to address the issues that led to the threats covered under this bill being made.

We encourage your support for Senate Bill 311.



Wisconsin School Social Workers Association

Testimony in Opposition to Senate Bill 311, Relating to Threats to Use a Dangerous Weapon on School Property to Injure or Kill a Person

The Wisconsin School Social Workers Association (WSSWA) fully supports making our schools safer for everybody. WSSWA commends the authors of Senate Bill 311 for their efforts in trying to reach this goal. Unfortunately, based on our experiences working in schools, WSSWA feels it must oppose SB 311 as currently drafted.

SB 311, and its companion, AB 338, would create a crime for intentionally conveying any threat or false information concerning an attempt to use a dangerous weapon to injure or kill a person on school property, on transportation provided by a school, or to an event sanctioned by a school. It would be a Class I felony.

To move right away to legal consequences when a student makes a threat of violence can do more harm than good for both the student and the learning community. It ignores assessment procedures and tools already in place, such as the violence risk assessment. This is where a team of specialists takes into account the individual student and their development to determine next steps. To ignore these steps would be to fuel the school to prison pipeline, therefore missing the opportunity to educate and help the student.

Law enforcement should clearly be involved in supporting the structured process and assessment. Restitution may be involved, but more importantly it should be for the purpose of restoring the community to safety and the student to the community. Cognitive decision making skills are not fully developed in adolescents. To charge a student's developmentally impulsive threat as a felony is to ignore the situation as a potential cry for help. All the help that could be given is lost and instead a criminal record may be created.

We support actions that include researched based efforts such as restorative justice that holds students accountable as well as teaches them the outcomes of their actions to avoid impulsive behavior in the future. We look forward to continuing to work with legislators to achieve these goals. Thank you for considering our views.

To: Senator Wanggaard, Chair, and Members of the Senate Committee on Judiciary and Public Safety
From: Disability Rights Wisconsin, Phyllis Greenberger, Lead Advocacy Specialist
Re: Testimony Against SB-311
Date: August 14, 2019

Recommendation: Against

My name is Phyllis Greenberger and I am a lead advocate with Disability Rights Wisconsin. Thank you for the opportunity to testify today regarding our agencies concerns with SB-311. Disability Rights Wisconsin is Wisconsin's Protection and Advocacy system for people with disabilities. A major focus of our work both individually and systemically across the state focuses on special education and the rights of students with disabilities. DRW does not support this bill.

DRW is charged with protecting the rights of over 116,000 students with disabilities in Wisconsin's public schools. Students with disabilities **WOULD** be subject to the provisions in this bill. DRW feels strongly that this bill would have unintended consequences for students with disabilities in school and increase the likelihood these students would be unfairly pushed into the school to prison pipeline.

We represent families every year whose children with disabilities make threats to others at school and face suspension, expulsion, police contact and referral to the juvenile justice system at high rates. Students with disabilities in Wisconsin schools are already three times more likely to be suspended for their disability related behaviors than their peers. The Center for Public Integrity ranked Wisconsin 3rd in referral for students with disabilities to law enforcement.

In the past, we have represented students with intellectual disabilities, autism, and emotional behavioral disabilities who lack the ability to communicate frustration, fear, and dysregulation in an appropriate manner, and at times use threatening language without always understanding the consequences. These students have been arrested at school, handcuffed, and taken to the police department causing extreme distress and sometimes even more unsafe behaviors. Then, the family is thrown into the justice system and their child would now be facing Class 1 Felony charges for expressing frustration they didn't have a better way to express at the time. We have already seen students and families traumatized by justice system involvement and how the relationship between school and the family has been broken.

While it is very important to protect staff and students in schools, the way this bill is written will have the unintended consequence of disproportionality subjecting students with disabilities to additional contact with law enforcement for behaviors that are often a direct result of the student's disability. If justice system involvement is the appropriate response, this is already available under current law. We don't believe this elevated charge will protect schools, but SB 311 would create an additional pathway for students with disabilities to enter the juvenile justice system. Children with disabilities are already overrepresented in our state's juvenile justice system and Wisconsin continues to be a leader in the school to prison pipeline.

Students with disabilities can be three times more likely to experience bullying and harassment at school. Often the bullying and harassment goes unchecked even after parent and student reports leading to situations where the student acts out to fight off the harassment by other students. Our current bullying laws do not go far enough to protect students leading to unmet needs of students with disabilities.

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Finally, families often struggle to get the needed services for their children with disabilities in the community. There is a lack of mental health providers and county service providers to help struggling families get the services they need. This law will not provide more funding for counties but will increase the number of students interacting with county services.

The following are issues that may arise due to the requirements of the legislation:

- Students with disabilities who may respond to stress or their inability to appropriately communicate frustration with threatening language or statements could now be charged with a Class 1 Felony.
- Students with disabilities are subject to high rates of bullying and harassment at school which may lead to verbal threats.
- The definition of dangerous weapon is quite broad and subject to interpretation.
- This bill **WILL** affect students with disabilities. While there are protections under IDEA, there is nothing currently in state or federal law that prohibits school staff from reporting students to the police who make threats.

This law will create greater barriers for families trying to protect the rights of their children with disabilities in the school system and takes the focus away from student needs.

Please feel free to contact me if you have additional questions about our concerns of this bill at 608-267-0214.

Thank you for your consideration.