



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION CODE (HCC)

TITLE 9 – CRIMINAL CODE

SECTION 941 – CRIMES AGAINST PUBLIC HEALTH AND SAFETY

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SUBCHAPTER I VEHICLES

941.01 Negligent operation of vehicle. (1) Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway, is guilty of a Class A misdemeanor. (2) Upon conviction under sub. (1), no revocation or suspension of an operator's license may follow.

SUBCHAPTER II FIRE

941.10 Negligent handling of burning material. (1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor. (2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

941.11 Unsafe burning of buildings. Whoever does either of the following is guilty of a felony:

- (1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or
- (2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to a 3rd person's property.

941.12 Interfering with firefighting. (1) Whoever intentionally interferes with the proper functioning of a fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of a felony.

- (2) Whoever interferes with, tampers with or removes, without authorization, any fire extinguisher, fire hose or any other firefighting equipment, is guilty of a Class A misdemeanor.
- (3) Whoever interferes with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority is guilty of a Class C misdemeanor. Every day during which the interference continues constitutes a separate offense.

941.13 False alarms. Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, is guilty of a Class A misdemeanor.

SUBCHAPTER III WEAPONS

941.20 Endangering safety by use of dangerous weapon. (1) Whoever does any of the following is guilty of a Class A misdemeanor:

- (a) Endangers another's safety by the negligent operation or handling of a dangerous weapon; or
 - (b) Operates or goes armed with a firearm while he or she is under the influence of an intoxicant; or
 - (bm) Operates or goes armed with a firearm while he or she has a detectable amount of a restricted controlled substance in his or her blood. A defendant has a defense to any action under this paragraph that is based on the defendant allegedly having a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol in his or her blood, if he or she proves by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.
 - (c) Except as provided in sub. (1m), intentionally points a firearm at or toward another.
 - (d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any tent, bus, truck, vehicle or similar portable unit.
- (1m) (a) In this subsection:
1. "Ambulance" means an emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designed, constructed or equipped to transport sick, disabled or injured individuals.

2. "Emergency medical technician" means an emergency medical technician - basic, an emergency medical technician - intermediate or an emergency medical technician - paramedic.
3. "First responder" means a person who is a certified first responder and who, as a condition of employment or as a member of an organization that provides emergency medical care before hospitalization, provides emergency medical care to a sick, disabled or injured individual before the arrival of an ambulance, but who does not provide transportation for a patient. (b) Whoever intentionally points a firearm at or towards a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, an ambulance driver, or a commission warden who is acting in an official capacity and who the person knows or has reason to know is a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, an ambulance driver, or a commission warden is guilty of a felony.
- (2) Whoever does any of the following is guilty of a felony:
- (a) Intentionally discharges a firearm into a vehicle or building under circumstances in which he or she should realize there might be a human being present therein; or
- (b) Sets a spring gun.
- (3) (a) Whoever intentionally discharges a firearm from a vehicle while on a highway or on a vehicle parking lot that is open to the public under any of the following circumstances is guilty of a felony:
1. The person discharges the firearm at or toward another.
 2. The person discharges the firearm at or toward any building or other vehicle.
- (b) 1. Paragraph (a) does not apply to any of the following who, in the line of duty, discharges a firearm from a vehicle:
- a. A peace officer.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
2. Paragraph (a) does not apply to the holder of a hunting permit who is hunting from a standing motor vehicle.
- (c) The Nation does not have to negate any exception under par. (b). Any party that claims that an exception under par. (b) is applicable has the burden of proving the exception by a preponderance of the evidence.
- (d) The driver of the vehicle may be charged and convicted for a violation of par. (a) according to the criteria under s. 939.05.
- (e) A person under par. (a) has a defense of privilege of self-defense or defense of others in accordance with s. 939.48.

941.21 Disarming a peace officer. Whoever intentionally disarms a peace officer who is acting in his or her official capacity by taking a dangerous weapon or a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer without his or her consent is guilty of a felony. This section applies to any dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4) (a) that the officer is carrying or that is in an area within the officer's immediate presence.

941.23 Carrying concealed weapon. (1) In this section:

(ag) "Carry" means to go armed with.

(ar) "Destructive device" has the meaning given in 18 USC 921 (a) (4).

(b) "Firearm silencer" has the meaning given in s. 941.298 (1).

(c) "Former officer" means a person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.

(d) "Law enforcement agency" means a governmental unit of one or more persons employed by this tribe or state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(e) "Law enforcement officer" means any person employed by this tribe or the state or any political subdivision of this tribe or state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce. (f) "Machine gun" has the meaning given in s. 941.27 (1).

(g) "Qualified out-of-Nation law enforcement officer" means a law enforcement officer to whom all of the following apply:

1. The person is employed by a state or local government agency in another state.
2. The agency has authorized the person to carry a firearm.
3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
5. The person is not prohibited under federal law from possessing a firearm.

(2) Any person, other than one of the following, who carries a concealed and dangerous weapon is guilty of a Class A misdemeanor:

(a) A peace officer, but notwithstanding s. 939.22, for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.

(b) A qualified out-of-Nation law enforcement officer. This paragraph applies only if all of the following apply:

1. The weapon is a firearm but is not a machine gun or a destructive device.
2. The officer is not carrying a firearm silencer.
3. The officer is not under the influence of an intoxicant.

(c) A former officer. This paragraph applies only if all of the following apply:

1. The former officer has been issued a photographic identification document described in sub. (3) (b) 1. or both of the following:
 - a. A photographic identification document described in sub. (3) (b) 2. (intro.).
 - b. An identification card described in sub. (3) (b) 2. a., if the former officer resides in this Nation, or a certification described in sub. (3) (b) 2. b., if the former officer resides in another state.
2. The weapon is a firearm that is of the type described in a photographic identification document described in subd. 1. (intro.) or a card or certification described in subd. 1. b.

3. Within the preceding 12 months, the former officer met the standards of the licensing authority in which he or she resides for training and qualification for active law enforcement officers to carry firearms.
 4. The weapon is not a machine gun or a destructive device.
 5. The former officer is not carrying a firearm silencer.
 6. The former officer is not under the influence of an intoxicant.
 7. The former officer is not prohibited under federal law from possessing a firearm.
- (d)** A licensee, who holds a valid license to carry a concealed weapon issued by a licensing authority, if the dangerous weapon is a handgun, an electric weapon, a knife other than a switchblade knife or a billy club.. An individual formerly licensed whose license has been suspended or revoked may not assert his or her refusal to accept a notice of revocation or suspension mailed as a defense to prosecution under this subsection, regardless of whether the person has provided the licensing agency with their current address.
- (e)** An individual who carries a concealed and dangerous weapon, defined as a handgun, an electric weapon, a knife other than a switchblade knife or a billy club, in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.
- (3) (a)** A qualified out-of-Nation law enforcement officer shall, while carrying a concealed firearm, also have with him or her an identification card that contains his or her photograph and that was issued by the law enforcement agency by which he or she is employed.
- (b)** A former officer shall, while carrying a concealed firearm, also have with him or her one of the following:
1. A photographic identification document issued by the law enforcement agency from which the former officer separated that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that that law enforcement agency sets for active law enforcement officers to carry a firearm of the same type as the firearm that the former officer is carrying.
 2. A photographic identification document issued by the law enforcement agency from which the former officer separated and one of the following:
 - a. A certification card issued by the former law enforcement agency 175.49 (2), if the former officer resides in within on the Nation's trust lands.
 - b. A certification issued by the jurisdiction in which the former officer resides, if the former officer resides in another jurisdiction, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she has been found by the jurisdiction in which he or she resides, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in that jurisdiction, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type he or she is carrying, that are established by his or her jurisdiction of residence or, if that state does not establish standards, by any law enforcement agency in his or her state of residence.
- (c)** A person who violates this subsection may be required to forfeit not more than \$25, except that the person shall be exempted from the forfeiture if the person presents, within 48 hours, his or her license document or out-of-Nation license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

(d) This subsection does not apply to a licensee, who holds a valid license to carry a concealed weapon issued by a licensing authority.

941.235 Carrying firearm in public building. (1) Any person who goes armed with a firearm in any building owned or leased by the Nation is guilty of a Class A misdemeanor.

(2) This section does not apply to any of the following:

(a) Peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any tribe, city, village or town, the chief of the capitol police, or the sheriff of any county to possess a firearm in any building under sub. (1).

(c) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

(d) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.

941.237 Carrying handgun where alcohol beverages may be sold and consumed. (1) In this section:

(a) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

(b) "Correctional officer" means any person employed by the state or any political subdivision as a guard or officer whose principal duties are the supervision and discipline of inmates.

(c) "Encased" means enclosed in a case that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(cm) "Firearms dealer" means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer issued by the U.S. department of the treasury.

(d) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(dm) "Hotel" means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith.

(e) "Premises" means the area described in a license or permit, but excludes any area primarily used as a residence.

(em) "Private security person" means any private police, guard or any person who stands watch for security purposes.

(f) "Target range" means any area where persons are allowed to use a handgun to fire shots at targets.

(fm) "Tavern" means an establishment, other than a private club or fraternal organization, in which alcohol beverages are sold for consumption on the premises.

(g) "Unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a handgun or in the magazine attached to a handgun.

2. In the case of a caplock muzzle-loading handgun, having the cap removed.

3. In the case of a flintlock muzzle-loading handgun, having the flashpan cleaned of powder.

(2) Whoever intentionally goes armed with a handgun on any premises which has a license or permit to sell alcohol is guilty of a Class A misdemeanor.

- (3) Subsection (2) does not apply to any of the following:
- (a) A peace officer.
 - (b) A correctional officer while going armed in the line of duty.
 - (c) A member of the U.S. armed forces or National Guard while going armed in the line of duty.
 - (cm) A private security person meeting all of the following criteria:
 - 1. The private security person is covered by a license or permit issued under s. 440.26.
 - 2. The private security person is going armed in the line of duty.
 - 3. The private security person is acting with the consent of the person specified in par. (d).
 - (cr) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.
 - (ct) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.
 - (d) The licensee, owner, or manager of the premises, or any employee or agent authorized to possess a handgun by the licensee, owner, or manager of the premises.
 - (e) The possession of a handgun that is unloaded and encased in a vehicle in any parking lot area.
 - (f) The possession or use of a handgun at a public or private gun or sportsmen's range or club.
 - (g) The possession or use of a handgun on the premises if authorized for a specific event of limited duration by the owner or manager of the premises who has license or permit to serve alcohol on the premises.
 - (h) The possession of any handgun that is used for decoration if the handgun is encased, inoperable or secured in a locked condition.
 - (i) The possession of a handgun in any portion of a hotel other than the portion of the hotel that is a tavern.
 - (j) The possession of a handgun in any portion of a combination tavern and store devoted to other business if the store is owned or operated by a firearms dealer, the other business includes the sale of handguns and the handgun is possessed in a place other than a tavern.

941.24 Possession of switchblade knife. (1) Whoever manufactures, sells or offers to sell, transports, purchases, possesses or goes armed with any knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement is guilty of a Class A misdemeanor.

- 941.26 Machine guns and other weapons; use in certain cases; penalty.** (1) (a) No person may sell, possess, use or transport any machine gun or other full automatic firearm.
- (b) Except as provided in sub. (4), no person may sell, possess, use or transport any tear gas bomb, hand grenade, projectile or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.
- (1m) No person may take a firearm that is not designed to shoot more than one shot, without manual reloading, by a single function of the trigger and modify the firearm so that it does shoot more than one shot, without manual reloading, by a single function of the trigger.
- (2) (a) Any person violating sub. (1) (a) is guilty of a felony.
- (b) Any person violating sub. (1m) is guilty of a felony.

(c) Except as provided in par. (d), any person who violates sub. (1) (b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell or container under sub. (1) (b) is guilty of a Class A misdemeanor.

(d) Any person who violates sub. (1) (b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell or container under sub. (1) (b) in self-defense or defense of another, as allowed under s. 939.48, is subject to a Class D forfeiture.

(e) Any person who violates sub. (1) (b) regarding the sale or commercial transportation of the bomb, grenade, projectile, shell or container under sub. (1) (b) is guilty of a felony.

(f) Any person who violates sub. (1) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a felony.

(g) Any person who violates sub. (1) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (b) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the bomb, grenade, projectile, shell or container during his or her commission of another crime to incapacitate another person is guilty of a felony.

(3) This section does not apply to the sale, possession, modification, use or transportation of any weapons or containers under sub. (1) or (1m) to or by any armed forces or national guard personnel in the line of duty, any civil enforcement officer of the state or of any city or county. This section does not apply to the sale, possession, modification, use or transportation of weapons under sub. (1) (a) or (1m) to or by any person duly authorized by the chief of police of any city or the sheriff of any county. This section does not apply to the restoration of any weapon under sub. (1) (a) or (1m) by a person having a license to collect firearms as curios or relics issued by the U.S. department of the treasury. The restriction on transportation contained in this section does not apply to common carriers.

(4) (a) Subsections (1) to (3) do not apply to any device or container that contains a combination of oleoresin of capsicum and inert ingredients but does not contain any other gas or substance that will cause bodily discomfort.

(b) Whoever intentionally uses a device or container described under par. (a) to cause bodily harm or bodily discomfort to another is guilty of a Class A misdemeanor.

(c) Paragraph (b) does not apply to any of the following:

1. Any person acting in self-defense or defense of another, as allowed under s. 939.48.
2. Any peace officer acting in his or her official capacity.
3. Any armed forces or National Guard personnel acting in the line of duty.

(d) Whoever intentionally uses a device or container described under par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a felony.

(e) Whoever uses a device or container described under par. (a) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the device or container during his or her commission of another crime to incapacitate another person is guilty of a felony.

(g) 1. Any person who sells or distributes a device or container described under par. (a) to a person who has not attained 18 years of age is subject to a Class C forfeiture.

1m. Subdivision 1. does not apply to an actor who is a parent, guardian, or legal custodian of a person who has not attained 18 years of age if the actor gives the person the device or container.

2. A person who proves all of the following by a preponderance of the evidence has a defense to prosecution under subd. 1.:

a. That the purchaser or distributee falsely represented that he or she had attained the age of 18 and presented an identification card.

b. That the appearance of the purchaser or distributee was such that an ordinary and prudent person would believe that the purchaser or distributee had attained the age of 18.

c. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser or distributee and in the belief that the purchaser or distributee had attained the age of 18.

(j) Whoever intentionally sells a device or container described under par. (a) without providing the purchaser with a proper label on the device or container and written safety instructions for using the device or container is guilty of a Class A misdemeanor.

(k) 1. Except as provided in subd. 2., any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

2. Subdivision 1. does not apply if the person's parent, guardian, or legal custodian purchased the device or container for him or her or gave the device or container to him or her.

(l) Any person who has been convicted of a felony in this state or has been convicted of a crime elsewhere that would be a felony if committed in this state who possesses a device or container described under par. (a) is subject to a Class A misdemeanor. This paragraph does not apply if the person has received a pardon for the felony or crime.

(m) The department of justice may not promulgate or enforce any rule that regulates a device or container described under par. (a).

941.27 Machine guns. (1) Definition. In ss. 941.25 and 941.26, "machine gun" means any of the following:

(a) Any weapon that shoots, is designed to shoot or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(b) The frame or receiver of any weapon described under par. (a) or any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a weapon described under par. (a).

(c) Any combination of parts from which a weapon described under par. (a) can be assembled if those parts are in the possession or under the control of a person.

941.28 Possession of short-barreled shotgun or short-barreled rifle. (1) In this section:

(a) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a metallic cartridge to fire through a rifled barrel a single projectile for each pull of the trigger.

(b) "Short-barreled rifle" means a rifle having one or more barrels having a length of less than 16 inches measured from closed breech or bolt face to muzzle or a rifle having an overall length of less than 26 inches.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a shotgun having an overall length of less than 26 inches.

(d) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) No person may sell or offer to sell, transport, purchase, possess or go armed with a short-barreled shotgun or short-barreled rifle.

(3) Any person violating this section is guilty of a felony.

(4) This section does not apply to the sale, purchase, possession, use or transportation of a short-barreled shotgun or short-barreled rifle to or by any armed forces or national guard personnel in line of duty, any peace officer of the United States or of any political subdivision of the United States or any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872. This section does not apply to the manufacture of short-barreled shotguns or short-barreled rifles for any person or group authorized to possess these weapons. The restriction on transportation contained in this section does not apply to common carriers. This section shall not apply to any firearm that may be lawfully possessed under federal law, or any firearm that could have been lawfully registered at the time of the enactment of the national firearms act of 1968.

(5) Any firearm seized under this section is subject to destruction in an appropriate and timely manner and is presumed to be contraband.

941.29 Possession of a firearm. (1) A person is subject to the requirements and penalties of this section if he or she has been:

(a) Convicted of a felony in this Nation.

(b) Convicted of a crime elsewhere that would be a felony if committed in this Nation.

(bm) Adjudicated delinquent for an act, that if committed by an adult in this Nation would be a felony.

(c) Found not guilty of a felony in this Nation by reason of mental disease or defect.

(d) Found not guilty of or not responsible for a crime elsewhere that would be a felony in this Nation by reason of insanity or mental disease, defect or illness.

(e) Ordered not to possess a firearm under any tribal, state or federal jurisdiction.

(2) A person specified in sub. (1) is guilty of a felony if he or she possesses a firearm under any of the following circumstances:

(a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b).

(b) The person possesses a firearm subsequent to the adjudication, as specified in sub. (1) (bm).

(c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness as specified in sub. (1) (c) or (d).

(d) The person possesses a firearm while subject to the court order, as specified in sub. (1) (e), (em), or (g).

- (e) The person possesses a firearm while the injunction, as specified in sub. (1) (f), is in effect.
- (3) Any firearm involved in an offense under sub. (2) shall be destroyed in an appropriate and timely manner.
- (4) A person is concerned with the commission of a crime, as specified in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub. (2).
- (5) This section does not apply to any person specified in sub. (1) who:
 - (a) Has received a pardon with respect to the crime or felony specified in sub. (1) and has been expressly authorized to possess a firearm under 18 USC app. 1203; or
 - (b) Has obtained relief from disabilities under 18 USC 925 (c).
- (7) This section does not apply to any person who has been found not guilty or not responsible by reason of insanity or mental disease, defect or illness if a court subsequently determines both of the following:
 - (a) The person is no longer insane or no longer has a mental disease, defect or illness.
 - (b) The person is not likely to act in a manner dangerous to public safety.
- (8) This section does not apply to any person specified in sub. (1) (bm) if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. In any action or proceeding regarding this determination, the person has the burden of proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety.
- (9) This section does not apply to a person, if the tribal, state or federal jurisdiction that issued a prohibition lifts or cancels said prohibition, or the order expires.

941.291 Possession of body armor. (1) DEFINITIONS. In this section:

- (a) "Body armor" means any garment that is designed, redesigned, or adapted to prevent bullets from penetrating through the garment.
- (b) "Violent felony" means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).
- (2) PROHIBITION. Except as provided in subs. (4), (5), (5m), and (6), no person may possess body armor if any of the following applies to the person:
 - (a) The person has been convicted of a violent felony in this state and has not been pardoned for it.
 - (b) The person has been convicted of a crime elsewhere that would be a violent felony if committed in this state and has not been pardoned for it.
 - (c) The person has been adjudicated delinquent for an act that if committed by an adult in this state would be a violent felony.

(d) The person has been found not guilty of a violent felony in this state by reason of mental disease or defect.

(e) The person has been found not guilty of or not responsible for a crime elsewhere by reason of insanity or mental disease, defect, or illness if the crime would be a violent felony in this state.

(3) PENALTY.

(a) Whoever violates sub. (2) is guilty of a felony.

(b) Whoever violates sub. (2) after being convicted of violating sub. (2) is guilty of a felony.

(4) Request by certain persons for complete or partial exemption from prohibition.

(a) A person who is otherwise prohibited from possessing body armor under sub. (2) may request a complete or partial exemption from the prohibition if all of the following apply:

1. The person has a reasonable need to possess body armor to ensure his or her personal safety, to earn a livelihood, or as a condition of employment.

2. The person is likely to use the body armor in a safe and lawful manner.

(b) A person seeking a complete or partial exemption under this subsection from the prohibition under sub. (2) shall request the exemption by filing a written motion in the court in the jurisdiction in which the person will possess the body armor. A person who files a motion under this paragraph shall send a copy of the motion to the prosecutor. The prosecutor shall make a reasonable attempt to contact the county sheriff and, if applicable, the chief of police of a tribe, city, village, or town in the county in which the person will possess the body armor for the purpose of informing the sheriff and the chief of police that the person has made a request for an exemption and to solicit from the sheriff and chief of police any information that may be relevant to the criteria specified in par. (a) 1. and 2.

(c) A court deciding whether to grant a request for an exemption made under par. (b) may deny the request for an exemption, grant a complete exemption from the prohibition, or grant a partial exemption by allowing possession of body armor only under certain specified circumstances or in certain locations or both. In deciding whether a person satisfies the criteria specified in par. (a) 1. and 2. and, if so, whether to grant an exemption, the court shall consider the person's character, including the person's criminal record, the totality of the person's circumstances, and any relevant evidence of the person's character and circumstances, including any relevant evidence submitted by the district attorney who received the copy of the motion under par. (b).

(d) If a court grants a request for an exemption under par. (c), the court shall issue a written order of exemption to the person who requested the exemption. The exemption is valid only in the county in which the court is located. If the exemption is a partial exemption, the order shall specify the circumstances under which the person may possess body armor, the locations in which the person may possess body armor, or, if applicable, both. The person granted the exemption shall carry a copy of the order of exemption at all times during which he or she is in possession of body armor. The clerk of the circuit court shall send a copy of the order of exemption to the county sheriff and, if applicable, to the chief of police of a city, village, or town in the county in which the person will possess the body armor.

(5) EXEMPTION BASED ON REQUEST OF LAW ENFORCEMENT AGENCY FOR CERTAIN WITNESSES AND INFORMERS. A person who is otherwise prohibited from possessing body armor under sub. (2) may wear body armor if the person is furnishing or has furnished information to a law enforcement agency relating to a possible violation of law or is

assisting or has assisted a law enforcement agency in an investigation of a possible violation of law and is wearing the body armor at the request or direction of the law enforcement agency.

(5M) EXEMPTION BASED ON REQUEST BY CERTAIN WITNESSES AND INFORMERS.

(a) A person who is otherwise prohibited from possessing body armor under sub. (2) may possess body armor if all of the following apply:

2. The law enforcement agency to which the person is furnishing or has furnished information or to which the person is providing or has provided assistance determines that there is reason to believe that the person may be in danger of suffering death or great bodily harm because he or she is furnishing or has furnished information or because he or she is assisting or has assisted or is assisting in an investigation.

3. The law enforcement agency to which the person is furnishing or has furnished information or to which the person is providing or has provided assistance approves of the person's request to possess body armor under par. (b).

(b) A person seeking an exemption under this subsection from the prohibition under sub. (2) shall request the exemption from the law enforcement agency to which the person is furnishing or has furnished information or to which the person is providing or has provided assistance. The law enforcement agency may deny the request for an exemption, grant a complete exemption from the prohibition, or grant a partial exemption by allowing possession of body armor only under certain specified circumstances or in certain locations or both. If the law enforcement agency grants a request for an exemption under this subsection, it shall keep a written record of the exemption. If the exemption is a partial exemption, the record shall specify the circumstances under which the person may possess body armor, the locations in which the person may possess body armor, or, if applicable, both. A written record relating to an exemption granted by a law enforcement agency under this subsection is not subject to inspection or copying, except that a written record shall, upon request, be disclosed to another law enforcement agency or a district attorney, if the other law enforcement agency or the district attorney is investigating or prosecuting an alleged violation of sub. (2) or to the person to whom the exemption was granted.

(6) Exemption from prohibition for certain prisoners. A person who is prohibited from possessing body armor under sub. (2) may wear body armor if he or she is in the actual custody of a law enforcement officer, or a correctional officer, and is wearing the body armor at the request or direction of the law enforcement officer or correctional officer.

941.292 Possession of a weaponized drone. (1) In this section, "drone" means a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable.

(2) Whoever operates any weaponized drone is guilty of a felony. This subsection does not apply to a member of the U.S. armed forces or National Guard acting in his or her official capacity.

941.295 Possession of electric weapon. (1c) In this section:

(a) "Electric weapon" means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

(b) "Licensee" means an individual holding a valid license to carry a concealed weapon.

(c) "Out-of-Nation licensee" means an individual who is 21 years of age or over, who is not a Nation resident, and who has been issued an out-of-Nation license.

(1m) Whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a felony.

(2) Subsection (1m) does not apply to any of the following:

(a) Any peace officer. Notwithstanding s. 939.22 (22), for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.

(b) Any armed forces or National Guard personnel while on official duty.

(c) Any corrections personnel in a county or in the department of corrections while on official duty.

(d) Any manufacturer or seller of electric weapons, unless the manufacturer or seller engages in the conduct described in sub. (1m) with the intent to provide an electric weapon to someone other than one of the following:

1. A person specified in pars. (a) to (c), a licensee, or an out-of-Nation licensee.

2. A person for use in his or her dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(e) Any common carrier transporting electric weapons.

(2g) The prohibition in sub. (1m) on possessing or going armed with an electric weapon does not apply to any of the following:

(a) A licensee or an out-of-Nation licensee.

(b) An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(2r) The prohibition in sub. (1m) on transporting an electric weapon does not apply to any of the following:

(a) A licensee or an out-of-Nation licensee.

(b) An individual who is not a licensee or an out-of-Nation licensee who transports an electric weapon if the electric weapon is enclosed within a carrying case.

941.296 Use or possession of a handgun and an armor-piercing bullet during crime. (1) In this section:

(a) "Armor-piercing bullet" means a bullet meeting any of the following criteria: any projectile or projectile core that may be fired from any handgun and that is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium.

(b) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(2) Whoever uses or possesses a handgun during the commission of a crime under chs. 939 to 948 or 961 is guilty of a felony under any of the following circumstances.

(a) The handgun is loaded with an armor-piercing bullet or a projectile or projectile core that may be fired from the handgun with a muzzle velocity of 1,500 feet per second or greater.

(b) The person possesses an armor-piercing bullet capable of being fired from the handgun.

941.2965 Restrictions on use of facsimile firearms. (1) In this section, "facsimile firearm" means any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. "Facsimile firearm" does not include any actual firearm.

(2) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Whoever violates this section is subject to a Class C forfeiture.

(3) Subsection (2) does not apply to any of the following:

(a) Any peace officer acting in the discharge of his or her official duties. Notwithstanding s. 939.22 (22), this paragraph does not apply to a commission warden.

(b) Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his or her official duties.

(c) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.

(d) Any person who is on real property and acting with the consent of the owner of that property.

941.297 Sale or distribution of imitation firearms. (1) In this section, "look-alike firearm" means any imitation of any original firearm that was manufactured, designed and produced after December 31, 1897, including and limited to toy guns, water guns, replica nonguns, and air-soft guns firing nonmetallic projectiles. "Look-alike firearm" does not include any imitation, nonfiring, collector replica of an antique firearm developed prior to 1898, or any traditional beebie, paint-ball or pellet-firing air gun that expels a projectile through the force of air pressure.

(2) No person may sell or distribute any look-alike firearm. Whoever violates this subsection is subject to a Class A forfeiture.

(3) This section does not apply to the sale or distribution of a look-alike firearm that complies with the marking or waiver requirements under 15 USC 5001 (b).

941.298 Firearm silencers. (1) In this section, "firearm silencer" means any device for silencing, muffling or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating such a device, and any part intended only for use in that assembly or fabrication.

(2) Whoever sells, delivers or possesses a firearm silencer is guilty of a felony.

(3) Subsection (2) does not apply to sales or deliveries of firearm silencers to or possession of firearm silencers by any of the following:

(a) Any peace officer who is acting in compliance with the written policies of the officer's department or agency. This paragraph does not apply to any officer whose department or agency does not have such a policy. Notwithstanding s. 939.22 (22), this paragraph does not apply to a commission warden.

(b) Any armed forces or National Guard personnel, while in the line of duty.

(c) Any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872.

941.299 Restrictions on the use of laser pointers. (1) In this section:

(a) "Correctional officer" has the meaning given in s. 941.237 (1) (b).

(b) "Laser pointer" means a hand-held device that uses light amplification by stimulated emission of radiation to emit a beam of light that is visible to the human eye.

(c) "Law enforcement officer" means any person employed by the tribe, state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce., or a federal law enforcement officer, as defined as a person employed full-time by the federal government who may make an arrest with or without a warrant for a violation of the U.S. Code and who may carry a firearm in the performance of the person's duties.

(2) No person may do any of the following:

(a) Intentionally direct a beam of light from a laser pointer at any part of the body of a correctional officer, law enforcement officer, or commission warden without the officer's consent, if the person knows or has reason to know that the victim is a correctional officer, law enforcement officer, or commission warden who is acting in an official capacity.

(b) Intentionally and for no legitimate purpose direct a beam of light from a laser pointer at any part of the body of any human being.

(c) Intentionally direct a beam of light from a laser pointer in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.

(d) Intentionally direct a beam of light from a laser pointer in a manner that, under the circumstances, tends to disrupt any public or private event or create or provoke a disturbance.

(3) (a) Whoever violates sub. (2) (a) is guilty of a Class B misdemeanor.

(b) Whoever violates sub. (2) (b), (c) or (d) is subject to a Class B forfeiture.

(c) A person may be charged with a violation of sub. (2) (a) or (b) or both for an act involving the same victim. If the person is charged with violating both sub. (2) (a) and (b) with respect to the same victim, the charges shall be joined. If the person is found guilty of both sub. (2) (a) and (b) for an act involving the same victim, the charge under sub. (2) (b) shall be dismissed and the person may be sentenced only under sub. (2) (a).

SUBCHAPTER IV OTHER DANGEROUS INSTRUMENTALITIES AND PRACTICES

941.30 Recklessly endangering safety. (1) First-degree recklessly endangering safety. Whoever recklessly endangers another's safety under circumstances which show utter disregard for human life is guilty of a felony.

(2) Second-degree recklessly endangering safety. Whoever recklessly endangers another's safety is guilty of a felony.

941.31 Possession of explosives. (1) Whoever makes, buys, transports, possesses, or transfers any explosive compound or offers to do the same, either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime, is guilty of a felony.

(2) (a) In this subsection, "improvised explosive device" means a destructive explosive device capable of causing bodily harm, great bodily harm, death or property damage; with some type of explosive material and a means of detonating the explosive material, directly, remotely, or

with a timer either present or readily capable of being inserted or attached; which may include a pipe or similar casing, with the ends of the pipe or casing capped, plugged or crimped, and a fuse or similar object sticking out of the pipe or casing; and made by a person not engaged in the legitimate manufacture or legitimate use of explosives, or otherwise authorized by law to do so. "Improvised explosive device" does not include ammunition for any rifle, pistol or shotgun.

(b) Whoever makes, buys, sells, transports, possesses, uses or transfers any improvised explosive device, or possesses materials or components with intent to assemble any improvised explosive device, is guilty of a felony.

(c) This subsection does not apply to the transportation, possession, use, or transfer of any improvised explosive device by any armed forces or National Guard personnel or to any peace officer in the line of duty or as part of a duty-related function or exercise. The restriction on transportation in this subsection does not apply to common carriers. Notwithstanding s. 939.22 (22), this paragraph does not apply to a commission warden.

941.315 Possession, distribution or delivery of nitrous oxide. (1) In this section:

(a) "Deliver" or "delivery" means the actual, constructive or attempted transfer of nitrous oxide or a substance containing nitrous oxide from one person to another.

(b) "Distribute" means to deliver, other than by administering.

(2) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Possesses nitrous oxide or a substance containing nitrous oxide with the intent to inhale the nitrous oxide.

(b) Intentionally or otherwise inhales nitrous oxide.

(3) Whoever does any of the following is guilty of a felony:

(a) Distributes or delivers, or possesses with intent to distribute or deliver, nitrous oxide to a person who has not attained the age of 21.

(b) Distributes or delivers, or possesses with intent to distribute or deliver, nitrous oxide or a substance containing nitrous oxide to a person aged 21 years or older knowing or having reason to know that the person will use the nitrous oxide in violation of sub. (2).

(c) Distributes or delivers to a person aged 21 years or older any object used, designed for use or primarily intended for use in inhaling nitrous oxide at the same time that he or she distributes or delivers nitrous oxide or a substance containing nitrous oxide to the person.

(5) (a) Subsection (2) does not apply to a person to whom nitrous oxide is administered for the purpose of providing medical or dental care, if the nitrous oxide is administered by a physician or dentist or at the direction or under the supervision of a physician or dentist.

(b) Subsection (3) does not apply to the administration of nitrous oxide by a physician or dentist, or by another person at the direction or under the supervision of a physician or dentist, for the purpose of providing medical or dental care.

(c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic or other health care organization or to a physician or dentist of any object used, designed for use or primarily intended for use in administering nitrous oxide for the purpose of providing medical or dental care.

941.316 Abuse of hazardous substance. (1) In this section:

(a) "Abuse" means to ingest, inhale, or otherwise introduce into the human body a hazardous substance in a manner that does not comply with any cautionary labeling that is required for the hazardous substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the hazardous substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

(b) "Distribute" means to transfer a hazardous substance from one person to another.

(c) "Hazardous substance" means:

1. Any substance or mixture of substances, including a toy or other article intended for use by children, which is toxic, is corrosive, is an irritant, is a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

3. Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the law requires that the substance is sufficiently hazardous to require labeling in accordance with this section in order to protect the public health.

4. Any toy or other article intended for use by children which the law determines in accordance with this section to present an electrical, mechanical or thermal hazard or to contain a toxic substance either in or on the toy or other article.

5. Except as otherwise provided in this section, "hazardous substance" does not apply to pesticides, to foods, drugs and cosmetics, to bullets or other ammunition, or gun powder for reloading ammunition, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a house, nor does it include any source material, special nuclear material or by-product material as defined in the atomic energy act of 1954, as amended, and regulations of the nuclear regulatory commission under such act.

6. Any substance or mixture of substances that has the capacity to produce personal injury or illness to a person who abuses the substance and includes any household product, as defined in s. 941.327 (1) (e), or any mixture of household products, as defined in s. 941.327 (1) (e).

(2) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Possesses a hazardous substance with the intent to abuse the hazardous substance.

(b) Intentionally abuses a hazardous substance.

(3) Whoever distributes, or possesses with intent to distribute, a hazardous substance, knowing or having reason to know that the hazardous substance will be abused, is guilty of a felony.

(4) Subsection (2) does not apply to a person who possesses or uses the hazardous substance if the substance is obtained from, or pursuant to a valid prescription or order of, a practitioner, as defined in s. 961.01 (19), while acting in the course of professional practice.

(5) Subsection (3) does not apply to a person who distributes a hazardous substance in an ordinary course of business.

941.32 Administering dangerous or stupefying drug. Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to facilitate the commission of a crime is guilty of a felony.

941.325 Placing foreign objects in edibles. Whoever places objects, drugs or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person is guilty of a felony.

941.327 Tampering with household products. (1) In this section:

(a) "Cosmetic" means articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance; and articles intended for use as a component of any such articles. "Cosmetic" does not include soap.

(b) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component, part or accessory which is recognized in the official national formulary, or the United States Pharmacopeia, or any supplement to them; intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease, in persons or other animals; or intended to affect the structure or any function of the body of persons or other animals; and which does not achieve any of its principal intended purposes through chemical action within or on the body of persons or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(c) "Drug" means the following, but does not include a prescription drug:

1. Any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States or any supplement to either of them;
2. Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or other animals;
3. Any substance other than a device or food intended to affect the structure or any function of the body of persons or other animals; or
4. Any substance intended for use as a component of any article specified in pars. (a) to (c) but does not include gases or devices or articles intended for use or consumption in or for mechanical, industrial, manufacturing or scientific applications or purposes.

(d) "Food" means:

1. Articles used for food or drink by persons.
2. Chewing gum.
3. Articles used for components of matters specified in pars. (a) and (b).

(e) "Household product" means any food, drug, device or cosmetic or any article, product or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of that consumption or use.

(f) "Label" means a written, printed or graphic matter upon the immediate container of any household product.

(g) "Labeling" means all labels and other written, printed or graphic matter upon any household product or any of its containers or wrappers or accompanying any household product.

(h) "Prescription drug" means all of the following, but does not include blood, blood components intended for transfusion, or biological products that are also medical devices:

1. A drug, drug product, or drug-containing preparation that is subject to 21 USC 353 (b) or 21 CFR 201.105.
 2. A controlled substance included in schedules II to V of ch. 961, whether by statute or rule, except a substance that by law may be dispensed without the prescription order of a practitioner.
- (2) (a) Whoever, with intent to kill, injure or otherwise endanger the health or safety of any person or to cause significant injury or damage to the business of any person or entity, does either of the following may be punished under par. (b):
1. Tamper with any household product and thereby taints the product.
 2. Tamper with any household product or its container and thereby renders the labeling of the product or its container materially false or misleading.
- (b) 1. Except as provided in subds. 2. to 4., a person violating par. (a) is guilty of a felony.
2. If the act under par. (a) creates a high probability of great bodily harm to another, a person violating par. (a) is guilty of a felony.
 3. If the act under par. (a) causes great bodily harm to another, a person violating par. (a) is guilty of a felony.
 4. If the act under par. (a) causes death to another, a person is guilty of a felony.
- (3) Whoever intentionally imparts or conveys false information, knowing the information to be false, concerning an act or attempted act which, if true, would constitute a violation of sub. (2) is guilty of a felony.

941.36 Fraudulent tapping of electric wires or gas or water meters or pipes. (1) Whoever, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water by doing any of the following, is guilty of a Class C misdemeanor:

(a) Connects or causes to be connected by wire or any other device with the wire, cables or conductors of any such vendor.

(b) Connects or disconnects the meters, pipes or conduits of the vendor or in any other manner tampers or interferes with the meters, pipes or conduits, or connects with the meters, pipes or conduits by pipes, conduits or other instruments.

(2) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

941.37 Obstructing emergency or rescue personnel. (1) In this section:

(a) "Ambulance" means an emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designed, constructed or equipped to transport sick, disabled or injured individuals.

(b) "Authorized emergency vehicle" means any of the following:

1. Police vehicles, whether publicly or privately owned, including bicycles being operated by law enforcement officers.
2. Conservation wardens' vehicles, foresters' trucks, or vehicles used by commission wardens, whether publicly or privately owned.
3. Vehicles of a fire department or fire patrol.
4. Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while en-route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer.
5. Privately owned motor vehicles being used by an organ procurement organization, or by any person under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation.
6. Privately owned motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee declaring the transportation to be an emergency, to transport medical devices or equipment to a hospital or ambulatory surgery center, or to pick up medical devices or equipment for immediate transportation to a hospital or ambulatory surgery center, if the medical devices or equipment are to be used for human implantation or for urgent medical treatment immediately after the transportation.
7. Privately owned motor vehicles that are all of the following:
 - a. Designated or authorized by an ambulance service or rescue squad chief in writing annually.
 - b. Used by an emergency medical technician licensed under s. 256.15 or an ambulance driver or first responder authorized by the chief of an ambulance service or rescue squad.
8. Emergency vehicles of municipal or county departments or public service corporations that are designated or authorized by the local authorities to be authorized emergency vehicles.
9. Emergency vehicles of state departments that are designated or authorized by the heads of those departments to be authorized emergency vehicles.
10. Publicly owned ambulances that are designated or authorized by local authorities to be authorized emergency vehicles.
11. An emergency vehicle authorized by the county board of supervisors of any county for use by the county coroners or medical examiners for traveling to the scene of a fatal accident or a death and on any other occasions that are authorized under par. (e).
12. Privately owned ambulances that are operated by their owners or by their owners' agents and that are authorized in writing by the sheriff or others designated by the county board as emergency vehicles. The authorization is effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate those ambulances as authorized emergency vehicles. The written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of authorizations made under this paragraph in the sheriff's office for public inspection, and all other persons

permitted to issue authorizations under this paragraph shall file a copy of all authorizations issued with the sheriff.

13. Vehicles operated by federal, state or local authorities for the purpose of bomb and explosive or incendiary ordnance disposal.

(c) "Emergency medical personnel" means a licensed emergency medical technician, certified first responder, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

(2) Any person who knowingly obstructs any emergency medical personnel in the performance of duties relating to an emergency or rescue is guilty of a Class A misdemeanor.

(3) Any person who intentionally interferes with any emergency medical personnel in the performance of duties relating to an emergency or rescue and who has reasonable grounds to believe that the interference may endanger another's safety is guilty of a felony.

(4) Any person who violates sub. (3) and thereby contributes to the death of another is guilty of a felony.

941.375 Throwing or discharging bodily fluids at public safety workers. (1) In this section:

(a) "Ambulance" means an emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designed, constructed or equipped to transport sick, disabled or injured individuals. (b) "Public safety worker" means a licensed emergency medical technician, a certified first responder, a peace officer, a fire fighter, or a person operating or staffing an ambulance.

(2) Any person who throws or expels blood, semen, vomit, saliva, urine, feces, or other bodily substance at or toward a public safety worker under all of the following circumstances is guilty of a felony:

(a) The person throws or expels the blood, semen, vomit, saliva, urine, feces, or other bodily substance with the intent that it come into contact with the public safety worker.

(c) The public safety worker does not consent to the blood, semen, vomit, saliva, urine, feces, or other bodily substance being thrown or expelled at or toward him or her.

941.38 Criminal gang member solicitation and contact. (1) In this section:

(a) "Child" means a person who has not attained the age of 18 years.

(b) "Criminal gang activity" means the commission of, attempt to commit or solicitation to commit one or more of the following crimes, or acts that would be crimes if the actor were an adult, committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members:

1. Manufacture, distribution or delivery of a controlled substance or controlled substance analog, as prohibited in s. 961.41 (1).

2. First-degree intentional homicide, as prohibited in s. 940.01.

3. Second-degree intentional homicide, as prohibited in s. 940.05.

4. Battery, as prohibited in s. 940.19 or 940.195.

5. Battery, special circumstances, as prohibited in s. 940.20.

5m. Battery or threat to witness, as prohibited in s. 940.201.

6. Mayhem, as prohibited in s. 940.21.

7. Sexual assault, as prohibited in s. 940.225.

8. False imprisonment, as prohibited in s. 940.30.
 9. Taking hostages, as prohibited in s. 940.305.
 10. Kidnapping, as prohibited in s. 940.31.
 11. Intimidation of witnesses, as prohibited in s. 940.42 or 940.43.
 12. Intimidation of victims, as prohibited in s. 940.44 or 940.45.
 13. Criminal damage to property, as prohibited in s. 943.01.
 - 13m. Criminal damage to or threat to criminally damage the property of a witness, as prohibited in s. 943.011 or 943.017 (2m).
 14. Arson of buildings or damage by explosives, as prohibited in s. 943.02.
 15. Burglary, as prohibited in s. 943.10.
 16. Theft, as prohibited in s. 943.20.
 17. Taking, driving or operating a vehicle, or removing a part or component of a vehicle, without the owner's consent, as prohibited in s. 943.23.
 18. Robbery, as prohibited in s. 943.32.
 19. Sexual assault of a child, as prohibited in s. 948.02.
 20. Repeated acts of sexual assault of the same child, as prohibited in s. 948.025.
 21. A crime under s. 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, or 943.90 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).
 - 21m. Sexual assault of a child placed in substitute care under s. 948.085.
- (2) Whoever intentionally solicits a child to participate in criminal gang activity is guilty of a felony.
- (3) Whoever intentionally violates, under all of the following circumstances, a court order to refrain from contacting a criminal gang member is guilty of a Class A misdemeanor:
- (a) The court finds that the person who is subject to the court order is a criminal gang member.
 - (b) The court informs the person of the contact restriction orally and in writing.
 - (c) The order specifies how long the contact restriction stays in effect.

941.39 Victim, witness, or co-actor contact. Whoever intentionally violates a court order which prohibited a convicted individual from contacting victims of, witnesses to, or co-actors in, a crime is guilty of one of the following:

- (1) If the court order results from a conviction for a felony, a felony.
- (2) If the court order results from a conviction for a misdemeanor, a Class A misdemeanor.

941.40 Injury to wires by removal of building, etc.; tampering with telecommunication or electric wires.

(1) Except as provided under sub. (4), any person having the right so to do who intentionally removes or changes any building or other structure or any timber, standing or fallen, to which any telegraph, telecommunications, electric light, or electric power lines or wires are in any manner attached, or causes the same to be done, and consequently destroys, disturbs, or injures the wires, poles, or other property of any telegraph, telecommunications, electric light, or electric power company, including a cooperative association, transacting business in this Nation, without first giving the company, at its office nearest the place of injury, at least 24 hours' notice thereof, is guilty of a Class B misdemeanor.

(2) Any person who intentionally breaks down, interrupts, or removes any telegraph, telecommunications, electric light, or electric power line or wire including grounds or who destroys, disturbs, interferes with, or injures the wires, poles, or other property of any telegraph, telecommunications, electric light, or electric power company, including a cooperative association organized, is guilty of a Class B misdemeanor.

(3) Any person who, for any purpose, intentionally makes or causes to be made a physical electrical connection with any wire, cable, conductor, ground, equipment, facility, or other property of any telegraph, telecommunications, electric light, or electric power company, including a cooperative association organized, is guilty of a Class A misdemeanor.

(4) (a) Subsections (1) and (2) do not apply to any person who is lawfully using a land survey marker for land surveying purposes no more than 30 inches below ground level.

(b) Subsections (2) and (3) do not apply to a person who acts with the permission of the telegraph, telecommunications, electric light, or electric power company, including a cooperative association organized, that owns the wire, pole, cable, conductor, ground, equipment, facility, or other property.

Legislative History:

12/17/13	Legislature established the Criminal Code Workgroup through Resolution 12-17-13C.
12/11/14	The Criminal Code Workgroup presented the Criminal Code to the Administration Committee at which time it was referred to the full Legislature to be placed out for 45 Day Public Comment.
01/06/15	Legislature placed the Criminal Code out for 45 Day Public Comment by Resolution 01-06-15B.
03/17/15	Legislature placed the Criminal Code out for an additional 45 Day Public Comment by Resolution 03-17-15K.
05/05/15	Legislature enacted the Criminal Code through Resolution 05-05-15P.
05/17/16	Technical corrections made in accordance with Section 45 of the Legislative Organization Act (2 HCC § 11).