



## 2005 SENATE BILL 24

January 24, 2005 - Introduced by Senators BROWN, ROESSLER and STEPP, cosponsored by Representatives MUSSER, ZIEGELBAUER, SHILLING, LOTHIAN, BIES, HINES, OTT and STONE. Referred to Committee on Judiciary, Corrections and Privacy.

1     **AN ACT** *to create* 940.208 of the statutes; **relating to:** threats to social service  
2             workers, juvenile intake workers, child support workers, or school employees  
3             and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits certain threats to cause bodily harm to the person or family member of a judge, a witness, or an official, employee, or agent of the Department of Revenue, Department of Commerce, or Department of Workforce Development. A person who violates this prohibition is guilty of a felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to six years, which if the sentence is for more than one year includes a term of extended supervision, or both.

This bill prohibits certain threats to cause bodily harm to the person or family member of a social service worker employed by or working under contract with a government agency, a juvenile intake worker, a child support worker, or a school employee. A threat is covered by this prohibition if: 1) the person making the threat knows or should have known that the victim is, or is a family member of, a social service worker, juvenile intake worker, child support worker, or school employee; 2) at the time of the threat, the victim is acting in his or her official capacity or the threat is made in response to any action taken in an official capacity; and 3) the victim did not consent to the threat. A person who violates this prohibition is guilty of a Class A misdemeanor and may be fined not more than \$10,000 or sentenced to the county jail for up to nine months or both.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 940.208 of the statutes is created to read:

2           **940.208 Threat to social service worker, juvenile intake worker, child**  
3 **support worker, or school employee. (1)** In this section:

4           (a) “Child support worker” means an employee of a county child support agency  
5 under s. 59.53 (5), including the attorney responsible for child support enforcement  
6 under s. 59.53 (6) (a).

7           (b) “Contracted social service worker” means a person who is providing social  
8 services under a contract between the person or his or her employer and the  
9 department of health and family services, a county department of human services,  
10 a county department of social services, a county department of community programs,  
11 or a county department of developmental disability services.

12           (c) “Family member” means a parent, spouse, sibling, child, stepchild, foster  
13 child, or treatment foster child.

14           (d) “Juvenile intake worker” means a person employed to provide services  
15 under s. 48.067 or 938.067.

16           (e) “School employee” means a person employed by a public school or a charter  
17 school, as defined in s. 115.001 (1).

18           (f) “Social service worker” means an official or employee of the department of  
19 health and family services, a county department of human services, a county

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1 department of social services, a county department of community programs, or a  
2 county department of developmental disabilities services.

3 (2) Whoever intentionally threatens to cause bodily harm to the person or  
4 family member of a social service worker, a contracted social service worker, a  
5 juvenile intake worker, a child support worker, or a school employee under all of the  
6 following circumstances is guilty of a Class A misdemeanor:

7 (a) At the time of the threat, the actor knows or should have known that the  
8 victim is a social service worker, a contracted social service worker, a juvenile intake  
9 worker, a child support worker, or a school employee or a member of his or her family.

10 (b) The social service worker, the contracted social service worker, the juvenile  
11 intake worker, the child support worker, or the school employee is acting in an official  
12 capacity at the time of the threat or the threat is in response to any action taken in  
13 an official capacity.

14 (c) There is no consent by the person threatened.

15 (END)