



2013 SENATE BILL 211

June 5, 2013 – Introduced by Senators CARPENTER, SCHULTZ, L. TAYLOR and LASSA, cosponsored by Representatives GOYKE, BARNES, WRIGHT, DANOU, SPIROS, KAUFERT, BIES, OHNSTAD, JOHNSON, SMITH, RIEMER, WACHS, KAHL, SINICKI, SARGENT, VRUWINK, DOYLE, BERCEAU, HESSELBEIN, POPE and GENRICH. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to renumber and amend* 941.30 (1); *to amend* 941.30 (2) and 947.013
2 (1m) (intro.); and *to create* 941.30 (1d), 941.30 (1m), 941.30 (2m) and 947.013
3 (1p) of the statutes; **relating to:** creating an enhanced penalty for harassing,
4 intimidating, or recklessly endangering a law enforcement officer, a fire fighter,
5 an emergency medical technician, a first responder, or an ambulance driver,
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who harasses or intimidates another person by physical contact or threats of physical contact or by engaging in a course of conduct or repeated behaviors toward the victim may be required to forfeit up to \$1,000.

Under current law, a person who recklessly endangers the safety of another person is guilty of a Class G felony, except that if the person recklessly endangers the safety of another person under circumstances that show utter disregard for human life, he or she is guilty of a Class F felony. A Class G felony is punishable by a fine up to \$25,000, imprisonment for up to ten years, or both. A Class F felony is punishable by the same fine, imprisonment for up to 12 years and six months, or both.

Under this bill, a person who harasses or intimidates certain public employees, including a law enforcement officer; a firefighter; an emergency medical technician; a first responder; an ambulance driver; a commission warden; a probation, extended

SENATE BILL 211

supervision, or parole agent; a school district officer or employee; an operator or driver of a public transit vehicle; a public or emergency health care provider; a judge; or an official, employee, or agent of the departments of revenue, safety and professional services, or workforce development, may be required to forfeit up to \$10,000. A person who recklessly endangers any of the specified public employees is guilty of a Class F felony, except that if the circumstances demonstrate an utter disregard for human life, the person is guilty of a Class E felony and may be fined up to \$50,000, imprisoned for up to 15 years, or both.

Under the bill, the greater penalties apply if the public employee was acting in his or her official capacity when the crime occurred and the person knew or should have known that the victim was a public employee.

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.

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

1 **SECTION 1.** 941.30 (1) of the statutes is renumbered 941.30 (1g) and amended
2 to read:

3 **941.30 Recklessly endangering safety. (1g)** FIRST-DEGREE RECKLESSLY
4 ENDANGERING SAFETY. ~~Whoever~~ Except as provided in sub. (1m), whoever recklessly
5 endangers another's safety under circumstances ~~which~~ that show utter disregard for
6 human life is guilty of a Class F felony.

7 **SECTION 2.** 941.30 (1d) of the statutes is created to read:

8 **941.30 (1d)** In this section, "public employee" means a law enforcement officer;
9 a firefighter; an emergency medical technician; a first responder; an ambulance
10 driver; a commission warden; an aftercare agent, as defined in s. 940.20 (2m) (a) 1.;
11 a probation, extended supervision, or parole agent, as defined in s. 940.20 (2m) (a);
12 a technical college district or school district officer or employee; an operator or driver
13 of a public transit vehicle; a health care provider, as defined in s. 940.20 (7) (a) 3.; a

SENATE BILL 211

1 judge, as defined in s. 940.203 (1) (b); or an official, employee, or agent of the
2 department of revenue, the department of safety and professional services, or the
3 department of workforce development.

4 **SECTION 3.** 941.30 (1m) of the statutes is created to read:

5 941.30 (1m) FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
6 CIRCUMSTANCES. Whoever recklessly endangers, under circumstances that show
7 utter disregard for human life, the safety of a public employee who is acting in an
8 official capacity and who the person knows or has reason to know is a public employee
9 is guilty of a Class E felony.

10 **SECTION 4.** 941.30 (2) of the statutes is amended to read:

11 941.30 (2) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY. ~~Whoever~~ Except
12 as provided in sub. (2m), whoever recklessly endangers another's safety is guilty of
13 a Class G felony.

14 **SECTION 5.** 941.30 (2m) of the statutes is created to read:

15 941.30 (2m) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
16 CIRCUMSTANCES. Whoever recklessly endangers the safety of a public employee who
17 is acting in an official capacity and who the person knows or has reason to know is
18 a public employee is guilty of a Class F felony.

19 **SECTION 6.** 947.013 (1m) (intro.) of the statutes is amended to read:

20 947.013 (1m) (intro.) ~~Whoever,~~ Except as provided in sub. (1p), whoever, with
21 intent to harass or intimidate another person, does any of the following is subject to
22 a Class B forfeiture:

23 **SECTION 7.** 947.013 (1p) of the statutes is created to read:

24 947.013 (1p) A person who violates sub. (1m) is subject to a Class A forfeiture
25 if the victim is a public employee, as defined in s. 941.30 (1d), who is acting in an

SENATE BILL 211

SECTION 7

1 official capacity and who the person knows or has reason to know is a public
2 employee.

3 (END)