

# State of Wisconsin



1997 Assembly Bill 742

Date of enactment: **April 20, 1998**

Date of publication\*: **May 4, 1998**

## 1997 WISCONSIN ACT 143

AN ACT *to amend* 165.70 (1) (b), 940.20 (3), 940.43 (1), 940.45 (1), 943.01 (2) (c), 943.017 (2) (c), 946.82 (4), 949.03 (1) (b), 969.08 (10) (b), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and *to create* 939.22 (21) (em), 939.22 (21) (mg), 940.201, 941.38 (1) (b) 5m., 941.38 (1) (b) 13m., 943.011 and 943.017 (2m) of the statutes; **relating to:** threats to cause bodily harm to a witness or to damage the property of a witness and providing penalties.

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

**SECTION 1.** 165.70 (1) (b) of the statutes is amended to read:

165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4) and 948.08.

**SECTION 2.** 939.22 (21) (em) of the statutes is created to read:

939.22 (21) (em) Battery or threat to witness, as prohibited in s. 940.201.

**SECTION 3.** 939.22 (21) (mg) of the statutes is created to read:

939.22 (21) (mg) Criminal damage to or threat to criminally damage the property of a witness, as prohibited in s. 943.011 or 943.017 (2m).

**SECTION 4.** 940.20 (3) of the statutes is amended to read:

940.20 (3) (title) ~~BATTERY TO WITNESSES AND JURORS.~~ Whoever intentionally causes bodily harm to a person who he or she knows or has reason to know is or was a witness as defined in s. 940.41 (3) ~~or a grand or petit juror, and by reason of the person having attended or testified~~

~~as a witness or~~ by reason of any verdict or indictment assented to by the person, without the consent of the person injured, is guilty of a Class D felony.

**SECTION 5.** 940.201 of the statutes is created to read:  
**940.201 Battery or threat to witnesses. (1)** In this section:

(a) "Family member" means a spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

(b) "Witness" has the meaning given in s. 940.41 (3).  
**(2)** Whoever does any of the following is guilty of a Class D felony:

(a) Intentionally causes bodily harm or threatens to cause bodily harm to a person who he or she knows or has reason to know is or was a witness by reason of the person having attended or testified as a witness and without the consent of the person harmed or threatened.

(b) Intentionally causes bodily harm or threatens to cause bodily harm to a person who he or she knows or has reason to know is a family member of a witness or a person sharing a common domicile with a witness by reason of the witness having attended or testified as a witness and without the consent of the person harmed or threatened.

**SECTION 6.** 940.43 (1) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

940.43 (1) Where the act is accompanied by force or violence or attempted force or violence, upon the witness, or the spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild of the witness or any person sharing a common domicile with the witness.

**SECTION 7.** 940.45 (1) of the statutes is amended to read:

940.45 (1) Where the act is accompanied by force or violence or attempted force or violence, upon the victim, or the spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild of the victim or any person sharing a common domicile with the victim.

**SECTION 8.** 941.38 (1) (b) 5m. of the statutes is created to read:

941.38 (1) (b) 5m. Battery or threat to witness, as prohibited in s. 940.201.

**SECTION 9.** 941.38 (1) (b) 13m. of the statutes is created to read:

941.38 (1) (b) 13m. Criminal damage to or threat to criminally damage the property of a witness, as prohibited in s. 943.011 or 943.017 (2m).

**SECTION 10.** 943.01 (2) (c) of the statutes is amended to read:

943.01 (2) (c) The property damaged belongs to a person who is or was a witness as defined in s. 940.41 (3) or a grand or petit juror and the damage was caused by reason of the owner's having attended or testified as a witness or by reason of any verdict or indictment assented to by the owner.

**SECTION 11.** 943.011 of the statutes is created to read:

**943.011 Damage or threat to property of witness.**

(1) In this section:

(a) "Family member" means a spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

(b) "Witness" has the meaning given in s. 940.41 (3).

(2) Whoever does any of the following is guilty of a Class D felony:

(a) Intentionally causes damage or threatens to cause damage to any physical property owned by a person who is or was a witness by reason of the owner having attended or testified as a witness and without the owner's consent.

(b) Intentionally causes damage or threatens to cause damage to any physical property owned by a person who is a family member of a witness or a person sharing a common domicile with a witness by reason of the witness having attended or testified as a witness and without the owner's consent.

**SECTION 12.** 943.017 (2) (c) of the statutes is amended to read:

943.017 (2) (c) The property under sub. (1) belongs to a person who is or was a witness, as defined in s. 940.41 (3), or a grand or petit juror and the marking, drawing, writing or etching was caused by reason of the owner's

~~having attended or testified as a witness or by reason of any verdict or indictment assented to by the owner.~~

**SECTION 13.** 943.017 (2m) of the statutes is created to read:

943.017 (2m) (a) In this subsection:

1. "Family member" means a spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

2. "Witness" has the meaning given in s. 940.41 (3).

(b) Whoever does any of the following is guilty of a Class D felony:

1. Intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into, or threatens to mark, draw or write on or etch into, any physical property owned by a person who is or was a witness by reason of the owner having attended or testified as a witness and without the owner's consent.

2. Intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into, or threatens to mark, draw or write on or etch into, any physical property owned by a family member of a witness or by a person sharing a common domicile with a witness by reason of the witness having attended or testified as a witness and without the owner's consent.

**SECTION 14.** 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

**SECTION 15.** 949.03 (1) (b) of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), (1m) or

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(1r), 943.32, 948.02, 948.025, 948.03, 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

**SECTION 16.** 969.08 (10) (b) of the statutes is amended to read:

969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

**SECTION 17.** 971.37 (1m) (a) 2. of the statutes is amended to read:

971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of s. 940.19, 940.20 (1m) ~~or (3)~~, 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01,

943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125 and the conduct constituting the violation involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child.

**SECTION 18.** 973.055 (1) (a) 1. of the statutes is amended to read:

973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m) ~~or (3)~~, 940.201, 940.21, 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125 or of a municipal ordinance conforming to s. 941.20, 940.201, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125; and

### **SECTION 19. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection.

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