

**ASSEMBLY BILL 525 (LRB -2416)**

An Act to create 940.208 of the statutes; relating to: threatening or committing battery against certain employees of first class cities and providing a penalty. (FE)

**2007**

10-04. A. Introduced by Representatives **Zepnick, Colon, Honadel, Grigsby, Montgomery, Fields, A. Ott, Cullen, Hahn, Sinicki, Sheridan and Turner**; cosponsored by Senators **Coggs, Plale, Roessler and Lassa**.

10-04. A. Read first time and referred to committee on Criminal Justice ..... 292

10-15. A. Fiscal estimate received.

10-17. A. Fiscal estimate received.

11-16. A. Fiscal estimate received.

12-05. A. Public hearing held.

12-13. A. Fiscal estimate received.

**2008**

01-29. A. Assembly amendment 1 offered by Representative Zepnick (**LRB a1133**) ..... 471

01-30. A. Executive action taken.

02-21. A. Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice, Ayes 10, Noes 0 ..... 519

02-21. A. Report passage as amended recommended by committee on Criminal Justice, Ayes 7, Noes 3 ..... 519

02-21. A. Referred to committee on Rules ..... 519

02-21. A. Assembly amendment 1 to Assembly amendment 1 offered by Representatives Albers and Zepnick (**LRB a1228**) ..... 515

02-21. A. Placed on calendar 2-26-2008 by committee on Rules.

02-26. A. Read a second time ..... 556

02-26. A. Assembly amendment 1 to Assembly amendment 1 **adopted** ..... 556

02-26. A. Assembly amendment 1 **adopted** ..... 556

02-26. A. Ordered to a third reading ..... 556

02-26. A. Rules suspended ..... 556

02-26. A. Read a third time and **passed** ..... 557

02-26. A. Ordered immediately messaged ..... 557

02-27. S. Received from Assembly ..... 626

02-28. S. Read first time and referred to committee on Judiciary, Corrections, and Housing ..... 632

03-12. S. Withdrawn from committee on Judiciary, Corrections, and Housing and taken up.

03-12. S. Read a second time.

03-12. S. Ordered to a third reading.

03-12. S. Rules suspended.

03-12. S. Read a third time and **concurred in**.

03-12. S. Ordered immediately messaged.

03-12. A. Received from Senate concurred in.



**2007  
ENROLLED BILL**

07en A B-525

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

07 2416/1

Amendments to above (if none, write "NONE"): AA1      a 1133/2  
AA1 TO AA1 - a 1228/1

Corrections - show date (if none, write "NONE"): None

Topic Rel as amended

3-13-08      J R Miller  
Date                      Enrolling Drafter

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## 2007 ASSEMBLY BILL 525

October 4, 2007 - Introduced by Representatives ZEPNICK, COLON, HONADEL, GRIGSBY, MONTGOMERY, FIELDS, A. OTT, CULLEN, HAHN, SINICKI, SHERIDAN and TURNER, cosponsored by Senators COGGS, PLALE, ROESSLER and LASSA. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 940.208 of the statutes; **relating to:** threatening or committing  
 2 battery against certain employees of first class cities and providing a penalty.

AA1-1  
 INSERT AA1-2  
 INSERT AA1-3

### *Analysis by the Legislative Reference Bureau*

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery. A person convicted of ordinary battery may be fined not more than \$10,000, imprisoned for not more than nine months, or both. Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees, and agents. Current law also prohibits threatening to cause bodily harm to some of those individuals under certain circumstances. The circumstances under which the more severe penalties for battery apply, the severity of the penalties, and whether the prohibition on threats applies depend on the position held by the government official, agent, or employee.

Among those covered under these "special circumstances battery" provisions are law enforcement officers and fire fighters. If a person intentionally causes bodily harm to a law enforcement officer or a fire fighter, the person may be fined not more than \$10,000, sentenced to a term of imprisonment of not more than three and one-half years, or both, under the following circumstances: 1) the actor knows or has reason to know that the victim is a law enforcement officer or fire fighter; 2) the victim is acting in his or her capacity; and 3) the victim does not consent to the harm.

Under this bill, if a person intentionally causes bodily harm or threatens to cause bodily harm to an employee of a first class city, other than a law enforcement officer or fire fighter, the person may be fined not more than \$10,000, sentenced to

**ASSEMBLY BILL 525**

a term of imprisonment of not more than six years, or both, under the following circumstances: 1) the actor knows or should know that the victim is an employee of a first class city; 2) the victim was enforcing state, county, or city laws, ordinances, or rules at the time of the act or threat or the act or threat is in response to any such enforcement activity; and 3) the victim does not consent to the harm or threat. As in other felony cases, if a person is convicted of this offense and the sentence is for more than one year, it must consist of a term of confinement followed by a term of extended supervision.

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:***

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

**940.208 Battery or threat to employee of 1st class city.** (1) In this section,

"employee of a 1st class city" does not include a fire fighter, as defined in s. 102.475 (8) (b), or a law enforcement officer, as defined in s. 102.475 (8) (c).

(2) Whoever intentionally causes bodily harm or threatens to cause bodily harm to an employee of a 1st class city under all of the following circumstances is guilty of a Class H felony:

(a) At the time of the act or threat, the actor knows or should know that the victim is an employee of a 1st class city.

(b) The victim is enforcing state, county, or city laws, ordinances, or rules at the time of the act or threat or the act or threat is in response to any such enforcement activity.

(c) There is no consent by the victim.

(END)

INS. AAI-4

INS. AAI-7

INS. AAI-8

INS. AAI-9

INS. AAI-10

AAI-11

INS. AAI-12

INS. AAI-13

INS. AAI-15

INS. AAI-14

INS. AAI-17

INS. AAI-19

INS. AAI-AAI-1

INS. AAI-16

INS. AAI-18

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**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 525**

January 29, 2008 - Offered by Representative ZEPNICK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 1: <sup>AA1-1</sup> delete "threatening or".

3 **2.** Page 1, line 2: delete "first class" and substitute "counties,". AA1-2 AA1-3

4 **3.** Page 1, line 2: after "cities" insert "villages, and towns while the employee  
5 is enforcing certain laws".

6 **4.** Page 2, line 2: delete the material beginning with "or threat to employee  
7 of 1st class city" and ending with "(2)" on line 5 and substitute "to certain  
8 employees of counties, cities, villages, or towns". AA1-4

9 **5.** Page 2, line 5: delete "or threatens to cause bodily".

10 **6.** Page 2, line 6: delete "harm".

11 **7.** Page 2, line 6: delete "1st class" and substitute "county,". AA1-7

12 **8.** Page 2, line 6: after "city" insert "village, or town". AA1-8

AA1-9

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9. Page 2, line 7: delete "Class H" and substitute "Class I".

AA1-10

10. Page 2, line 8: delete "(a)" and substitute "(1)".

11. Page 2, line 8: delete "or threat". AA1-11

AA1-12

12. Page 2, line 9: delete "1st class" and substitute "county".

AA1-13

13. Page 2, line 9: after "city" insert ", village, or town".

AA1-14

14. Page 2, line 10: delete "(b)" and substitute "(2)".

AA1-15

15. Page 2, line 10: after "enforcing" insert ", or conducting an inspection for the purpose of enforcing, a".

16. Page 2, line 10: delete "or city laws, ordinances, or rules" and substitute "city, village, or town zoning ordinance, building code, or other construction law, rule, standard, or plan".

AA1-16

17. Page 2, line 11: delete "or threat or the act or threat" and substitute "or the act".

AA1-17

18. Page 2, line 11: after "enforcement" insert "or inspection".

AA1-18

19. Page 2, line 13: delete "(c)" and substitute "(3)".

AA1-19

(END)

see AA1-AA1-1  
(MARKUP ON 2416/1)

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 525**

February 21, 2008 – Offered by Representatives ALBERS and ZEPNICK.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 2, line 14: after that line insert:

3 “18m. Page 2, line 12: after that line insert:

4 “**(2p)** The enforcement or inspection complies with any law, ordinance, or rule,  
5 including any applicable notice requirement.”.”

6 (END)

AAI-AAI-1