

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB109)

Received: **06/13/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Lucas Moench**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - law enforcement**
Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Add great bodily harm and soft tissue to battery by prisoner

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 06/13/2011	jdyer 06/13/2011		_____			
/1			mduchek 06/13/2011	_____	lparisi 06/13/2011	lparisi 06/13/2011	

FE Sent For:

<END>

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chanaman

1/6/13 jld

FE Sent For:

<END>

Hanaman, Cathlene

From: Moench, Lucas
Sent: Friday, June 10, 2011 4:18 PM
To: Hanaman, Cathlene
Subject: Sub Amendment to SB 109 Drafting Request

Cathlene-

Could you please draft a substitute amendment to SB 109 that does all of the following:

1. Include all of the provisions of SB 109 in its current form
2. After 946.41 (2r): create new section that reads: "whoever violates sub. (1) and causes great bodily harm to an officer is guilty of a class G felony."
3. Amend 940.20(1) to read "Battery of prisoners. Any prisoner confined to a state prison or other state, county or municipal detention facility who intentionally causes bodily harm or a soft tissue injury to an officer, employee, visitor or another inmate of such prison or institution, without his or her consent, is guilty of a Class H felony."

If you could get me this amendment sometime Monday morning, I would appreciate it because we will be going to the floor with this on Tuesday.

Thanks,

Lucas Moench
Office of State Senator Joe Leibham
9th Senate District
608-266-2056



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1687/1
CMH: [redacted] ph

50148/1

Mon
A.M.

SSA to

jld

2011 SENATE BILL 109

May 26, 2011 - Introduced by Senators LEIBHAM and WANGGAARD, cosponsored by Representatives ENDSLEY, ZIEGELBAUER, BROOKS, KAUFERT, KERKMAN, SPANBAUER, STEINERKE, ZEPNICK and LEMAHIEU. Referred to Committee on Labor, Public Safety, and Urban Affairs.

Regen

✓
①
②

AN ACT to amend 946.41 (2r) of the statutes; relating to soft tissue injury to a law enforcement officer when resisting or obstructing arrest.

causing
or great bodily harm
soft tissue case injury by a prisoner and provide penalty

Analysis by the Legislative Reference Bureau

Under current law, a person who, while knowingly resisting or obstructing a law enforcement officer, causes substantial bodily harm to a law enforcement officer is guilty of a felony. "Substantial bodily harm" means a bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight, or hearing; a concussion; or a loss or fracture of a tooth. This bill adds a soft tissue injury to the list of injuries that would result in the commission of a felony.

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

MS 1-3

3

SECTION 946.41 (2r) of the statutes is amended to read:

4

946.41 (2r) Whoever violates sub. (1) and causes substantial bodily harm or a

5

soft tissue injury to an officer is guilty of a Class H felony.

6

(END)

MS 1-6

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0148/lins
CMH:.....

1 Insert 1-3 #
2 SECTION ~~940.20~~ 940.20 (1) ✓ of the statutes is amended to read:
3 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
4 other state, county, or municipal detention facility who intentionally causes bodily
5 harm or a soft tissue injury ✓ to an officer, employee, visitor, or another inmate of such
6 prison or institution, without his or her consent, is guilty of a Class H ✓ felony.

7 History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343;
8 1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 27, 130.

8 Insert 1-6 #
9 SECTION ~~946.41~~ 946.41 (2t) ✓ of the statutes is created to read:
10 946.41 (2t) Whoever violates sub. (1) ✓ and causes great bodily harm ✓ to an officer
11 is guilty of a Class G ✓ felony.

(end ins)