

2013 DRAFTING REQUEST

Bill

Received: 2/15/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan
May Contact: Drafter: phurley
Subject: Criminal Law - sentencing Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Goyke@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Enhanced penalty for endangering safety of a first responder

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>
/?	phurley 2/22/2013			_____			
/P1	phurley 3/19/2013	evinz 3/7/2013	rschluet 3/7/2013	_____	lparisi 3/7/2013		State S&L Crime
/P2	phurley 5/17/2013	evinz 3/26/2013	jmurphy 3/26/2013	_____	srose 3/26/2013		State S&L Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		evinz 5/17/2013	jmurphy 5/17/2013	_____	sbasford 5/17/2013	srose 5/20/2013	State S&L Crime

FE Sent For:

↳ At
Intro.

<END>

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*Jacket per
Ryan
5/20/13*

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/P2		evinz 3/26/2013	jmurphy 3/26/2013	_____	srose 3/26/2013		State S&L Crime

1 eev
5/17/13
Jim
5/17
self
5/17

FE Sent For:

<END>

2013 DRAFTING REQUEST

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/?	phurley 2/22/2013			_____			
/P1		evinz 3/7/2013	rschluet 3/7/2013	_____	lparisi 3/7/2013		State S&L Crime

1p2 eev 3/26/13

*Jim 3/26
Just KS
3/26*

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 2/15/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan
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/?	phurley	1pl eev 3/7/13	1pl eev 3/7/13				

FE Sent For:


<END>

Hurley, Peggy

From: Knocke, Ryan
Sent: Friday, February 15, 2013 3:08 PM
To: Hurley, Peggy
Subject: Rep. Goyke - Info for the Barnes bill and gun registry
Attachments: Increased Penalties For Certain Crimes against First Responders.docx

Peggy-

I hope this message finds you well and thank you for speaking with me earlier this morning. Below and attached is information I received from Rep. Goyke about what he is thinking and bill intent. Please ignore page 2 as that involves another bill we are working on. I hope this information is helpful. Please let me know what you think. All the best to you.

- Ryan

Ryan,

Here is some information for our conversation earlier today. The first page outlines the proposed change. I found another section where the idea already exists. Please ask LRB to review the other criminal statutes and see if there are additional missing sections, like 941.30, where the special designation isn't present.

Also, the second page is an interesting statute that I stumbled on involving the gun registry...

Thanks

Evan

943
Yes to 947.013
941.30 (1) AND (2)

Increased Penalties For Certain Crimes against First Responders.

Purpose: Current Wisconsin Law recognizes the importance of protecting our first responders through the creation of "special circumstances" variations of the general Battery Statute, Wis. Stat. Sec. 940.20, and Endangering Safety by Use of a Dangerous Weapon, Wis. Stat. Sec 941.20. This bill uses the framework established in 940.20 and 941.20 and expands the application of "special circumstances" designations to include other violent crimes where the designation is currently missing.

Adds to 941.30 (1) First Degree Recklessly Endangering Safety and (2) Second-Degree Recklessly Endangering Safety

Creates 941.30 (3) Whoever recklessly endangers the life (of a law enforcement officer, fire fighter, etc) under circumstances which show utter disregard for life is guilty of a Class E Felony

941.30 (4) Whoever recklessly endangers the life (of a law enforcement officer, fire fighter, etc) is guilty of a Class F Felony

Ryan, below is another example of where this idea already exists - 941.20. The difference in what we would propose (941.30) is really the result, so the penalties would be greater under our proposal when a law enforcement officer ends up actually injured, etc.

Current Law

941.20 (1m)(b) Whoever intentionally points a firearm at or towards a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, an ambulance driver, or a commission warden who is acting in an official capacity and who the person knows or has reason to know is a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, an ambulance driver, or a commission warden is guilty of a Class H felony.

*C.L. included:
940.20 (Battery)
felony murder
941.20 pointing gun
941.299 point laser*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1659/P1

PJH:.....

Monday
(cont)

leeu

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2-22-13

SAD
ref

gen cat

1 AN ACT **relating to:** creating an enhanced penalty for harassing,
 2 intimidating, or recklessly endangering a law enforcement officer, a fire fighter,
 3 an emergency medical technician, a first responder, or an ambulance driver,
 4 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 \$1000.

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 a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver is guilty of a class I felony, and may be fined up to \$10,000, imprisoned for up to three years and six months, or both. A person who recklessly endangers the safety of a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver 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 law enforcement officer, fire fighter, emergency medical technician, first responder, or ambulance driver was acting in his or her official capacity when the crime occurred and the person ~~knows~~ or should have known that the victim was a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver.

Know

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

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.

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

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

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

History: 1983 a. 336; 1991 a. 194; 1993 a. 496; 2001 a. 109.

SECTION 2. 947.013 (1o) of the statutes is created to read:

947.013 (1o) A person who violates sub. (1m) is guilty of a Class I felony if the victim is a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver who is acting in an official capacity and who the person knows or has reason to know ~~that the victim~~ is a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver.

****NOTE: This draft does not create an enhanced penalty for any of the violations of s. 947.013 (1r), because those violations require the victim to have had a restraining order against the perpetrator. I didn't think it would be likely that a law enforcement officer or a first responder would have, in his or her official capacity, a restraining order against a perpetrator, but if you disagree, I can redraft to enhance those penalties, too.

****NOTE: Please also note that this draft jumps the penalty for harassment all the way from a civil forfeiture to a felony. Please let me know if you would like, instead, to enhance the penalty to a higher level forfeiture or to a misdemeanor.

SECTION 3. 941.30 of the statutes is amended to read:

Move to 941.30

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

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

History: 1987 a. 399; 2001 a. 109.

8 **SECTION 4.** 941.30 (1m) of the statutes is [✓]created to read:

9 **941.30 (1m)** FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
10 CIRCUMSTANCES. Whoever recklessly endangers, under circumstances that show
11 utter disregard for human life, the safety of a law enforcement officer, a fire fighter,
12 an emergency medical technician, a first responder, or an ambulance driver who is
13 acting in an official capacity and who the person knows or has reason to know is a
14 law enforcement officer, a fire fighter, an emergency medical technician, a first
15 responder, or an ambulance driver is guilty of a Class E felony. 9

16 **SECTION 5.** 941.30 (2m) of the statutes is [✓]created to read:

17 **941.30 (2m)** ^{CS}(Second-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
18 CIRCUMSTANCES. Whoever recklessly endangers the safety of a law enforcement
19 officer, a fire fighter, an emergency medical technician, a first responder, or an
20 ambulance driver who is acting in an official capacity and who the person knows or
21 has reason to know is a law enforcement officer, a fire fighter, an emergency medical
22 technician, a first responder, or an ambulance driver is guilty of a Class F felony.

(END)

Handwritten mark:
21
22
23

Handwritten mark:

Hurley, Peggy

From: Goyke, Evan
Sent: Tuesday, March 19, 2013 2:31 PM
To: Hurley, Peggy
Subject: One more thing with LRB-1659 (first responders)

Peggy,

I apologize for failing to include this one additional change. Can we expand the coverage of this proposed bill to include all employees engaged in their public capacity? By that I mean, social workers, probation and parole, DNR wardens, etc. Most of these elevated positions are already covered in the Battery-special circumstances chapter. Can we have the recklessly endangering section mirror the listed categories of the Battery section?

Thanks!

Evan

Hurley, Peggy

From: Goyke, Evan
Sent: Tuesday, March 19, 2013 1:44 PM
To: Hurley, Peggy
Subject: Bill Draft, First Responders (LRB 1659)

Peggy,

Thank you for all of your hard work on the bill draft (LRB 1659) increasing penalties on certain crimes where first responders are the victims. I'd like to change the one suggestion that you pointed out, that the penalty for harassment jumped from Forfeiture to Felony – that's a bit harsh. Can we jump the Forfeiture to the highest class Forfeiture? That would only apply to the harass/intimidate section, everything else looks perfect.

Thank you very much!

Evan



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1659/P1
PJH:eev:rs

Stays *imr*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PWF

3-19-13

regen

1 AN ACT *to amend* 941.30 and 947.013 (1m) (intro.); and *to create* 941.30 (1m),
2 941.30 (2m) and 947.013 (1p) of the statutes; **relating to:** creating an enhanced
3 penalty for harassing, intimidating, or recklessly endangering a law
4 enforcement officer, a fire fighter, an emergency medical technician, a first
5 responder, or an ambulance driver, 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 a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver is guilty of a Class I felony, and may be fined up to \$10,000, imprisoned for up to three years and six months, or both. A person who recklessly endangers the safety of a law enforcement officer, a fire fighter, an emergency medical technician, a first

1000
10,000

insert analysis

public employee

responder, or an ambulance driver, 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 law enforcement officer, fire fighter, emergency medical technician, first responder, or ambulance driver 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 law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver.

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:

Fix Component

Insert 2.5

SECTION 1. 941.30 of the statutes is amended to read:

(1) renumbered 941.30 (1g) and (1g)^B

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

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

SECTION 2. 941.30 (1m) of the statutes is created to read:

941.30 (1m) FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL CIRCUMSTANCES. Whoever recklessly endangers, under circumstances that show utter disregard for human life, the safety of a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver who is acting in an official capacity and who the person knows or has reason to know is a

public employee

public employee

1 law enforcement officer, a fire fighter, an emergency medical technician, a first
2 responder, or an ambulance driver is guilty of a Class E felony.

3 SECTION 3. 941.30 (2m) of the statutes is created to read:

public employee

4 941.30 (2m) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
5 CIRCUMSTANCES. Whoever recklessly endangers the safety of a law enforcement
6 officer, a fire fighter, an emergency medical technician, a first responder, or an
7 ambulance driver who is acting in an official capacity and who the person knows or
8 has reason to know is a law enforcement officer, a fire fighter, an emergency medical
9 technician, a first responder, or an ambulance driver is guilty of a Class F felony.

public employee

10 SECTION 4. 947.013 (1m) (intro.) of the statutes is amended to read:

11 947.013 (1m) (intro.) Whoever, Except as provided in sub. (1p), whoever, with
12 intent to harass or intimidate another person, does any of the following is subject to
13 a Class B forfeiture:

subject to a Class A forfeiture

14 SECTION 5. 947.013 (1p) of the statutes is created to read:

15 947.013 (1p) A person who violates sub. (1m) is guilty of a Class I felony if the
16 victim is a law enforcement officer, a fire fighter, an emergency medical technician,
17 a first responder, or an ambulance driver who is acting in an official capacity and who
18 the person knows or has reason to know is a law enforcement officer, a fire fighter,
19 an emergency medical technician, a first responder, or an ambulance driver.

public employee as defined in s. 941.30

****NOTE: This draft does not create an enhanced penalty for any of the violations of s. 947.013 (1r), because those violations require the victim to have had a restraining order against the perpetrator. I didn't think it would be likely that a law enforcement officer or a first responder would have, in his or her official capacity, a restraining order against a perpetrator, but if you disagree, I can redraft to enhance those penalties, too.

****NOTE: Please also note that this draft jumps the penalty for harassment all the way from a civil forfeiture to a felony. Please let me know if you would like, instead, to enhance the penalty to a higher-level forfeiture or to a misdemeanor.

public employee

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1659/P1insEV
PJH:eev:rs

1 INSERT ANALYSIS:

2 ④ Under this bill, a person who harasses or intimidates certain public employees,
3 including a law enforcement officer; a firefighter; an emergency medical technician;
4 a first responder; an ambulance driver; a commission warden; a probation, extended
5 supervision, or parole agent; a school district officer or employee; an operator or
6 driver of a public transit vehicle; a public or emergency health care provider; a judge;
7 or an official, employee, or agent of the departments of revenue, safety and
8 professional services, or workforce development, may be required to forfeit up to
9 \$10,000. A person who recklessly endangers any of the specified public employees

10

11 INSERT 2.5:

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

13 941.30 (1d) In this section, "public employee" means a law enforcement officer;
14 a firefighter; an emergency medical technician; a first responder; an ambulance
15 driver; a commission warden; an aftercare agent, as defined in s. 940.20 (2m) (a) 1.;
16 a probation, extended supervision, or parole agent, as defined in s. 940.20 (2m) (a);
17 a technical college district or school district officer or employee; an operator or driver
18 of a public transit vehicle; a health care provider, as defined in s. 940.20 (7) (a) 3.; a
19 judge, as defined in s. 940.203(1)(b); or an official, employee, or agent of the
20 department of revenue, the department of safety and professional services, or the
21 department of workforce development.

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1659/PE
PJH:eev:jm

stays /mr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today
no changes
but for 1P2 to 11

regen

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

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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

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

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

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

3 (END)