

**2015 Senate Bill 117 (LRB -2115)**

An Act to amend 940.20 (2), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a) and 940.203 (2) (b); and to create 940.203 (1) (c), 940.203 (1) (d) and 940.203 (2) (d) of the statutes; relating to: battery and threats to a judge, a prosecutor, or a law enforcement officer and providing a criminal penalty. (FE)

**2015**

04-08.	S.	Introduced by Senators <b>Gudex, Wanggaard, Lassa, Bewley and Marklein</b> ; cosponsored by Representatives <b>J. Ott, Jagler, Born, Kerkman, Heaton, T. Larson, Murphy, A. Ott, Rohrkaste, Weatherston, Quinn, Rodriguez, Murtha, Novak, E. Brooks, Krug, Spiros, Bernier, Ballweg, Macco, Ripp, Edming, Mursau, Kulp, Kremer, Gannon, Milroy, C. Taylor, Horlacher, Knodl, Jacque, Stuck, Skowronski, Thiesfeldt, Tittl, Steffen and Kahl.</b> ....	174
04-08.	S.	Read first time and referred to Committee on Judiciary and Public Safety .....	174
04-10.	S.	Senate Amendment 1 offered by Senator Gudex ( <b>LRB a0331</b> ) .....	179
04-16.	S.	Fiscal estimate received	
04-17.	S.	Fiscal estimate received	
04-23.	S.	Public hearing held	
04-28.	S.	Executive session held	
04-28.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0 .....	208
04-28.	S.	Report passage as amended recommended by Committee on Judiciary and Public Safety, Ayes 4, Noes 1 .....	208
04-28.	S.	Available for scheduling	
04-29.	S.	Fiscal estimate received	
04-30.	S.	Fiscal estimate received	
05-04.	S.	Placed on calendar 5-6-2015 pursuant to Senate Rule 18(1) .....	217
05-06.	S.	Senator Carpenter added as a coauthor .....	221
05-06.	S.	Read a second time .....	224
05-06.	S.	Senate Amendment 1 <b>adopted</b> .....	224
05-06.	S.	Ordered to a third reading .....	224
05-06.	S.	Rules suspended .....	224
05-06.	S.	Read a third time .....	224
05-06.	S.	<b>Passed</b> .....	224
05-06.	S.	Ordered immediately messaged .....	225
05-06.	A.	Received from Senate .....	150
05-14.	A.	Assembly Amendment 1 offered by Representative Kerkman ( <b>LRB a0524</b> ) .....	171
06-04.	A.	Read first time and referred to committee on Rules .....	190
10-21.	A.	Placed on calendar 10-27-2015 by Committee on Rules	
10-27.	A.	Rules suspended to withdraw from calendar and take up	
10-27.	A.	Read a second time	
10-27.	A.	Assembly Amendment 1 withdrawn and returned to author	
10-27.	A.	Ordered to a third reading	
10-27.	A.	Rules suspended	
10-27.	A.	Read a third time and <b>concurred in</b> , Ayes 80, Noes 16	
10-27.	A.	Representative C. Taylor withdrawn as a cosponsor	
10-27.	A.	Representative Danou added as a cosponsor	
10-27.	A.	Ordered immediately messaged	
10-28.	S.	Received from Assembly concurred in	



**2015**  
**ENROLLED BILL**

15en S B- 117

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**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**         **15** = 2115/1

**Amendments to above (if none, write "NONE"):** SA 1

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

**Topic** RELATIVE CLAUSE

11/4/15                      Carole H  
**Date**                                      **Enrolling Drafter**



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2115/1  
PJH:kjf:kf

## 2015 SENATE BILL 117

April 8, 2015 – Introduced by Senators GUDEX, WANGGAARD, LASSA, BEWLEY and MARKLEIN, cosponsored by Representatives J. OTT, JAGLER, BORN, KERKMAN, HEATON, T. LARSON, MURPHY, A. OTT, ROHRKASTE, WEATHERSTON, QUINN, RODRIGUEZ, MURTHA, NOVAK, E. BROOKS, KRUG, SPIROS, BERNIER, BALLWEG, MACCO, RIPP, EDMING, MURSAU, KULP, KREMER, GANNON, MILROY, C. TAYLOR, HORLACHER, KNODL, JACQUE, STUCK, SKOWRONSKI, THIESFELDT, TITTL, STEFFEN and KAHL. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to amend** 940.20 (2), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a)  
2             and 940.203 (2) (b); and **to create** 940.203 (1) (c), 940.203 (1) (d) and 940.203  
3             (2) (d) of the statutes; **relating to:** battery and threats to a judge, a prosecutor,  
4             or a law enforcement officer and providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may intentionally cause bodily harm to a law enforcement officer acting in an official capacity, if the actor knows or has reason to know that the victim is a law enforcement officer. Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who commits any of these acts is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than six years, or both.

Under this bill, a person who intentionally causes or threatens bodily harm to a judge, a prosecutor, or a law enforcement officer, or who intentionally causes or threatens bodily harm to a family member of any of those persons, is guilty of Class H felony if the person knows or should know that the victim is a judge, prosecutor, law enforcement officer, or family member of any of those, if the person commits the offense in response to any action taken in the judge's, prosecutor's, or law enforcement officer's official capacity, or if the person commits the offense while the judge, prosecutor, or law enforcement officer is acting in his or her official capacity.

**SENATE BILL 117**

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

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

1           **SECTION 1.** 940.20 (2) of the statutes is amended to read:

2           940.20 (2) BATTERY TO ~~LAW ENFORCEMENT OFFICERS~~, FIRE FIGHTERS, AND  
3 COMMISSION WARDENS. Whoever intentionally causes bodily harm to a law  
4 enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8) (b) and  
5 (e), or to a commission warden, acting in an official capacity and the person knows  
6 or has reason to know that the victim is a law enforcement officer, fire fighter, or  
7 commission warden, by an act done without the consent of the person so injured, is  
8 guilty of a Class H felony.

9           **SECTION 2.** 940.203 (title) of the statutes is amended to read:

10          **940.203 (title) Battery or threat to judge, prosecutor, or law**  
11 **enforcement officer.**

12          **SECTION 3.** 940.203 (1) (c) of the statutes is created to read:

13          940.203 (1) (c) "Law enforcement officer" has the meaning given in s. 102.475  
14 (8) (c). *INS SAI 2.*

15          **SECTION 4.** 940.203 (1) (d) of the statutes is created to read:

16          940.203 (1) (d) "Prosecutor" means *INS SAI 3.* any of the following:

17           1. A district attorney, a deputy district attorney, an assistant district attorney,  
18 or a special prosecutor appointed under s. 978.045 or 978.05 (8) (b).

19           2. The attorney general, a deputy attorney general, or an assistant attorney  
20 general performing the duties of a district attorney *SAI 4.*

21          **SECTION 5.** 940.203 (2) (intro.) of the statutes is amended to read:





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0331/1  
PJH:kjf&jld:kf

SENATE AMENDMENT 1,  
TO SENATE BILL 117

April 10, 2015 – Offered by Senator GUDEx.

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

2 **1.** Page 2, line 11: after that line insert:

3 “SECTION 2m. 940.203 (1) (b) of the statutes is amended to read:

4 940.203 (1) (b) “Judge” means a person who currently is or who formerly was  
5 a supreme court justice, court of appeals judge, circuit court judge, municipal judge,  
6 temporary or permanent reserve, judge or circuit, supplemental, or municipal court  
7 commissioner.”.

8 **2.** Page 2, line 14: after “(8) (c)” insert “and includes a person who formerly was  
9 a law enforcement officer under that definition”.

10 **3.** Page 2, line 16: after “means” insert “a person who currently is or formerly  
11 was”.

12 **4.** Page 2, line 20: delete “performing the duties of a district attorney”.

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