

**2019 DRAFTING REQUEST****Senate Substitute Amendment (SSA-SB163)**

For: **Dale Kooyenga (608) 266-2512** Drafter: **ewheeler**  
 By: **Melissa** Secondary Drafters:  
 Date: **10/3/2019** May Contact: **Leg. Council**  
 Same as LRB: **s0118**

Submit via email: **YES**  
 Requester's email: **Sen.Kooyenga@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**  
**Melinda.Johns@legis.wisconsin.gov**  
**melissa.schmidt@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Adding hospital workers and nurses to special circumstance battery

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**Instructions:**

Keep new special circumstance battery against nurses under s. 940.20 from SB 163, but add non-emergency hospital workers to s. 940.20 (7).

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 10/3/2019	kfollett 10/3/2019			
/P1	ewheeler 10/4/2019	kfollett 10/4/2019	lparisi 10/3/2019		
/1			dwalker 10/4/2019	dwalker 10/4/2019	

FE Sent For: **<END>**



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0116(?)  
...  
tm ... kf

in 10/3  
due 10/3 if possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO SENATE BILL 163**

1 **AN ACT ...; relating to:** battery to a health care provider who works at a hospital  
2 or a nurse. *and providing a penalty*

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

3 **SECTION 1.** 940.20 (2r) of the statutes is created to read:

4 **940.20 (2r) BATTERY TO A NURSE.** (a) In this subsection, "nurse" means an  
5 individual who is licensed pursuant to s. 441.06 or 441.10.

6 (b) Whoever intentionally causes bodily harm to a nurse, or to an individual  
7 acting under the supervision of a nurse, who is acting in his or her professional  
8 capacity, and the actor knows or has reason to know that the victim is a nurse or an  
9 individual acting under the supervision of a nurse, by an act done without the  
10 consent of the individual so injured, is guilty of a Class H felony.

1 SECTION 2. 940.20 (7) (a) 4. of the statutes is created to read:

2 940.20 (7) (a) 4. "Hospital" has the meaning given in s. 50.33 (2).

3 SECTION 3. 940.20 (7) (a) 1g. of the statutes is amended to read:

4 940.20 (7) (a) 1g. "Emergency department" means a room or area in a hospital,  
5 as defined in s. 50.33 (2), that is primarily used to provide emergency care, diagnosis  
6 or radiological treatment.

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; 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; 2011 a. 32, 74; 2015 a. 55, 78, 352; 2017 a. 12.

7 SECTION 4. 940.20 (7) (b) of the statutes is amended to read:

8 940.20 (7) (b) Whoever intentionally causes bodily harm to a health care  
9 provider who works in a hospital, an emergency department worker, an emergency  
10 medical services practitioner, an emergency medical responder, or an ambulance  
11 driver who is acting in an official capacity and who the person knows or has reason  
12 to know is a health care provider who works in a hospital, an emergency department  
13 worker, an emergency medical services practitioner, an emergency medical  
14 responder, or an ambulance driver, by an act done without the consent of the person  
15 so injured, is guilty of a Class H felony.

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; 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; 2011 a. 32, 74; 2015 a. 55, 78, 352; 2017 a. 12.

16

(END)

## Wheeler, Elizabeth

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**From:** Sen.Kooyenga  
**Sent:** Friday, October 04, 2019 11:04 AM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: Draft review: LRB s0116/P1  
**Attachments:** 19s0116\_P1.pdf

Hi

Could you please jacket the attached amendment?

Thank you!

### Rachel Vander Wiele

State Senator Dale Kooyenga  
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Visit Sen. Kooyenga's [website](#).

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**From:** LRB.Legal <[lrblegal@legis.wisconsin.gov](mailto:lrblegal@legis.wisconsin.gov)>  
**Sent:** Thursday, October 03, 2019 3:24 PM  
**To:** Sen.Kooyenga <[Sen.Kooyenga@legis.wisconsin.gov](mailto:Sen.Kooyenga@legis.wisconsin.gov)>  
**Subject:** Draft review: LRB s0116/P1

**Following is the PDF version of draft LRB s0116/P1.**



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0116/P1  
EAW:kjf

*in 10/04  
due today*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE SUBSTITUTE AMENDMENT ,  
TO SENATE BILL 163**

1     **AN ACT** *to amend* 940.20 (7) (a) 1g. and 940.20 (7) (b); and *to create* 940.20 (2r)  
2             and 940.20 (7) (a) 4. of the statutes; **relating to:** battery to a health care  
3             provider who works at a hospital or a nurse and providing a penalty.

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

4             **SECTION 1.** 940.20 (2r) of the statutes is created to read:

5             **940.20 (2r) BATTERY TO A NURSE.** (a) In this subsection, “nurse” means an  
6             individual who is licensed pursuant to s. 441.06 or 441.10.

7             (b) Whoever intentionally causes bodily harm to a nurse, or to an individual  
8             acting under the supervision of a nurse, who is acting in his or her professional  
9             capacity, and the actor knows or has reason to know that the victim is a nurse or an  
10            individual acting under the supervision of a nurse, by an act done without the  
11            consent of the individual so injured, is guilty of a Class H felony.

