



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0219/1
EAW:kjf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 163**

January 21, 2020 - Offered by Representatives SPREITZER, EMERSON, CROWLEY,
STUBBS and MCGUIRE.

1 **AN ACT** *to amend* 940.20 (7) (a) 1g. and 940.20 (7) (b); and *to create* 940.20 (2r),
2 940.20 (7) (a) 4. and 940.20 (7) (c) of the statutes; **relating to:** battery to a health
3 care 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.

1 (c) This subsection does not apply to a person who has a condition or diagnosis
2 that meets one or more of the definitions under s. 51.01 (2g), (4r), (5) (a), (13), or (14t).

3 **SECTION 2.** 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.

7 **SECTION 3.** 940.20 (7) (a) 4. of the statutes is created to read:

8 940.20 (7) (a) 4. “Hospital” has the meaning given in s. 50.33 (2).

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

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

18 **SECTION 5.** 940.20 (7) (c) of the statutes is created to read:

19 940.20 (7) (c) This subsection does not apply to a person who has a condition
20 or diagnosis that meets one or more of the definitions under s. 51.01 (2g), (4r), (5) (a),
21 (13), or (14t).

22 (END)