



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Assembly Bill 164

**Assembly Substitute
Amendment 1, as Amended by
Assembly Amendment 1**

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Contact: Katie Bender-Olson, Staff Attorney (266-2988)

Assembly Bill 164

2011 Assembly Bill 164 relates to injuries caused to an officer while an offender is resisting or obstructing the officer. Under current law, a person who knowingly resists or obstructs an officer while the officer is doing any act in an official capacity and with lawful authority and causes substantial bodily harm to that officer is guilty of a Class H Felony. The bill amends the statute so that a person who causes a *soft tissue injury* to the officer is also guilty of a Class H Felony.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 (ASA 1) maintains the provision from Assembly Bill 164 stating that a person who causes a soft tissue injury to an officer while resisting or obstructing the officer is guilty of a Class H Felony. The substitute amendment also makes two additions to the current bill.

First, **ASA 1** adds “soft tissue injury” to the crime of battery by prisoners, found in s. 940.20 (1), Stats. Under current law, a prisoner who intentionally causes bodily harm to a prison officer, employee, visitor, or another inmate is guilty of a Class H Felony. **ASA 1** amends the statute so that a prisoner who causes either bodily harm *or a soft tissue injury* is guilty of a Class H Felony.

Second, **ASA 1** makes a change to the crime of resisting or obstructing an officer, found in s. 946.41, Stats. Current law provides that a person who resists or obstructs an officer and causes substantial bodily harm is guilty of a Class H Felony. **ASA 1** adds a statutory provision providing that a person who restricts or obstructs an officer and causes *great bodily harm* is guilty of a *Class G* Felony.

Assembly Amendment 1 to ASA 1

Assembly Amendment 1 to ASA 1 (Assembly Amendment 1) adds a definition of “soft tissue injury” to ASA 1. Assembly Amendment 1 defines “soft tissue injury” to mean an injury that requires

medical attention to a tissue that connects, supports, or surrounds other structures and organs of the body and includes tendons, ligaments, fascia, skin, fibrous tissues, fat, synovial membranes, muscles, nerves, and blood vessels.

Legislative History

ASA 1 and Assembly Amendment 1 were both offered by Representative Endsley on October 3, 2011. On October 6, 2011, the Assembly Committee on Criminal Justice and Corrections recommended adoption of Assembly Amendment 1 on a vote of Ayes, 8; Noes, 0. The committee also recommended adoption of ASA 1, as amended, on a vote of Ayes, 8; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

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