



2009 ASSEMBLY BILL 71

February 17, 2009 - Introduced by Representatives MURTHA, BIES, BROOKS, GUNDERSON, HONADEL, KESTELL, LEMAHIEU, LOTHIAN, NASS, A. OTT, ROTH, SPANBAUER, STRACHOTA, TOWNSEND, VOS, VUKMIR and BALLWEG, cosponsored by Senators DARLING, A. LASEE and OLSEN. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber and amend* 940.20 (3); *to amend* 940.20 (3) (title), 941.39
2 (title) and 973.049 (2); and *to create* 940.20 (3) (a) and 940.20 (3) (b) 1. and 2.
3 of the statutes; **relating to:** contacting, harming, or threatening to harm a
4 juror and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no one may intentionally cause bodily harm to a person that he or she knows is or was a juror, if the act is motivated by the juror's participation in a verdict or indictment. Whoever does so 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 to cause bodily harm to an individual he or she knows is or was a juror in any criminal or civil proceeding involving the person, or who intentionally causes or threatens to cause bodily harm to a member of a juror's family, is guilty of a Class H felony.

Current law also allows a judge, upon sentencing a person for a crime, to prohibit the person from contacting a victim of the person's crime during any part of the person's sentence or probation. The bill allows a judge to prohibit a person who is convicted of a crime from contacting, for any part of the person's sentence or probation, a juror who served at any proceeding related to the person's crime.

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

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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:

1 **SECTION 1.** 940.20 (3) (title) of the statutes is amended to read:

2 940.20 (3) (title) BATTERY OR THREAT TO JURORS.

3 **SECTION 2.** 940.20 (3) of the statutes is renumbered 940.20 (3) (b) (intro.) and
4 amended to read:

5 940.20 (3) (b) (intro.) Whoever intentionally causes bodily harm or threatens
6 to cause bodily harm to ~~a person who he or she knows or has reason to know is or~~
7 ~~was a grand or petit juror, and by reason of any verdict or indictment assented to by~~
8 ~~the person,~~ any of the following without the consent of the person injured, is guilty
9 of a Class H felony.:

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

11 940.20 (3) (a) In this subsection, “family member” has the meaning given in s.
12 940.201 (1) (a).

13 **SECTION 4.** 940.20 (3) (b) 1. and 2. of the statutes are created to read:

14 940.20 (3) (b) 1. A person the actor knows or has reason to know is or was a
15 grand or petit juror in any criminal or civil proceeding involving the actor.

16 2. A person the actor knows or has reason to know is a family member of a
17 person described in subd. 2.

18 **SECTION 5.** 941.39 (title) of the statutes is amended to read:

19 **941.39** (title) **Victim ~~or~~ co-actor, or juror contact.**

20 **SECTION 6.** 973.049 (2) of the statutes is amended to read:

