

State of Wisconsin



2021 Assembly Bill 824

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 973.01 (2) (c) 2. a.; and *to create* 940.20 (2n) of the statutes; **relating to:** battery of a corrections employee by a person in custody and providing a penalty.

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

SECTION 1. 940.20 (2n) of the statutes is created to read:

940.20 (2n) BATTERY TO DEPARTMENT OF CORRECTIONS EMPLOYEES. (a) If a person who is in custody, as defined in s. 968.205 (1) (a), intentionally causes bodily harm to an employee of the department of corrections, the maximum term of imprisonment prescribed by law for that crime shall be increased by 5 years if all of the following apply:

1. At the time of the act, the person in custody knows or should have known that the victim is an employee of the department of corrections.

2. The employee is acting in an official capacity at the time of the act or the act is in response to any action taken in an official capacity.

3. There is no consent by the employee.

(b) Notwithstanding s. 973.15 (2) (a), if the penalty enhancer under par. (a) could be imposed on a sentence, the sentence, regardless of the length of the term of imprisonment actually imposed, shall run consecutive to any sentence the person is currently serving.

SECTION 2. 973.01 (2) (c) 2. a. of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

973.01 (2) (c) 2. a. Sections 939.621, 939.623, 939.632, 939.635, 939.645, 940.20 (2n), 946.42 (4), 961.442, 961.46, and 961.49.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."