



1995 ASSEMBLY BILL 217

March 17, 1995 - Introduced by Representatives BELL, BALDUS, BOYLE, MORRIS-TATUM, MUSSER, PLACHE, RILEY, ROBSON and WILDER, cosponsored by Senators CLAUSING, BURKE and DARLING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 940.19 (1); and **to create** 940.19 (1m) of the statutes; **relating**
2 **to:** battery.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another without that other person's consent may, upon conviction, be fined not more than \$10,000 or imprisoned for not more than 9 months or both. With one exception covering athletic competition or training, this bill removes the nonconsent elements of this crime. Thus, unless the exception applies, a person is subject to the penalties if he or she intentionally causes bodily harm to another.

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

3 **SECTION 1.** 940.19 (1) of the statutes is amended to read:

4 940.19 (1) Whoever causes bodily harm to another by an act done with intent
5 to cause bodily harm to that person or another ~~without the consent of the person so~~
6 harmed is guilty of a Class A misdemeanor.

7 **SECTION 2.** 940.19 (1m) of the statutes is created to read:

8 940.19 (1m) A person has a defense to prosecution under sub. (1) if the victim
9 consented to the act that caused the bodily harm and the victim was, at the time of
10 the act, voluntarily participating in athletic competition or training. A defendant

