



2009 SENATE BILL 219

May 26, 2009 - Introduced by Senators SULLIVAN, KREITLOW, PLALE, CARPENTER, KAPANKE and SCHULTZ, cosponsored by Representatives DANOU, MILROY, BROOKS, KERKMAN, BIES, SINICKI, KAUFERT, JORGENSEN, TOWNSEND, ZIGMUNT, SMITH, BERCEAU, SOLETSKI, HRAYCHUCK, PASCH, ZEPNICK, DEXTER, CLARK and SPANBAUER. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT** *to amend* 946.41 (title); and *to create* 946.41 (2r) of the statutes;
2 **relating to:** causing injury to a law enforcement officer while resisting or
3 obstructing an officer or while attempting to flee and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally resists or obstructs a law enforcement officer is guilty of a Class A misdemeanor, and a person who intentionally causes bodily harm to a law enforcement officer is guilty of a Class H felony. Under this bill, a person who causes bodily harm to a law enforcement officer while the person is resisting, obstructing, fleeing from, or attempting to flee from, a law enforcement officer is guilty of a Class H felony.

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 report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 946.41 (title) of the statutes is amended to read:

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1 **946.41 (title) Resisting ~~or~~, obstructing, or fleeing from officer.**

2 **SECTION 2.** 946.41 (2r) of the statutes is created to read:

3 946.41 **(2r)** Whoever causes bodily harm to an officer is guilty of a Class H
4 felony if the officer is acting in an official capacity and with lawful authority, the actor
5 knows or has reason to know that the victim is an officer, and the actor causes the
6 bodily harm while violating sub. (1) or while he or she flees from, or attempts to flee
7 from, an officer who is acting in an official capacity and with lawful authority.

8 **SECTION 3. Initial applicability.**

9 (1) The treatment of section 946.41 (2r) of the statutes first applies to acts
10 committed on the effective date of this subsection.

11 (END)