



1995 SENATE BILL 215

May 18, 1995 - Introduced by Senators DARLING, FITZGERALD, FARROW, ROSENZWEIG, BRESKE, HUELSMAN, A. LASEE, COWLES and SCHULTZ, cosponsored by Representatives FREESE, MUSSER, PORTER, GOETSCH, NASS, CULLEN, KRUSICK, DOBYNS, LADWIG, ROBSON, KREIBICH, GREEN, PLACHE, HUBER, TURNER, KELSO, BOYLE, OLSEN, WALKER, GROBSCHMIDT, WASSERMAN, SILBAUGH, AINSWORTH, ALBERS, LA FAVE, BALDUS, OTT, URBAN and GUNDERSON. Referred to Committee on Judiciary.

1 **AN ACT to amend** 941.21 of the statutes; **relating to:** disarming a peace officer.

Analysis by the Legislative Reference Bureau

Under current law, a person is prohibited from intentionally disarming a peace officer by taking a dangerous weapon from the officer without his or her consent. Upon conviction, the violator may be fined not more than \$10,000 or imprisoned for not more than 2 years or both. This bill broadens the scope of the crime to also cover the intentional taking of a peace officer's container of pepper spray (oleoresin of capsicum).

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

2 **SECTION 1.** 941.21 of the statutes is amended to read:

3 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
4 officer who is acting in his or her official capacity by taking a dangerous weapon or
5 a device or container described under s. 941.26 (4) (a) from the officer without his or
6 her consent is guilty of a Class E felony. This section applies to any dangerous
7 weapon or any device or container described under s. 941.26 (4) (a) that the officer
8 is carrying or that is in an area within the officer's immediate presence.

9 **SECTION 2. Initial applicability.**

