



## 1995 ASSEMBLY BILL 840

February 1, 1996 - Introduced by Representatives OLSEN, HUEBSCH, NASS, PLOMBON, DOBYNS, OTTE, OWENS, ZIEGELBAUER, SILBAUGH, BLACK, LAZICH, WIRCH, GOETSCH, RUTKOWSKI, WALKER, OTT, AINSWORTH, GREEN, SCHNEIDERS, RYBA, KELSO, MUSSER, HOVEN, BOYLE, KREIBICH, WASSERMAN, GUNDERSON, SERATTI, KLUSMAN, POWERS, F. LASEE and VRAKAS, cosponsored by Senators DARLING, C. POTTER, ROSENZWEIG, A. LASEE, DRZEWIECKI, BUETTNER, WELCH and SCHULTZ. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to amend** 946.82 (4) and 969.08 (10) (b); and **to create** 940.204 of the  
2             statutes; **relating to:** battery or threat of battery to a district attorney and  
3             providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law there are general prohibitions against causing bodily harm to others. There are also specific prohibitions providing greater penalties for causing bodily harm under specified circumstances. Among these specific prohibitions are provisions prohibiting a person from intentionally causing or threatening bodily harm to a judge or a member of the judge's family or to an official, employe or agent of the department of revenue, the department of industry, labor and human relations or the department of development or a family member of such an official, employe or agent. Upon conviction, a violator may be fined not more than \$10,000 or imprisoned for not more than 5 years or both. This bill provides the same penalties for intentionally causing or threatening bodily harm to a district attorney or a member of the district attorney's family.

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

4             **SECTION 1.** 940.204 of the statutes is created to read:  
5             **940.204 Battery or threat to district attorney.** (1) In this section:  
6             (a) "Family member" means a parent, spouse, sibling, child, stepchild, foster  
7             child or treatment foster child.

1 (b) "District attorney" means a district attorney, deputy district attorney or  
2 assistant district attorney.

3 (2) Whoever intentionally causes bodily harm or threatens to cause bodily harm  
4 to the person or family member of any district attorney under all of the following  
5 circumstances is guilty of a Class D felony:

6 (a) At the time of the act or threat, the actor knows or should have known that  
7 the victim is a district attorney or a family member of a district attorney.

8 (b) The district attorney is acting in an official capacity at the time of the act  
9 or threat or the act or threat is in response to any action taken in an official capacity.

10 (c) There is no consent by the person harmed or threatened.

11 **SECTION 2.** 946.82 (4) of the statutes, as affected by 1995 Wisconsin Act 133,  
12 is amended to read:

13 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
14 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
15 of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1),  
16 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39, 221.40, 551.41,  
17 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20,  
18 940.203, 940.204, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28,  
19 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02, 943.03, 943.04,  
20 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3), 943.24  
21 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39,  
22 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.21 (5) (c) and  
23 (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12,  
24 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
25 947.015, 948.05, 948.08, 948.12 and 948.30.

1           **SECTION 3.** 969.08 (10) (b) of the statutes is amended to read:

2           969.08 **(10)** (b) "Serious crime" means any crime specified in s. 346.62 (4),  
3           940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.20,  
4           940.203, 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295  
5           (3) (b) 1., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),  
6           943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r), 943.30,  
7           943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,  
8           948.05, 948.06, 948.07 or 948.30.

9           **SECTION 4. Initial applicability.**

10           (1) This act first applies to offenses committed on the effective date of this  
11           subsection.

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(END)