



2005 ASSEMBLY BILL 1166

April 3, 2006 - Introduced by Representatives ZEPNICK, STASKUNAS, YOUNG and SINICKI, cosponsored by Senators COGGS and WIRCH. Referred to Committee on Criminal Justice and Homeland Security.

- 1 **AN ACT to create** 940.208 of the statutes; **relating to:** threatening or committing
2 battery against certain employees of 1st class cities and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery. A person convicted of ordinary battery may be fined not more than \$10,000 or imprisoned for not more than nine months or both. Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees, and agents. Current law also prohibits threatening to cause bodily harm to some of those individuals under certain circumstances. The circumstances under which the more severe penalties for battery apply, the severity of the penalties, and whether the prohibition on threats applies depend on the position held by the government official, agent, or employee.

Among those covered under these "special circumstances battery" provisions are law enforcement officers and fire fighters. If a person intentionally causes bodily harm to a law enforcement officer or fire fighter under the following circumstances, the person may be fined not more than \$10,000 or sentenced to a term of imprisonment of not more than three and one-half years or both: 1) the actor knows or has reason to know that the victim is a law enforcement officer or fire fighter; 2) the victim is acting in his or her capacity; and 3) the victim does not consent to the harm.

Under this bill, if a person intentionally causes bodily harm or threatens to cause bodily harm to an employee of a first class city, other than a law enforcement

