

1993 Assembly Bill 879

Date of enactment: April 25, 1994

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1993 WISCONSIN ACT 441

AN ACT to amend 939.66 (2m), 939.66 (6), 946.82 (4), 969.035 (1) and 969.08 (10) (b); to repeal and recreate 940.19; and to create 939.22 (38) of the statutes, relating to: battery and providing penalties.

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

SECTION 1. 939.22 (38) of the statutes is created to read:

939.22 (38) "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches; any fracture of a bone; a burn; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.

SECTION 2. 939.66 (2m) of the statutes is amended to read:

939.66 (2m) A crime which is a less serious or equally serious type of battery than the one charged.

SECTION 3. 939.66 (6) of the statutes is amended to read:

939.66 (6) The crime specified in s. 940.285 when the crime charged is specified in s. 940.19 ~~(1m)~~, (2) ~~or (3)~~ to (6), 940.225 (1), (2) or (3) or 940.30.

SECTION 4. 940.19 of the statutes is repealed and recreated to read:

940.19 Battery; substantial battery; aggravated battery. (1) Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A misdemeanor.

(2) Whoever causes substantial bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class E felony.

(3) Whoever causes substantial bodily harm to another by an act done with intent to cause substantial

bodily harm to that person or another is guilty of a Class D felony.

(4) Whoever causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class D felony.

(5) Whoever causes great bodily harm to another by an act done with intent to cause either substantial bodily harm or great bodily harm to that person or another is guilty of a Class C felony.

(6) Whoever intentionally causes bodily harm to another by conduct that creates a high probability of great bodily harm is guilty of a Class D felony. A rebuttable presumption of conduct creating a substantial risk of great bodily harm arises:

(a) If the person harmed is 62 years of age or older; or

(b) If the person harmed has a physical disability, whether congenital or acquired by accident, injury or disease, that is discernible by an ordinary person viewing the physically disabled person, or that is actually known by the actor.

SECTION 5. 946.82 (4) of the statutes, as affected by 1993 Wisconsin Acts 50, 92 and 94, is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39, 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 ~~(2) and (3)~~ to (6), 940.20,

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940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

SECTION 6. 969.035 (1) of the statutes is amended to read:

969.035 (1) In this section, "violent crime" means any crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 ~~(2)~~ (5), 940.21,

940.225 (1), 940.23, 941.327, 948.02 (1) or (2) or 948.03.

SECTION 7. 969.08 (10) (b) of the statutes, as affected by 1993 Wisconsin Acts 50, 92 and 94, is amended to read:

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

SECTION 8. Initial applicability. This act first applies to offenses occurring on the effective date of this SECTION.
