

## 1999 ASSEMBLY BILL 97

February 4, 1999 – Introduced by Representatives FREESE, MONTGOMERY, RYBA, ALBERS, LADWIG, MUSSER, NASS, PETTIS, PORTER, URBAN, VRAKAS and J. LEHMAN, cosponsored by Senators SCHULTZ, DARLING, FITZGERALD and ROESSLER. Referred to Committee on Criminal Justice.

1     **AN ACT** *to renumber and amend* 940.20 (5) (b); *to amend* 940.20 (5) (title),  
2           940.20 (5) (a) (intro.), 940.20 (5) (a) 1. and 940.20 (5) (a) 2.; and *to create* 940.20  
3           (5) (a) 1m., 940.20 (5) (a) 3. and 940.20 (5) (a) 4. of the statutes; **relating to:**  
4           battery to school officers and employes and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a person is guilty of a type of special circumstances battery if, without the consent of the person harmed, he or she intentionally causes bodily harm to a technical college district or school district officer or employe who is acting in that capacity and if he or she knows or has reason to know that the victim is a technical college district or school district officer or employe. A person convicted of this type of special circumstances battery may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999.

This bill expands the class of victims covered by this type of special circumstances battery. Specifically, the bill provides that, in addition to technical college district and school district officers and employes, this special circumstances battery applies to battery against officers and employes of any of the following: 1) a private school; 2) a nonprofit or public educational institution awarding associate and other higher degrees; and 3) a state school for the visually handicapped or hearing impaired. A person could be convicted of this special circumstances battery under the bill only if: 1) he or she intentionally causes bodily harm to a school officer

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or employe without the consent of the person harmed; 2) he or she knows or has reason to know that the victim is a school officer or employe; and 3) the act causing the bodily harm is done either while the school officer or employe is acting in an official capacity or in response to an action taken in an official capacity by the school officer or employe.

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

1           **SECTION 1.** 940.20 (5) (title) of the statutes is amended to read:

2           940.20 (5) (title) ~~BATTERY TO TECHNICAL COLLEGE DISTRICT OR SCHOOL DISTRICT~~  
3 OFFICERS AND EMPLOYES.

4           **SECTION 2.** 940.20 (5) (a) (intro.) of the statutes is amended to read:

5           940.20 (5) (a) (intro.) In this subsection, “school officer or employe” means an  
6 officer or employe of any of the following:

7           **SECTION 3.** 940.20 (5) (a) 1. of the statutes is amended to read:

8           940.20 (5) (a) 1. ~~“School district” has the meaning given~~ A school district, as  
9 defined in s. 115.01 (3).

10          **SECTION 4.** 940.20 (5) (a) 1m. of the statutes is created to read:

11          940.20 (5) (a) 1m. A private school, as defined in s. 115.001 (3r).

12          **SECTION 5.** 940.20 (5) (a) 2. of the statutes is amended to read:

13          940.20 (5) (a) 2. ~~“Technical college district” means a~~ A technical college district  
14 established under ch. 38.

15          **SECTION 6.** 940.20 (5) (a) 3. of the statutes is created to read:

16          940.20 (5) (a) 3. A nonprofit or public educational institution that provides an  
17 educational program for which it awards an associate or higher degree and that  
18 admits as regular students only individuals having a high school diploma or its  
19 equivalent.

