



1999 DRAFTING REQUEST

Bill

Received: **01/6/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Topic:

Battery to school officers and employes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 01/7/99	jgeller 01/10/99		_____			
/1			jfrantze 01/12/99	_____	lrb_docadmin 01/12/99	lrb_docadmin 01/13/99	

FE Sent For:

Not Needed

<END>



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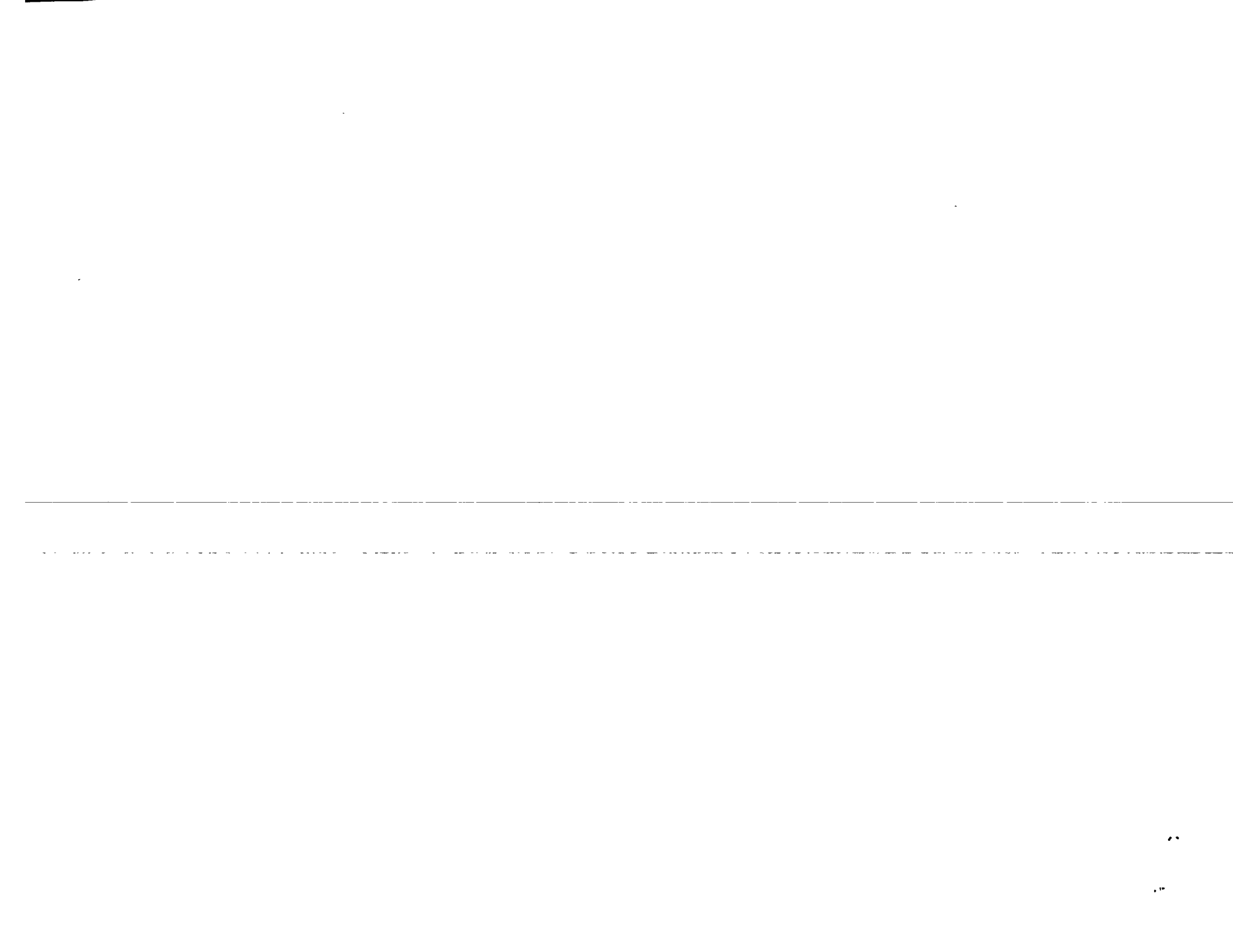
See Attached

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1/?	olsenje	1/10/99 JG	1/11/12	1/12/12			

FE Sent For:

<END>

(627)

Memorandum

To: Jefren E. Olsen, LRB Attorney
From: Representative Steve Freese
Date: January 6, 1999
Re: Bill draft of 1997 AB 175

I respectfully request that you redraft 1997 Assembly Bill 175. The draft should include all appropriate changes and language found in ASA 1 to AB 175, AA1 to ASA 1 and AA2 to ASA 1.

The Class E felony charge would stay the same.

Thank you for your assistance. If you have any questions please call Rob in my office at 6-7502.

S0130
a0412
a 0443



1999

Date (time) needed _____

LRB - 1627 1 1

BILL

D-Note

DEO : *jlg* : _____

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

.....
.....
.....
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

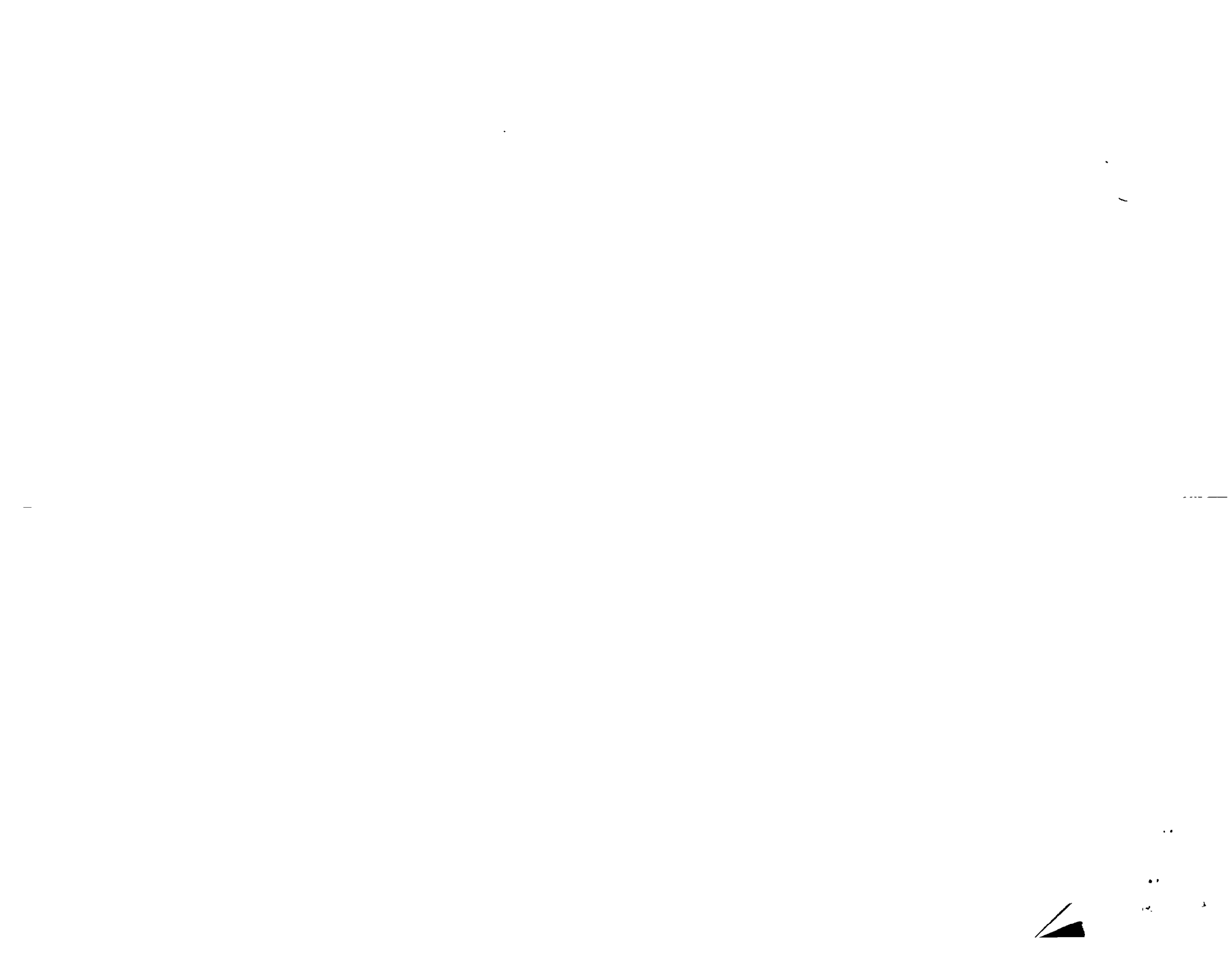
For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

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

SECTION #.





~~ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 175~~

~~April 29, 1997 - Offered by COMMITTEE ON JUDICIARY~~

~~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. of the statutes; relating to; battery to school officers and employes~~

✓
ANALYSIS
INSERT

4 and providing a penalty. ✓

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

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

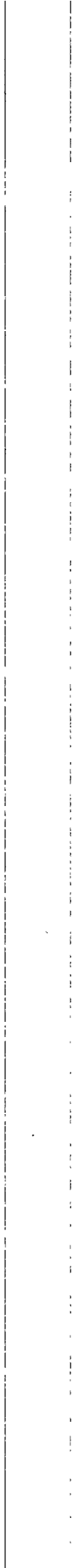
6 940.20 (5) (title) ✓ BATTERY TO TECHNICAL COLLEGE DISTRICT OR SCHOOL DISTRICT
7 OFFICERS AND EMPLOYES.

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

9 940.20 (5) (a) (intro.) In this subsection, "school officer or employe" means an
10 officer or employe of any of the following:

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

PROOF W/STATS.



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

3 SECTION 4. 940.20 (5) (a) 1m. ^X of the statutes is created to read:

4 940.20 (5) (a) 1m. A private school, as defined in s. 115.001 (3r). ✓

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

6 940.20 (5) (a) 2. ~~“Technical college district” means a~~ A technical college district
7 established under ch. 38. ✓

8 SECTION 6. 940.20 (5) (b) ^X of the statutes is renumbered 940.20 (5) (b) (intro.)
9 and amended to read:

10 940.20 (5) (b) (intro.) Whoever intentionally causes bodily harm to a technical
11 ~~college district or school district~~ officer or employe under all of the following
12 circumstances is guilty of a Class E felony:

13 1. The school officer or employe is acting in that an official capacity, and the
14 person at the time of the act or the act is in response to any action taken by the school
15 officer or employe in an official capacity. ← score

16 2. At the time of the act, the actor knows or has reason to know that the victim
17 is a technical college district or school district officer or employe, without the.

18 3. There is no consent of by the person so injured, is guilty of a Class E felony
19 harmed. ✓

20 SECTION 7. Initial applicability.

21 (1) This act applies to offenses occurring on or after the effective date of this
22 subsection. ✓

23 (END) ✓

D-note

PROOF W/STATS.
INS 2-7
PROOF W/STATS.
PROOF W/STATS.

ANALYSIS INSERT:

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 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 ~~or~~ is acting in an official capacity or in response to an action taken in an official capacity by the school officer or employe.

1

10
11
12

INS 2-7, p. 1 of 2

~~ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 175~~

~~April 29, 1997 - Offered by COMMITTEE ON JUDICIARY.~~

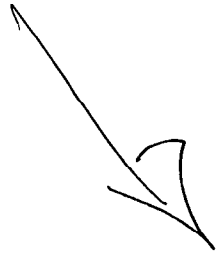
① At the locations indicated, amend the substitute amendment as follows:

② 1. Page 2, line 7 after that line insert:

③ [#]SECTION 940.20 (5) (a) 3. ^x of the statutes is created to read:

4 940.20 (5) (a) 3. A nonprofit or public educational institution that provides an
5 educational program for which it awards an associate or higher degree and that
6 admits as regular students only individuals having a high school diploma or its
7 equivalent. ^{se}

⑧ ~~(END)~~



1

INS 2-7, p. 2 of 2

~~ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 175~~

~~June 10, 1997 - Offered by Representatives RUTKOWSKI and FREESE.~~

①

~~At the locations indicated, amend the substitute amendment as follows:~~

②

~~1 Page 2, line 7: after that line insert~~

③

~~SECTION 57.~~ # 940.20 (5) (a) ~~of~~ ⁴ of the statutes is created to read:

④

940.20 (5) (a) ¹⁷ A state school for the visually handicapped or hearing

⑤

impaired under s. 115.52 (2). ²

6

(END)
of INS 2-7

20
21
22

LRB-1627/1 du
JEO:jlg:

D-Note

¶ This is a redraft of 1997
Assembly Bill 175 as it passed the
assembly, which adopted assembly substitute
amendment 1 (ASA-1) and assembly amend-
ments 1 and 2 to ASA-1.

JEO



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1627/1dn
JEO:jlg:jf

January 12, 1999

This is a redraft of 1997 Assembly Bill 175 as it passed the assembly, which adopted assembly substitute amendment 1 (ASA-1) and assembly amendments 1 and 2 to ASA-1.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/12/99

To: Representative Freese

Relating to LRB drafting number: LRB-1627

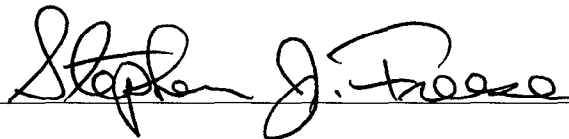
Topic

Battery to school officers and employes

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction _____



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906

