

# 1999 SENATE BILL 23

February 3, 1999 – Introduced by Senators DRZEWIECKI, ZIEN, FITZGERALD, DARLING, WIRCH, SCHULTZ and ROESSLER, cosponsored by Representatives MONTGOMERY, LADWIG, SKINDRUD, FREESE, SPILLNER, MUSSER, HANDRICK, VRAKAS, PETTIS, PORTER, HASENOHRL, F. LASEE, NASS, OTT, STEINBRINK, AINSWORTH, M. LEHMAN, ZIEGELBAUER, SYKORA, WASSERMAN, STONE, CARPENTER, GUNDERSON, KAUFERT, SERATTI and KELSO. Referred to Committee on Judiciary and Consumer Affairs.

1 AN ACT *to amend* 941.21 of the statutes; **relating to:** disarming a police officer  
2 and providing a penalty.

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

Current law prohibits a person from intentionally disarming a peace officer who is acting in his or her official capacity. Disarming a peace officer involves taking a dangerous weapon or a device such as a tear gas or pepper spray canister from the officer without his or her consent. A person who is convicted of disarming a peace officer 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. If the offense occurs on or after December 31, 1999, a person who is convicted of disarming a peace officer may be fined not more than \$10,000 or imprisoned for not more than five years or both.

This bill increases the maximum term of imprisonment for disarming a peace officer to 10 years for offenses that occur before December 31, 1999, and to 15 years for offenses that occur on or after December 31, 1999. The bill does not change the maximum fine.

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

3 SECTION 1. 941.21 of the statutes is amended to read:

4 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace  
5 officer who is acting in his or her official capacity by taking a dangerous weapon or

**SENATE BILL 23****SECTION 1**

1 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer  
2 without his or her consent is guilty of a Class E C felony. This section applies to any  
3 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)  
4 (a) that the officer is carrying or that is in an area within the officer's immediate  
5 presence.

6 **SECTION 2. Initial applicability.**

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

9 (END)