

1999 DRAFTING REQUEST

Bill

Received: 01/28/99

Received By: olsenje

Wanted: As time permits

Identical to LRB:

For: Judy Robson (608) 266-2253

By/Representing: Kathy

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Battery against citizens volunteering in certain police assistance programs

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>
/1	olsenje 03/5/99	ygeller 03/8/99	ismith 03/8/99	_____	lrb_docadmin 03/8/99		
/2	olsenje 03/15/99	ygeller 03/16/99	martykr 03/16/99	_____	lrb_docadmin 03/16/99	lrb_docadmin 03/24/99	

FE Sent For:

<END>

Not Needed

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12 3/16/99 kmz
HH 3 km/b

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FE Sent For:

<END>

**TO: Ms. Judy Robson, State Representative, 45th
Assembly District**

2057

**FROM: Dave Reid, Secretary, Beloit Public Safety and
Crime Crime Prevention Council** *Dave Reid*

DATE: October 27, 1998

**SUBJECT: Proposed Legislation for Increased Protection of
Volunteer Citizen Participants in the COPS
Program and Police Reserves.**

**Beloit Police Chief Dick Thomas and Beloit City Manager
Jane Wood brought into being the Beloit Public Safety and
Crime Prevention Council (BPSCPC) in July 1998.**

**Of the several programs of the BPSCPC, the most
proactive is the Citizens On Patrol (COPs) program. The
COPs program, as presently conceived, will be carried out by
volunteer citizen participants who will graduate from the
Citizens' Police Academy (the Academy) program on
December 16, 1998. The Academy program presently is in
the sixth of twelve, three-hour sessions. Training for the
COPs participants is embedded in the Academy curriculum.**

**Graduates who volunteer to participate in the COPs
program will be assigned to one of the four Neighborhood
Resource Officers. These four officers are presently
assigned to offices in four neighborhoods. Two officers are
in an office in the Merrill Center and cover the the Merrill
Neighborhood and the Northeast Side. One officer is located
in an office in the Neighborhood Housing Services Building**

on St. Lawrence Avenue and one officer is located in an office in the Pool Court area at the intersection of Pool Court East and Pool Court South.

The COPs citizen volunteers are expected to commit a minimum number of hours each month for patrol on foot or in their own vehicles. These volunteer citizens are not police officers, not vigilantes and have no power other than what other citizens have. They patrol in specified areas for specified periods of time. These volunteers will act as eyes and ears for the police and will be expected to testify in court as to what they observed and reported if asked by the District Attorney.

COPs participants are non-confrontational and do not place themselves in harm's way to deter crime. Their training involves proper procedures for observing and recognizing criminal activity and for reporting what they saw.

COPs volunteers do not come under the Wisconsin State statute covering battery, namely, section 940.20. This section deals with battery under special circumstances and the definitions of the terms "public officers" and "law enforcement officers". The aggravated penalties available under 940.20 would not be available to either police reserves or COPs participants. The latter groups, if a physical assault occurred, would involve the same charge that would apply if any other citizen were assaulted. We are not aware of any special status in the statutes that would lead to aggravated penalties for assaulting a police reserve or volunteer Citizen

On Patrol.

There is at least one circumstance which a police reserve or a volunteer citizen participant in the COPs program would be covered under the provisions of 940.20 and that is sub-section (3):

BATTERY TO WITNESSES AND JURORS. "Whoever intentionally causes bodily harm to a person who he or she a person who he or she knows or has reason to know is or was a witness as defined in s. 940.41 (3) or a grand or petit juror, and by reason of the person having attended or testified as a witness or by reason of any verdict or indictment assented to by the person, without the consent of the person injured, is guilty of a Class D felony.

In the case of volunteer citizens, this is a newly-emerging group of proactive citizens interested in taking back the streets of their neighborhoods and up to this time has not represented a large enough group to be considered under this statute.

It is my opinion that a physical assault upon members of either the police reserve or COPs, assaulted through no provocation on their part while on duty, should come under the provisions of section 940.20; BATTERY: SPECIAL CIRCUMSTANCES, and should be a Class D felony.

DAVE REID
1806 ARROWHEAD DR.
BELOIT, WI 53511
(608) 365-6215



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2057/1

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D. Note

JG

1999 BILL

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- 1 AN ACT ...; relating to: battery to a member of a citizen crime prevention
2 organization 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 also provides higher penalties for committing battery to certain persons, such as a law enforcement officer, fire fighter, witness, juror or probation, parole or extended supervision agent.

This bill creates a new crime of battery for intentionally causing bodily harm to a member of a citizen crime prevention organization without the victim's consent. To be convicted of this new crime of battery, the person must have known or had reason to know at the time of the battery that the victim was a member of a citizen crime prevention organization. Also, the battery must have been committed in response to an action taken by the victim as a member of the citizen crime prevention organization or the victim had to be acting as a member of the citizen crime prevention organization at the time of the battery.

A person who is convicted of the crime of battery created by the bill may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or

BILL

imprisoned for not more than ten years or both, if the offense occurs on or after December 31, 1999.

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

1 **SECTION 1.** 940.20 (8) of the statutes is created to read:

2 **940.20 (8) BATTERY TO MEMBER OF A CITIZEN CRIME PREVENTION ORGANIZATION.** (a)

3 In this subsection, “citizen crime prevention organization” means an organization
4 that is authorized or recognized by or affiliated with a law enforcement agency and
5 that is made up of citizens from a community or neighborhood who, on a volunteer
6 basis, report suspected crimes in the community or neighborhood, provide
7 information about crimes in the community or neighborhood or otherwise assist law
8 enforcement officers in preventing and detecting crime in the community or
9 neighborhood. “Citizen crime prevention organization” includes a neighborhood
10 watch program authorized under s. 60.23 (17m) or by the law enforcement agency
11 of a city or village, a Crime Stoppers organization and a Citizens on Patrol program.

12 (b) Whoever intentionally causes bodily harm to a member of a citizen crime
13 prevention organization by an act done without the consent of the person harmed is
14 guilty of a Class D felony if the actor knows or has reason to know at the time of the
15 act that the person harmed is a member of a citizen crime prevention organization
16 and either the act is in response to an action taken by the victim in his or her capacity
17 as a member of the citizen crime prevention organization or the person harmed is
18 acting in his or her capacity as a member of the citizen crime prevention organization
19 at the time of the act.

20 **SECTION 2. Initial applicability.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2057/1dn

JEO:.....
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JLO

Please review this draft carefully to make sure that it does what you want it to do. In particular, please review the definition of "citizen crime prevention organization" to make sure that it covers the groups you intend to cover.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2057/1dn
JEO:jlg:ljs

March 8, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

Soon

LRB-2057/1

JEO:jlg:ijs

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1999 BILL

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19 at the time of the act.

20 **SECTION 2. Initial applicability.**

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, a police
reserve
program

**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: 3/16/99

To: Senator Robson

Relating to LRB drafting number: LRB-2057

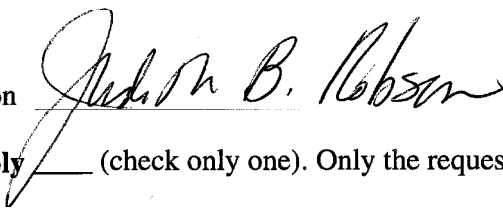
Topic

Battery against citizens volunteering in certain police assistance programs

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