

1999 SENATE BILL 219

August 17, 1999 - Introduced by Senator BURKE, cosponsored by Representative SINICKI. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT to amend** 949.03 (1) (b), 971.37 (1m) (a) 3. and 973.055 (1) (b); and **to**
2 **create** 948.045 of the statutes; **relating to:** committing domestic abuse in the
3 presence of a child and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from causing bodily harm or mental harm to a child. This bill prohibits a person from committing an act of domestic abuse in a place where or in a manner in which the act is observable by or in the presence of a child. To be subject to the penalty provided by the bill the person must know or have reason to know that the act of domestic abuse is observable by or in the presence of a child. The acts of domestic abuse covered by the bill include intentional infliction of physical pain, physical injury or illness, intentional impairment of physical condition or sexual assault against a spouse or former spouse, an adult with whom the person resides or formerly resided or an adult with whom the person has a child in common. A person who violates the prohibition created in the bill 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.

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

SENATE BILL 219**SECTION 1**

1 **SECTION 1.** 948.045 of the statutes is created to read:

2 **948.045 Committing domestic abuse in the presence of a child. (1)** In
3 this section, “domestic abuse” means any of the following acts engaged in by an adult
4 person against his or her spouse or former spouse, against an adult with whom the
5 person resides or formerly resided or against an adult with whom the person has a
6 child in common:

7 (a) Intentional infliction of physical pain, physical injury or illness.

8 (b) Intentional impairment of physical condition.

9 (c) A violation of s. 940.225 (1), (2) or (3).

10 (d) A physical act that may cause the other person reasonably to fear imminent
11 engagement in the conduct described under par. (a), (b) or (c).

12 **(2)** A person is guilty of a Class E felony if he or she commits an act of domestic
13 abuse in a place where or in a manner in which the act is observable by or audible
14 to a child or is in the presence of a child and he or she knows or has reason to know
15 that the act is observable by or audible to a child or is in the presence of a child.

16 **SECTION 2.** 949.03 (1) (b) of the statutes is amended to read:

17 949.03 **(1)** (b) The commission or the attempt to commit any crime specified in
18 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
19 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
20 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
21 943.04, 943.10, 943.20, 943.23 (1g), (1m) or (1r), 943.32, 948.02, 948.025, 948.03,
22 948.04, 948.045, 948.07, 948.095, 948.20, 948.30 or 948.51.

23 **SECTION 3.** 971.37 (1m) (a) 3. of the statutes is amended to read:

24 971.37 **(1m)** (a) 3. A person accused of or charged with a violation of s. 813.12
25 (8) (a) or 948.045 (2).

