

1999 DRAFTING REQUEST

Bill

Received: **06/30/1999**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Drzewiecki (608) 266-5670**

By/Representing: **Louie**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **jeo**

Pre Topic:

No specific pre topic given

Topic:

Threat to state and county social service employees or their family members

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>
/P1	mdsida 10/05/1999	chanaman 10/06/1999	martykr 10/06/1999	_____	lrb_docadmin 10/06/1999		
/1	mdsida 12/06/1999	chanaman 12/06/1999	hhagen 12/07/1999	_____	lrb_docadmin 12/07/1999	lrb_docadmin 12/07/1999	
/2	mdsida 12/10/1999	chanaman 12/10/1999	mclark 12/10/1999	_____	lrb_docadmin 12/10/1999	lrb_docadmin 12/10/1999	

FE Sent For:

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Threat to state and county social service employes or their family members

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FE Sent For:

cmr
12/10
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MRC MRE/CH
12/10 12/10
<END>

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/P1	mdsida 10/05/1999	chanaman 10/06/1999	martykr 10/06/1999	_____	lrb_docadmin 10/06/1999		

FE Sent For:

*cmh
12/6
/1*

nh 12/6 mh/kf 12/6

<END>

for Senate

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/P1	mdsida	cmrj 1	Km 10 6	Jg 10 Km 6			
FE Sent For:		1/5					

<END>

Jeffrey,

At the request of a constituent, we would like to expand 940.207 to include department of health & human services employees & their families. This would include county & municipal health & human service depts. as well.

However, the reasoning behind the expansion is so health & human service employees are covered against threats. (No such protection exists under general battery statute)

Therefore, we don't feel the need to enhance the penalty to a Class D felony but instead it can be set at a Class E felony.

Please call if you have questions.

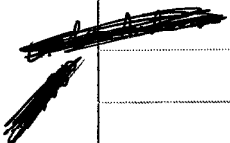
Thanks,

Jonie
Sen. Drzewiecki 6-5670

D/c to Louie -

Wants to cover all county/municipal employees doing
health/social svc work

(Not pvt contractors)





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3250/P1

MGD:.....

CMH

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{ages} ^{cat.} relating to: threats to state or county social service workers and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

a judge,
a witness
or

Current law prohibits certain threats to cause bodily harm to the person or family member of an official, employe or agent of the department of revenue, department of commerce or department of workforce development, ~~a judge or a witness~~. This bill prohibits certain threats to cause bodily harm to the person or family member of a social service worker, defined under the bill to mean an official or an employe of the department of health and family services, a county department of human services, a county department of social services, a county department of community programs or a county department of developmental disabilities services. A threat is covered by this prohibition if: 1) the person making the threat knows or should have known that the victim is a social service worker or a member of ~~his or her~~ family; 2) at the time of the threat, the victim is acting in his or her official capacity or the threat is made in response to any action taken in an official capacity; and 3) the victim did not consent to the threat. A person who violates this prohibition may be imprisoned for up to two years, fined up to \$10,000 or both if the violation occurs before December 31, 1999. If the violation occurs on or after December 31, 1999, the person may be imprisoned for up to five years, fined up to \$10,000 or both.

the
social
service
workers

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

1 SECTION 1. 940.208 of the statutes is created to read:

2 940.208 Threat to state or county social service worker. (1) In this
3 section:

4 (a) "Family member" means a parent, spouse, sibling, child, stepchild, foster
5 child or treatment foster child.

6 (b) "Social service worker" means an official or employe of the department of
7 health and family services, a county department of human services, a county
8 department of social services, a county department of community programs or a
9 county department of developmental disabilities services.

10 (2) Whoever intentionally threatens to cause bodily harm to the person or
11 family member of a social service worker under all of the following circumstances is
12 guilty of a Class E felony:

13 (a) At the time of the threat, the actor knows or should have known that the
14 victim is a social service worker or a member of ^{the social service worker's} ~~his or her~~ family.

15 (b) The social service worker is acting in an official capacity at the time of the
16 threat or the threat is in response to any action taken in an official capacity.

17 (c) There is no consent by the person threatened.

18 (END)

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

LRB-3250/P1dn
MGD:.....

October 1, 1999

Louie:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. The draft protects all employes of the department of health and family services and the listed county departments, including employes who do not provide any client services (such as administrative staff). In addition, please note that the draft does not cover individuals providing social services through public schools, public hospitals, courts or the department of corrections. Is this okay?

2. Since it is patterned after ss. 940.201, 940.203, 940.205 and 940.207, this draft requires the prosecutor to prove that the victim did not consent to the threat. The consent provision, however, is much more relevant to cases in which a person inflicts bodily harm on another than to cases involving only threats. ~~As you can see, this draft~~
~~unlike the statutes noted above~~ ~~applies only to threats, not to battery.~~ In view of this, if you would like me to redraft the bill to exclude the consent provision, please let me know.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3250/P1dn
MGD:cmh:km

October 6, 1999

Louie:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

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Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3250/P1
MGD:cmh:km

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON

- 1 *regis cat* AN ACT to create 940.208 of the statutes; relating to: threats to state or county
2 social service workers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits certain threats to cause bodily harm to the person or family member of a judge, a witness or an official, employe or agent of the department of revenue, department of commerce or department of workforce development. This bill prohibits certain threats to cause bodily harm to the person or family member of a social service worker, defined under the bill to mean an official or an employe of the department of health and family services, a county department of human services, a county department of social services, a county department of community programs or a county department of developmental disabilities services. A threat is covered by this prohibition if: 1) the person making the threat knows or should have known that the victim is a social service worker or a member of the social service worker's family; 2) at the time of the threat, the victim is acting in his or her official capacity or the threat is made in response to any action taken in an official capacity; and 3) the victim did not consent to the threat. A person who violates this prohibition may be imprisoned for up to two years, fined up to \$10,000 or both if the violation occurs before December 31, 1999. If the violation occurs on or after December 31, 1999, the person may be imprisoned for up to five years, fined up to \$10,000 or both.

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

1 **SECTION 1. 940.208 of the statutes is created to read:**

2 **940.208 Threat to state or county social service worker. (1) In this**
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5 child or treatment foster child.

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8 department of social services, a county department of community programs or a
9 county department of developmental disabilities services.

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12 guilty of a Class E felony:

13 (a) At the time of the threat, the actor knows or should have known that the
14 victim is a social service worker or a member of the social service worker's family.

15 (b) The social service worker is acting in an official capacity at the time of the
16 threat or the threat is in response to any action taken in an official capacity.

17 (c) There is no consent by the person threatened.

18 **(END)**



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3250/1
MGD:cmh:hmh

2
2

1999 BILL

RMP

soon

refer
act

- 1 AN ACT to create 940.208 of the statutes; relating to: threats to state or county
- 2 social service workers and providing a penalty.

Analysis by the Legislative Reference Bureau

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months

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7 health and family services, a county department of human services, a county
8 department of social services, a county department of community programs or a
9 county department of developmental disabilities services.

10 (2) Whoever intentionally threatens to cause bodily harm to the person or
11 family member of a social service worker under all of the following circumstances is
12 guilty of a Class ^{A misdemeanor} ~~felony~~ offense.

13 (a) At the time of the threat, the actor knows or should have known that the
14 victim is a social service worker or a member of the social service worker's family.

15 (b) The social service worker is acting in an official capacity at the time of the
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18 (END)