

2001 DRAFTING REQUEST

Bill

Received: 01/02/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Robert Ziegelbauer (608) 266-0315

By/Representing: Tom

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters: mdsida

Subject: Criminal Law - miscellaneous

Extra Copies: rlr
gmm

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Threats to social service workers and juvenile intake workers

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> |
|--------------|--|---------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /? | mdsida 01/24/2001 nelsorp1 01/25/2001 | jdycr 01/25/2001 | | | | | |
| /1 | | | rschluet 02/01/2001 | | lrb_docadmin 02/01/2001 | lrb_docadmin 06/04/2001 | |

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

none

<END>

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4/8.07
46.23 (2) (a)

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | mdsida | | | _____ | | | |

FE Sent For:

<END>

Dsida, Michael

From: Kelly, Tom
Sent: Thursday, January 04, 2001 9:57 AM
To: Dsida, Michael
Subject: Drafting Request

Dear Mr. Dsida:

My name is Tom Kelly. I work for Rep. Ziegelbauer.

Rep. Ziegelbauer would like reintroduce 1999 AB 713 (1999 LRB-4102/1 relating to threats to state or county social service workers and providing a penalty) in the 2001-02 Session. He would like to include the contents of 1999 AA1 to AB 713 (1999 LRB-a1620/1) in the new bill to protect juvenile intake workers. He would also like to give the same protection to employees of private agencies which have contracted with the state or county to provide social services. X

Rep. Ziegelbauer would appreciate it if you could prepare a draft of this bill. If you have any questions, comments, or concerns, please give me a call (6-0315) or email me.

Sincerely,

Tom Kelly
tom.kelly@legis.state.wi.us

Office of Rep. Bob Ziegelbauer
Staff

Luanne Wavrunek Kostelic
Thomas M. Kelly III

State Capitol

207-North, PO Box 8953; Madison, WI 53708-8953
Phone: (608) 266-0315
Toll Free: 1-888-529-0025
Fax: (608) 266-0316
Website: www.legis.state.wi.us

In the District

1213 S. 8th Street, PO Box 325
Manitowoc, WI 54221-0325
Office: (920) 684-6783
Home: (920) 684-4362

AB713

ASSEMBLY BILL 713

An Act to create 940.208 of the statutes; relating to: threats to state or county social service workers and providing a penalty.

2000

02-03-00. A. Introduced by Representatives Ziegelbauer, Musser, Hundertmark, Underheim, Stone, Ryba, Plouff, Porter, Urban, Pettis and Wasserman; cosponsored by Senators Drzewiecki, Roessler, Schultz, Farrow, A. Lasee, Rosenzweig, Darling, Cowles and Panzer.

02-03-00. A. Read first time and referred to committee on Criminal Justice **634**

03-10-00. A. Assembly amendment 1 offered by Representative Ziegelbauer **739**

03-16-00. A. Public hearing held.

03-23-00. A. Executive action taken.

04-06-00. A. Failed to pass pursuant to Senate Joint Resolution 1 **915**

RPN+ Jld

2001
1999 ASSEMBLY BILL 713

February 3, 2000 - Introduced by Representatives ZIEGELBAUER, MUSSER, HUNDERTMARK, UNDERHEIM, STONE, RYBA, PLOUFF, PORTER, URBAN, PETTIS and WASSERMAN, cosponsored by Senators DRZEWIECKI, ROESSLER, SCHULTZ, FARROW, A. LASEE, ROSENZWEIG, DARLING, COWLES and PANZER. Referred to Committee on Criminal Justice.

Regen

juvenile intake worker, school employee, or a employee providing social services under a contract with the state or a county

1
2

AN ACT to create 940.208 of the statutes; relating to: threats to state or county contracted social service workers, (insert 12) 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 nine months, fined up to \$10,000 or both.

such workers or employees

or

, contracted social service

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

3

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

worker, juvenile intake worker, or school employee

ASSEMBLY BILL 713

SECTION 1

(B) , contracted social service worker *insert 2-1*

940.208 Threat to state or county social service worker. (1) In this

section:

insert 2-2
insert 2-4

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

(b) "Social service worker" means an official or employe^e 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.

(2) Whoever intentionally threatens to cause bodily harm to the person or family member of a social service worker, *insert 2-10* under all of the following circumstances is guilty of a Class A misdemeanor:

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

the contracted social service worker insert 2-14
(b) The social service worker is acting in an official capacity at the time of the threat or the threat is in response to any action taken in an official capacity.

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

(END)

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 713**

LPS -
INSERTS
OUT OF
ORDER

Inserts

March 10, 2000 - Offered by Representative ZIEGELBAUER.

1 At the locations indicated, amend the bill as follows:

Insert
1-2

2 **1.** Page 1, line 2: after "workers" insert ", juvenile intake worker^{or} or school
3 employe^e".

Insert
2-1

4 **2.** Page 2, line 1: after "worker" insert ", juvenile intake worker^{or} or school
5 employe^e".

6 **3.** Page 2, line 4: after that line insert:

7 "~~an~~^e "Juvenile intake worker" means a person employed to provide services
8 under s. 48.067 or 938.067.

Insert
2-4

9 (~~an~~^e) "School employe^e" means a person employed by a public school or a charter
10 school, as defined in s. 115.001 (1)."

11 **4.** Page 2, line 10: after "worker" insert ", juvenile intake worker^{or} or ^{plain} school
12 employe^e". ^{plain}

Insert
2-10

1 5. Page 2, line 13: delete that line and substitute "victim is a social service
 2 a contracted social service worker,
 3 worker, a juvenile intake worker, or a school employe^e or a member of his or her
 family".

4 6. Page 2, line 14: after "worker" insert "the juvenile intake worker or the
 5 school employe^e".

(END)

Insert 2-14

Insert 2-2

(a) "Contracted social service worker"

means an official or employee who is providing
 social services ^{under} a contract ~~between the agency and~~ ~~with~~ the Department of

Health and Family Services, a county
 Department of Human Services, a county
 Department of Social Services, a ~~county~~ county
 Department of Community Programs, or a
 county Department of Developmental
 Disability Services.

(end ins 2-2)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 1, 2001

MEMORANDUM

To: Representative Ziegelbauer

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1769 Threats to social service workers and juvenile intake workers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.