

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

LRB-2463/1dn  
RLR:hmh:pg

May 7, 2001

Representative Underheim:

1. Please note that a person who is committed to the department of health and family services as a sexually violent person is not a prisoner or detainee for purposes of the crimes covered by this bill, because the person is confined under a civil commitment process rather than for the commission of an offense. Please let me know if you would like the crimes to apply to a person committed under chapter 980 as well.
2. The criminal provision that prohibits a prisoner from throwing bodily substances, s. 946.43 (2m), stats., was enacted in May 2000, after the date on Curt Pawlisch's memo requesting changes to ss. 940.20 (1) and 946.43, stats. In drafting the bill I assumed that you wanted this bill to apply the same changes concerning the definition of who constitutes a "prisoner" to the new crime under s. 946.43 (2m), stats., as are applied to the crime of threatening or restraining an employee of a prison or institution under s. 943.43, 1999 stats., now s. 946.43 (1m), stats.

Please contact me with any questions or requests for changes to the bill.

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