

2003 SENATE BILL 312

November 11, 2003 – Introduced by Senators BROWN, A LASEE, LASSA, ROESSLER and STEPP, cosponsored by Representatives ZIEGELBAUER, BIES, FREESE, GUNDERSON, HAHN, KESTELL, KREIBICH, MOLEPSKE, MUSSER, OLSEN, STONE, VAN ROY and VRAKAS. Referred to Committee on Judiciary, Corrections and Privacy.

- 1 **AN ACT** *to create* 940.208 of the statutes; **relating to:** threats to social service
2 workers, juvenile intake workers, or school employees 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, employee, or agent of the Department of Revenue, Department of Commerce, or Department of Workforce Development. A person who violates this prohibition is guilty of a Class H felony and may be fined up to \$10,000 or sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to six years or both.

This bill prohibits certain threats to cause bodily harm to the person or family member of a social service worker employed by or working under contract with a government agency, a juvenile intake worker, or a school employee. A threat is covered by this prohibition if: 1) the person making the threat knows or should have known that the victim is, or is a family member of, a social service worker, juvenile intake worker, or school employee; 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 is guilty of a Class A misdemeanor and may be fined not more than \$10,000 or sentenced to the county jail for up to nine months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

SENATE BILL 312

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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 social service worker, juvenile intake worker, or**
3 **school employee. (1)** In this section:

4 (a) “Contracted social service worker” means a person who is providing social
5 services under a contract between the person or his or her employer and the
6 department of health and family services, a county department of human services,
7 a county department of social services, a county department of community programs,
8 or a county department of developmental disability services.

9 (b) “Family member” means a parent, spouse, sibling, child, stepchild, foster
10 child, or treatment foster child.

11 (c) “Juvenile intake worker” means a person employed to provide services
12 under s. 48.067 or 938.067.

13 (d) “School employee” means a person employed by a public school or a charter
14 school, as defined in s. 115.001 (1).

15 (e) “Social service worker” means an official or employee of the department of
16 health and family services, a county department of human services, a county
17 department of social services, a county department of community programs, or a
18 county department of developmental disabilities services.

19 **(2)** Whoever intentionally threatens to cause bodily harm to the person or
20 family member of a social service worker, a contracted social service worker, a

SENATE BILL 312

1 juvenile intake worker, or a school employee under all of the following circumstances
2 is guilty of a Class A misdemeanor:

3 (a) At the time of the threat, the actor knows or should have known that the
4 victim is a social service worker, a contracted social service worker, a juvenile intake
5 worker, or a school employee or a member of his or her family.

6 (b) The social service worker, the contracted social service worker, the juvenile
7 intake worker, or the school employee is acting in an official capacity at the time of
8 the threat or the threat is in response to any action taken in an official capacity.

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

10

(END)