

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0450/1dn
MGD:jld:cph

April 21, 2003

Rep. Wieckert:

1. This is an amendment to the bill itself to make the “abuse, harass, offend, intimidate or frighten” language in s. 946.43 (2m) (a) 2. inapplicable to peace officers. I have also drafted a separate amendment (LRBa0455) that eliminates that language altogether from the provisions requested by the city of Milwaukee regarding throwing or expelling bodily fluids at peace officers, fire fighters, and other public safety workers.

2. Under current law, if a person in custody is convicted of a violation of s. 946.43 (2m) (a), the sentence for that violation must run consecutive to the sentence for which the person was already in custody. That requirement is premised on the belief that a sentence that is imposed concurrent to a previously imposed sentence would not deter a person from committing that offense. The same consideration does not apply (or it does not apply to the same extent) in cases involving people who are being detained or arrested. Therefore, the amendment (unlike the bill) does not require a consecutive sentence in such a case. Please let me know if it should.

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