## 2003 DRAFTING REQUEST

## Assembly Amendment (AA-AB206)

| Received: 04/16/2003   |                      |                     |                        |                | Received By: mdsida              |                        |                 |  |  |
|--|----------------------|---------------------|------------------------|----------------|----------------------------------|------------------------|-----------------|--|--|
| Wanted: As time permits  |                      |                     |                        |                | Identical to LRB:                |                        |                 |  |  |
| For: Ste   | eve Wieckert (       | 608) 266-3070       |                        |                | By/Representing:                 | himself                |                 |  |  |
| This file may be shown to any legislator: <b>NO</b> May Contact: |                      |                     |                        |                | Drafter: mdsida  Addl. Drafters: |                        |                 |  |  |
|  |                      |                     |                        |                |                                  |                        |                 |  |  |
| Submit   | via email: YES       | ļ                   |                        |                |                                  |                        |                 |  |  |
| Reques   | ter's email:         | Rep.Wiecl           | kert@legis.st          | ate.wi.us      |                                  |                        |                 |  |  |
| Carbon   | copy (CC:) to:       |                     |                        |                |                                  |                        |                 |  |  |
| Pre To   | pic:                 |                     |                        |                |                                  |                        | · .             |  |  |
| No spec  | cific pre topic gi   | ven                 |                        |                |                                  |                        |                 |  |  |
| Topic:   |                      |                     |                        |                |                                  |                        | <del></del>     |  |  |
| Intent to  | cause bodily h       | arm requireme       | nt for crime o         | of expelling l | oodily fluids                    |                        |                 |  |  |
| Instruc  | ctions:              |                     |                        |                |                                  |                        |                 |  |  |
| See Atta   | ached                |                     |                        |                |                                  |                        |                 |  |  |
| Draftin  | ng History:          |                     |                        |                |                                  |                        |                 |  |  |
| Vers.  | <u>Drafted</u>       | Reviewed            | Typed                  | Proofed        | Submitted                        | <u>Jacketed</u>        | <u>Required</u> |  |  |
| /1   | mdsida<br>04/21/2003 | jdyer<br>04/21/2003 | chaskett<br>04/21/2003 | 3              | sbasford<br>04/21/2003           | sbasford<br>04/21/2003 |                 |  |  |

FE Sent For:

04/21/2003

### 2003 DRAFTING REQUEST

#### **Assembly Amendment (AA-AB206)**

Received: 04/16/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject:

Criminal Law - miscellaneous

Extra Copies:

rlr

Submit via email: YES

Requester's email:

Rep.Wieckert@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Intent to cause bodily harm requirement for crime of expelling bodily fluids

**Instructions:** 

See Attached

**Drafting History:** 

Vers.

/1

Drafted

Reviewed

**Typed** 

Proofed

**Submitted** 

**Jacketed** 

Required

mdsida

FE Sent For:

<END>

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### State of Misconsin 2003 - 2004 LEGISLATURE

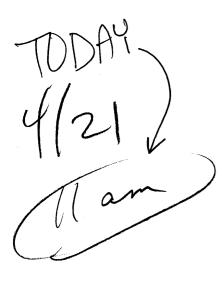
LRBa0450/1 MGD:

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DNote

### ASSEMBLY AMENDMENT,

TO 2003 ASSEMBLY BILL 206



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At the locations indicated, amend the bill as follows:

1. Page 3, line 24: delete the material beginning with that line and ending with page 4, line 19 and substitute:

"Section 7m. 946.43 (2m) (ag) of the statutes is created to read:

946.43 (2m) (ag) Any detainee or person in custody of a peace officer who throws or expels blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward a peace officer or another detainee or person in custody of a peace officer under all of the following circumstances is guilty of a Class I felony:

1. The detainee or person in custody of a peace officer throws or expels the blood, semen, vomit, saliva, urine, feces or other bodily substance with the intent that it come into contact with the peace officer or other detainee or person in custody of a peace officer.

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- 2. The detainee or person in custody of a peace officer throws or expels the blood, semen, vomit, saliva, urine, feces or other bodily substance with the intent either to cause bodily harm to the peace officer or other detainee or person in custody of a peace officer.
- 3. The peace officer or other detainee or person in custody of a peace officer does not consent to the blood, semen, vomit, saliva, urine, feces or other bodily substance being thrown or expelled at or toward him or her.".

(END)

D-note

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0450/1dn MGD:

jld

#### 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.

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

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0450/1dn MGD:jld:cph

April 21, 2003

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