

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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 04/21/2003	jdyer 04/21/2003	chaskett 04/21/2003	_____	sbasford 04/21/2003	sbasford 04/21/2003	

FE Sent For:

<END>

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/1	mdsida	1/4/21 jld	1/4/21 cph	self 4/21			

FE Sent For:

<END>

~~Also~~

intent to

Also 'cause bodily harm" only

Not ~~with~~ abuse, harass...

Keep for

prison guard

Also ~~can~~ make it up



Jld

D Note

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 206

TODAY
4/21
11 am

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

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

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

5 946.43 (2m) (ag) Any detainee or person in custody of a peace officer who
6 throws or expels blood, semen, vomit, saliva, urine, feces, or other bodily substance
7 at or toward a peace officer or another detainee or person in custody of a peace officer
8 under all of the following circumstances is guilty of a Class I felony:

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

1 2. The detainee or person in custody of a peace officer throws or expels the blood,
2 semen, vomit, saliva, urine, feces, or other bodily substance with the intent either to
3 cause bodily harm to the peace officer or other detainee or person in custody of a peace
4 officer.

5 3. The peace officer or other detainee or person in custody of a peace officer does
6 not consent to the blood, semen, vomit, saliva, urine, feces, or other bodily substance
7 being thrown or expelled at or toward him or her.”

8

(END)

D-note
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0450/1dn

MGD: ~~λ~~.....

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

Rep. Wieckert:

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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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