

2003 ASSEMBLY BILL 265

April 15, 2003 – Introduced by Representatives SUDER, SHILLING, ALBERS, BALOW, BERCEAU, BOYLE, COGGS, CULLEN, GOTTLIEB, HAHN, HINES, HUNDERTMARK, KAUFERT, KRAWCZYK, KREIBICH, KREUSER, LADWIG, LASSA, J. LEHMAN, LOEFFELHOLZ, McCORMICK, MONTGOMERY, MORRIS, MUSSER, NISCHKE, OWENS, PETTIS, PLOUFF, POCAN, RICHARDS, SCHOOFF, STONE, TURNER, VAN ROY, WASSERMAN, WEBER and ZEPNICK, cosponsored by Senators STEPP, BROWN, DARLING, LAZICH, ROBSON, ROESSLER and WIRCH. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 939.22 (38) of the statutes; **relating to:** causing substantial
2 bodily harm to another person and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law defines the terms “bodily harm,” “substantial bodily harm,” and “great bodily harm.” Those definitions are relevant to: 1) the rights of a parent in juvenile court if the parent has been convicted of an offense resulting in his or her child suffering substantial or great bodily harm; and 2) the crimes of battery and battery to an unborn child. With regard to battery, a person is guilty of that offense if he or she causes bodily harm to another person without that person’s consent by an act done with the intent to harm that person or a third person. A person convicted of battery may be fined up to \$10,000, confined in the county jail for up to nine months, or both. The maximum penalties for battery, however, increase with the extent of the bodily harm suffered by the victim and the extent of the bodily harm that the defendant intended to inflict. If, for example, the defendant caused substantial bodily harm to the victim, the person may be sentenced to a term of imprisonment (consisting of a term of confinement followed by a term of extended supervision) of up to three and a half years.

Under current law, “substantial bodily harm” means bodily injury that causes a laceration that requires stitches; any fracture of a bone; a burn; a temporary loss of consciousness, sight, or hearing; a concussion; or a loss or fracture of a tooth. This

