

**ASSEMBLY BILL 728 (LRB -3188)**

An Act to create 940.43 (7) of the statutes; relating to: intimidating a witness and providing a penalty. (FE)

**2005**

10-19. A. Introduced by Representatives **Davis, Albers, Gundrum, Towns, Lamb, Vos, Kleefisch, Strachota, Nischke, Lothian, Hundertmark, Ott, Gunderson, Suder, Nass, LeMahieu, Petrowski, Krawczyk, Pettis, Hines, Kessler, Gronemus, Musser, Ziegelbauer, Vruwink, Sheridan, Molepske** and **Lehman**; cosponsored by Senators **Roessler, Darling, A. Lasee** and **Erpenbach**.

10-03. A. Read first time and referred to committee on Judiciary ..... 510

10-06. A. Public hearing held.

10-13. A. Fiscal estimate received.

10-19. A. Fiscal estimate received.

10-20. A. Executive action taken.

10-25. A. Report passage recommended by committee on Judiciary, Ayes 7, Noes 0 ..... 534

10-25. A. Referred to committee on Rules ..... 534

10-25. S. Senator Leibham added as a cosponsor ..... 404

10-25. A. Placed on calendar 10-27-2005 by committee on Rules.

10-26. A. Fiscal estimate received.

10-27. A. Representative Owens added as a coauthor ..... 553

10-27. A. Read a second time ..... 553

10-27. A. Ordered to a third reading ..... 553

10-27. A. Rules suspended ..... 553

10-27. A. Read a third time and **passed** ..... 553

10-27. A. Ordered immediately messaged ..... 553

11-01. S. Received from Assembly ..... 421

11-01. S. Read first time and referred to committee on Judiciary, Corrections and Privacy ..... 421

11-10. S. Public hearing held.

11-22. S. Executive action taken.

12-02. S. Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 .... 471

12-02. S. Available for scheduling.

**2006**

01-19. S. Placed on calendar 1-24-2006 by committee on Senate Organization.

01-24. S. Read a second time.

01-24. S. Ordered to a third reading.

01-24. S. Rules suspended.

01-24. S. Read a third time and **concurred in**.

01-24. S. Ordered immediately messaged.

01-24. A. Received from Senate concurred in.

**2005  
ENROLLED BILL**

05en A B-728

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

05-3188 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Relating

1-25-06  
Date

JR Miller  
Enrolling Drafter

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## 2005 ASSEMBLY BILL 728

October 3, 2005 – Introduced by Representatives DAVIS, ALBERS, GUNDRUM, TOWNS, LAMB, VOS, KLEEFISCH, STRACHOTA, NISCHKE, LOTHIAN, HUNDERTMARK, OTT, GUNDERSON, SUDER, NASS, LEMAHIEU, PETROWSKI, KRAWCZYK, PETTIS, HINES, KESSLER, GRONEMUS, MUSSER, ZIEGELBAUER, VRUWINK, SHERIDAN, MOLEPSKE and LEHMAN, cosponsored by Senators ROESSLER, DARLING, A. LASEE and ERPENBACH. Referred to Committee on Judiciary.

- 1 **AN ACT to create** 940.43 (7) of the statutes; **relating to:** intimidating a witness  
2 and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits intimidating a witness — knowingly and maliciously preventing or dissuading any witness (or attempting to prevent or dissuade any witness) from attending or giving testimony at any trial, proceeding, or inquiry authorized by law. A person who violates this prohibition is guilty of a Class A misdemeanor and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to nine months or both. The maximum sentence for this offense, however, increases when: 1) the act is accompanied by force or violence or the attempted use of force or violence; 2) the act is accompanied by damage to property; 3) the act is accompanied by any express or implied threat of force, violence, or property damage; 4) the act is in furtherance of a conspiracy; 5) the act is committed by a person with a prior conviction for intimidating a witness or victim; or 6) the person committing the act is hired to do it by another person. Under any of those circumstances, a person who unlawfully intimidates a witness is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment of up to ten years (which, if the sentence is for more than one year, consists of a term of confinement followed by a term of extended supervision) or both.

This bill specifies another set of circumstances under which witness intimidation is a Class G felony — when a person who is charged with a felony unlawfully intimidates a witness or a potential witness in connection with a trial, proceeding, or inquiry for that felony.

