

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/11/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Louis Molepske (608) 267-9649**

By/Representing: **Stephanie**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Battery to a district attorney

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**Instructions:**

See Attached

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**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>
/?	rryan 09/13/2006 phurley 09/18/2006	kfollett 10/10/2006		_____			S&L Crime
/P1			pgreensl 10/10/2006	_____	lparisi 10/10/2006		S&L Crime
/1	phurley 03/19/2007	jdyer 03/20/2007	rschluet 03/20/2007	_____	mbarman 03/20/2007	lparisi 03/20/2007	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For: *atkins*  
*4/9*

**<END>**

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/?	rryan 09/13/2006 phurley	1P1/gf 10/10		_____	_____	_____	Crime

FE Sent For:

<END>

9/11/06

LRB 0186

msg - from Stephanie, Rep. Molepske  
 make it a class A felony to  
 cause bodily harm to a district  
 attorney or asst. district attorney.

like battery to judge, juror, witness

phone call from Stephanie  
 9/12 - minus judges

DA probably  
 covered under

940.20(4)  
 ADA?

10/13

PI  
kf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9-18-06

Gen

- 1
- 2

AN ACT ...; relating to: battery to a district attorney or assistant district attorney  
 and ~~creating~~ <sup>providing</sup> a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who does so is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than <sup>six</sup> 6 years, or both.

This bill attaches the same penalty to a person who knowingly causes or threatens bodily harm to a district attorney or a member of a district attorney's family while the district attorney is acting in an official capacity or as a response to an official action by the district attorney. The bill defines district attorney to include any person authorized to prosecute a criminal case or a delinquency petition, or his or her designee.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

state & local f.e.



1 SECTION 1. 940.20 (4) of the statutes is amended to read:

2 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily  
3 harm to a public officer in order to influence the action of such officer or as a result  
4 of any action taken within an official capacity, without the consent of the person  
5 injured, is guilty of a Class I felony. A district attorney, as defined by s. 950.02 (2m),  
6 is not a public officer for the purpose of this subsection.

History: 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343;  
1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434.

7 SECTION 2. 940.203 (title) of the statutes is amended to read:

8 **940.203 (title) Battery or threat to judge or district attorney.**

40

History: 1993 a. 50, 446; 2001 a. 61, 109.

9 SECTION 3. 940.203 (1) (am) of the statutes is created to read:

10 940.203 (1) (am) "District attorney" has the meaning given in s. 950.02 (2m).

11 SECTION 4. 940.203 (2) (intro.) of the statutes is amended to read:

12 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to  
13 cause bodily harm to the person or family member of any judge or district attorney  
14 under all of the following circumstances is guilty of a Class H felony:

History: 1993 a. 50, 446; 2001 a. 61, 109.

15 SECTION 5. 940.203 (2) (a) of the statutes is amended to read:

16 940.203 (2) (a) At the time of the act or threat, the actor knows or should have  
17 known that the victim is a judge or a district attorney or a member of ~~his or her~~ the  
18 judge's or district attorney's family.

History: 1993 a. 50, 446; 2001 a. 61, 109.

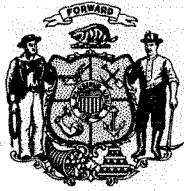
19 SECTION 6. 940.203 (2) (b) of the statutes is amended to read:

20 940.203 (2) (b) The judge or district attorney is acting in an official capacity at  
21 the time of the act or threat or the act or threat is in response to any action taken in  
22 an official capacity.

History: 1993 a. 50, 446; 2001 a. 61, 109.

23

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0186/P1

PJH:kjf/pg

only  
change  
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to amend* 940.20 (4), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a)  
2 and 940.203 (2) (b); and *to create* 940.203 (1) (am) of the statutes; **relating to:**  
3 battery to a district attorney or assistant district attorney and providing a  
4 penalty.

---

***Analysis by the Legislative Reference Bureau***

Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who does so is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than six years, or both.

This bill attaches the same penalty to a person who knowingly causes or threatens bodily harm to a district attorney or a member of a district attorney's family while the district attorney is acting in an official capacity or as a response to an official action by the district attorney. The bill defines district attorney to include any person authorized to prosecute a criminal case or a delinquency petition, or his or her designee.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 940.20 (4) of the statutes is amended to read:

2           940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily  
3 harm to a public officer in order to influence the action of such officer or as a result  
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16          940.203 (2) (a) At the time of the act or threat, the actor knows or should have  
17 known that the victim is a judge or a district attorney or a member of ~~his or her~~ the  
18 judge's or district attorney's family.

19          **SECTION 6.** 940.203 (2) (b) of the statutes is amended to read:



**Parisi, Lori**

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**From:** Rep.Molepske  
**Sent:** Tuesday, March 20, 2007 10:08 AM  
**To:** LRB.Legal  
**Cc:** McKinny, Chris  
**Subject:** Draft Review: LRB 07-0186/1 Topic: Battery to a district attorney

Please Jacket LRB 07-0186/1 for the ASSEMBLY.

03/20/2007