

2007 ASSEMBLY BILL 499

September 11, 2007 – Introduced by Representatives GUNDRUM, HRAYCHUCK, BERCEAU, GUNDERSON, SINICKI, A. OTT, HILGENBERG, PARISI, SHERIDAN, JESKEWITZ, MUSSER, MOLEPSKE, HAHN, ALBERS, SHILLING, TOWNSEND, KAUFERT, NEWCOMER, LEMAHIEU, J. OTT, MURSAU, HINTZ, TAUCHEN, HINES, BALLWEG, NERISON and STEINBRINK, cosponsored by Senators LASSA, KAPANKE, KANAVAS, PLALE, DARLING, LAZICH, A. LASEE, ROESSLER, LEHMAN, SULLIVAN, OLSEN, HARSDORF, HANSEN, SCHULTZ, COWLES, RISSER and GROTHMAN. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 939.22 (10), 939.22 (38), 939.632 (1) (e) 1. and 973.055 (1) (a)
 2 1.; and *to create* 939.22 (23) and 940.235 of the statutes; **relating to:**
 3 strangulation and suffocation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, anyone who intentionally impedes the normal breathing or blood circulation of another person by applying pressure on the throat or neck, or by blocking the nose or mouth, of the other person is guilty of a Class H felony, and subject to a fine not to exceed \$10,000, a prison term not to exceed six years, or both. If the actor has a previous conviction for this offense or for another violent offense, he or she is guilty of a Class G felony, and subject to a fine not to exceed \$25,000, a prison term not to exceed 10 years, or both.

Current law provides for an enhanced sentence and other penalties if a person commits a crime using a dangerous weapon or if a person who is convicted of certain offenses has a previous conviction for a violent crime. The bill broadens the definition of a “dangerous weapon” to include a ligature or any other instrument used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood, and includes strangulation and suffocation in the definition of a “violent crime.”

The bill also expands the definition of “substantial bodily harm” to include a bruise, contusion, or petechia that is caused by strangulation or suffocation. Finally, the bill requires a person who is convicted of a strangulation or suffocation offense that involves a person who had a restraining order against the offender, the

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offender's spouse or former spouse, an adult with whom the offender lives or formerly lived, or an adult with whom the offender has a child to pay a domestic abuse assessment of \$75 for each offense.

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:

1 **SECTION 1.** 939.22 (10) of the statutes is amended to read:

2 939.22 **(10)** “Dangerous weapon” means any firearm, whether loaded or
3 unloaded; any device designed as a weapon and capable of producing death or great
4 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
5 mouth of another person to impede, partially or completely, breathing or circulation
6 of blood; any electric weapon, as defined in s. 941.295 (4); or any other device or
7 instrumentality which, in the manner it is used or intended to be used, is calculated
8 or likely to produce death or great bodily harm.

9 **SECTION 2.** 939.22 (23) of the statutes is created to read:

10 939.22 **(23)** “Petechia” means a minute colored spot that appears on the skin,
11 eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or
12 rupture to a blood vessel or capillary.

13 **SECTION 3.** 939.22 (38) of the statutes is amended to read:

14 939.22 **(38)** “Substantial bodily harm” means bodily injury that causes a
15 laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone;
16 a broken nose; a burn; a bruise, contusion, or petechia caused by strangulation or
17 suffocation; a temporary loss of consciousness, sight or hearing; a concussion; or a
18 loss or fracture of a tooth.

