

2007 SENATE BILL 278

October 4, 2007 – Introduced by Senators COGGS, PLALE, ROESSLER and LASSA, cosponsored by Representatives ZEPNICK, COLON, HONADEL, GRIGSBY, MONTGOMERY, FIELDS, A. OTT, CULLEN, HAHN, SINICKI, SHERIDAN and TURNER. Referred to Committee on Judiciary and Corrections.

- 1 **AN ACT to create** 940.208 of the statutes; **relating to:** threatening or committing
2 battery against certain employees of first class cities and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery. A person convicted of ordinary battery may be fined not more than \$10,000, imprisoned for not more than nine months, or both. Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees, and agents. Current law also prohibits threatening to cause bodily harm to some of those individuals under certain circumstances. The circumstances under which the more severe penalties for battery apply, the severity of the penalties, and whether the prohibition on threats applies depend on the position held by the government official, agent, or employee.

Among those covered under these "special circumstances battery" provisions are law enforcement officers and fire fighters. If a person intentionally causes bodily harm to a law enforcement officer or a fire fighter, the person may be fined not more than \$10,000, sentenced to a term of imprisonment of not more than three and one-half years, or both, under the following circumstances: 1) the actor knows or has reason to know that the victim is a law enforcement officer or fire fighter; 2) the victim is acting in his or her capacity; and 3) the victim does not consent to the harm.

Under this bill, if a person intentionally causes bodily harm or threatens to cause bodily harm to an employee of a first class city, other than a law enforcement officer or fire fighter, the person may be fined not more than \$10,000, sentenced to

