



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 162

**Assembly
Amendment 1**

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Under *current law*, it is a Class I felony to resist arrest while armed with a dangerous weapon. To be guilty of this offense, a person must do all of the following:

- Refuse to comply with an officer's lawful attempt to take him or her into custody.
- Retreat or remain in a building or place and, through action or threat, attempt to prevent the officer from taking him or her into custody.
- At the time, be armed or become armed with a dangerous weapon or threaten to use a dangerous weapon regardless of whether the person has a dangerous weapon.

Assembly Bill 162 modifies the offense to provide that a person who does the following is guilty of resisting arrest while armed:

- Through action or threat, attempts to prevent an officer from lawfully taking him or her into custody.
- At the time, is armed or becomes armed with a dangerous weapon or threatens to use a dangerous weapon regardless of whether the person has a dangerous weapon.

Therefore, under the bill, the first element of the offense is deleted and there is no requirement to show that the person retreated or remained in a building or place.

Assembly Amendment 1 restores the first element of the offense so that the only language deleted is the current language requiring a showing that the person retreated or remained in a building or place.

Legislative History

Assembly Amendment 1 was offered by Representatives Albers and Friske. The Assembly adopted the amendment and passed the bill, as amended, on voice votes.

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