



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 282

Assembly Amendment 2

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Current law prohibits a person from intentionally causing bodily harm to a technical college district or school district officer or employee acting in his or her official capacity if the person knows that the victim is a technical college district or school district officer or employee. The offense is a Class I felony punishable by imprisonment not to exceed 3-½ years (maximum 1-½ years in prison and two years of extended supervision) or a fine not to exceed \$10,000, or both.

Under *Assembly Bill 282*, it is a Class I felony to cause bodily harm *or to threaten* to cause bodily harm to a technical college district or school district officer or employee under all of the following circumstances:

- At the time of the act or threat, the actor knows or should have known that the victim is a technical college district or school district officer or employee.
- The technical college district or school district officer or employee is acting in an official capacity at the time of the act or threat or the act or threat is in response to any action taken in an official capacity.
- There is no consent by the person harmed or threatened.

Assembly Amendment 2 defines “threat” for purposes of the Criminal Code. Under the amendment, “threat” means an expression of intention to do harm and may be communicated orally, in writing, or by conduct. To constitute a “threat,” under the totality of the circumstances, a reasonable person making the threat would foresee that a reasonable person would interpret the threat as a serious expression to do harm.

Legislative History

Assembly Amendment 2 was offered by Representative Albers. The Assembly adopted the amendment on a vote of Ayes, 97; Noes, 0 and passed the bill, as amended, on a vote of Ayes, 66; Noes, 31.

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