



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 337

**Assembly
Amendment 1**

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2007 Assembly Bill 337 creates a new crime when a person who is charged with a crime intentionally causes or threatens to cause bodily harm to an individual the person knows, or should know, is a witness to that crime. (The new crime does not include the element under the current crime of battery or threat to witnesses requiring that the actor caused or threatened bodily harm to a witness “by reason of the person [witness] having attended or testified as a witness.” According to testimony at the public hearing on Assembly Bill 337, this element makes prosecution under the current statute difficult, usually resulting, at most, in a misdemeanor battery charge under the battery statute.) A person who violates the crime created by Assembly Bill 337 is guilty of a Class D felony (maximum fine, \$10,000; maximum imprisonment, 25 years; or both).

Assembly Amendment 1 replaces the single penalty of the original bill with a range of penalties based on whether the defendant was charged with a misdemeanor or felony and whether the defendant threatened bodily harm or caused bodily harm to the witness. The penalties include a Class F penalty (maximum fine \$25,000; maximum imprisonment 12-1/2 years; or both), a Class E felony (maximum fine, \$50,000; maximum imprisonment, 15 years; or both, and a Class D felony. Under the amendment:

1. If the actor has been charged with a felony and intentionally causes bodily harm to a person the actor knows or should know is a witness to that felony, the actor is guilty of a Class D felony.
2. If the actor has been charged with a felony and intentionally threatens to cause bodily harm to a person the actor knows or should know is a witness to that felony, the actor is guilty of a Class E felony.
3. If the actor is charged with a misdemeanor and intentionally causes bodily harm to a person the actor knows or should know is a witness to that misdemeanor, the actor is guilty of a Class E felony.

4. If the actor is charged with a misdemeanor and intentionally threatens to cause bodily harm to a person the actor knows or should know is a witness to that misdemeanor, the actor is guilty of a Class F felony.

Legislative History

Assembly Amendment 1 was offered by Representative Gundrum. The Assembly Committee on Judiciary and Ethics recommended adoption of the amendment by a vote of Ayes, 10; Noes, 0. Assembly Bill 337, as amended, was recommended for passage by the committee by a vote of Ayes, 10; Noes, 0.

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