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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2007 Assembly Bill 499**

**Assembly Amendment 1**

*Memo published: September 25, 2007*

*Contact: Don Dyke, Chief of Legal Services (266-0292)*

One of the provisions of Assembly Bill 499 amends the definition of “substantial bodily harm,” as it applies to the Criminal Code, by adding the following to the definition: “a bruise, contusion, or petechia caused by strangulation or suffocation.” See SEC. 3 of the bill. “Petechia” is defined in the bill as “a minute colored spot that appears on the skin, eye, eyelid, or mucus membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.” See SEC. 2 of the bill.

One effect of so amending the definition of “substantial bodily harm” is that a person who, with intent to cause bodily harm, causes a bruise, contusion, or petechia by strangulation or suffocation is guilty of a Class I felony (s. 940.19 (2), Stats.), rather than a Class A misdemeanor for causing simple “bodily harm” (s. 940.19 (1), Stats.).

The amendment eliminates from the revised definition of “substantial bodily harm” reference to “a bruise or contusion” and eliminates the element “caused by strangulation or suffocation.” Thus, as amended, the proposal revises the definition of “substantial bodily harm” by adding “a petechia” (as defined). As a result, a person who, with intent to cause bodily harm, causes a petechia is guilty of a Class I felony, regardless of whether the petechia is caused by strangulation, suffocation, or other means. The amendment was recommended by the Wisconsin Department of Justice, Office of the Attorney General.

### **Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Judiciary and Ethics. The committee recommended adoption of the amendment by a vote of Ayes, 10; Noes, 0. The committee recommended passage of Assembly Bill 499, as amended, by a vote of Ayes, 10; Noes, 0.

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