LRB-1348/1 CMH:cjs:rs

2009 ASSEMBLY BILL 129

March 9, 2009 – Introduced by Representatives Gundrum, Montgomery, Nygren, Ziegelbauer, Nass, Townsend, Kerkman, Berceau, Gunderson, Ballweg, Kleefisch, LeMahieu, Spanbauer, Bies, Lothian, Petrowski, Vos, Murtha, Brooks and Mursau, cosponsored by Senator Lazich. Referred to Committee on Judiciary and Ethics.

- 1 AN ACT *to create* 940.201 (3) of the statutes; **relating to:** battery or threat to
- witnesses and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of a Class H felony if he or she intentionally causes or threatens to cause bodily harm to an individual he or she knows, or should know, is a witness by reason of the individual having attended or testified as a witness. Under this bill, a person who is charged with a felony is guilty of a Class D felony if he or she intentionally causes bodily harm to an individual who he or she knows, or should know, may testify at a proceeding for the felony with which he or she is charged. A person is guilty of a Class E felony if the person is charged with a felony and threatens to cause bodily harm to an individual who he or she knows, or should know, may testify at a proceeding for the felony with which he or she is charged or if the person is charged with a misdemeanor and intentionally causes bodily harm to an individual who he or she knows, or should know, may testify at a proceeding for the misdemeanor with which he or she is charged. A person who is charged with a misdemeanor is guilty of a Class F felony if he or she threatens to cause bodily harm to an individual who he or she knows, or should know, may testify at a proceeding for the misdemeanor with which he or she is charged.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2	940.201 (3) Whoever, when charged with a crime, intentionally does any of the
3	following to a person who the actor knows or should know is a person who may testify

SECTION 1. 940.201 (3) of the statutes is created to read:

at any proceeding for the crime with which the actor is charged is guilty of the

following:

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- (a) A Class D felony if the crime with which the actor is charged is a felony and the actor causes bodily harm to the person.
 - (b) A Class E felony if one of the following applies:
- 1. The crime with which the actor is charged is a felony and the actor threatens to cause bodily harm to the person.
 - 2. The crime with which the actor is charged is a misdemeanor and the actor causes bodily harm to the person.
 - (c) A Class F felony if the crime with which the actor is charged is a misdemeanor and the actor threatens to cause bodily harm to the person.

SECTION 2. Initial applicability.

(1) This act first applies to acts and threats committed on the effective date of this subsection.

18 (END)