

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/06/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing  
Criminal Law - victims**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Battery to a witness

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**Instructions:**

See attached--2007 AB-337 with AA 1

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 01/06/2009	csicilia 02/02/2009		_____			Crime
/1			rschluet 02/02/2009	_____	sbasford 02/02/2009	lparisi 02/09/2009	

FE Sent For: **NONE**

**<END>**

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/?	chanaman	1/25/09					

FE Sent For: <END>

10/1/0

1348/1

# 2007 ASSEMBLY BILL 337

May 15, 2007 - Introduced by Representatives GUNDRUM, MUSSER, WOOD, TRAVIS, JESKEWITZ, J. OTT, KAUFERT, A. OTT, BIES, PETROWSKI, GUNDERSON, NASS, HAHN, MURSAU, TOWNSEND and ROTH, cosponsored by Senators DARLING and ROESSLER. Referred to Committee on Judiciary and Ethics.

STW  
6-1-06

Gen Cat

1 AN ACT ~~to create~~ 940.201 (3) of the statutes; **relating to:** battery or threat to  
2 witnesses and providing a penalty. *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. The person is subject to a fine of up to \$10,000, imprisonment of up to six years, or both.

Under this bill a person who is charged with a crime is guilty of a Class D 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 to that crime. The person is subject to a fine of up to \$100,000, imprisonment of up to 25 years, or both.

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

INS  
A

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

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

**ASSEMBLY BILL 337**

**SECTION 1**

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940.201 (3) Whoever intentionally causes bodily harm or threatens to cause bodily harm to a person under all of the following circumstances is guilty of a Class D felony:

(a) At the time of the act or the threat, the actor is charged with a crime.

(b) At the time of the act or the threat, the actor knows or should have known that the person is a witness to the crime with which the actor is charged.

**SECTION 2. Initial applicability.**

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

(END)

INS  
2-7

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1348/lins  
CMH:.....

1  
109

Insert A *he or she*

*an individual who he or she knows, or should know, may testify at a proceeding for*

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 ~~a witness to~~ the felony with which the person 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 ~~a witness to~~ the felony with which he or she is charged or if the person is charged with a misdemeanor and intentionally causes bodily harm to ~~a witness to~~ 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 ~~a witness to~~ the misdemeanor with which he or she is charged.

**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 337**

June 20, 2007 - Offered by Representative GUNDRUM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: delete "a penalty" and substitute "penalties".

3 **2.** Page 2, line 1: delete lines 1 to 6 and substitute:

4 "940.201 (3) Whoever, when charged with a crime, intentionally does any of the  
5 following to a person who the actor knows or should know is a witness to the crime  
6 with which the actor is charged is guilty of the following:

7 (a) A Class D felony if the crime with which the actor is charged is a felony and  
8 the actor causes bodily harm to the person.

9 (b) A Class E felony if one of the following applies:

10 1. The crime with which the actor is charged is a felony and the actor threatens  
11 to cause bodily harm to the person.

12 2. The crime with which the actor is charged is a misdemeanor and the actor  
13 causes bodily harm to the person.

INS  
2-7

person  
who may  
testify  
at  
any  
proceeding  
for







**Parisi, Lori**

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**From:** Knudson, Steve

**Sent:** Monday, February 09, 2009 3:07 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-1348/1 Topic: Battery to a witness

Please Jacket LRB 09-1348/1 for the ASSEMBLY.