



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 192**

October 15, 2009 – Offered by COMMITTEE ON CRIMINAL JUSTICE.

1     **AN ACT** *to repeal* 940.20 (2), 940.20 (2m), 940.20 (4), 940.20 (5), 940.20 (6), 940.20  
2           (7), 940.205, 940.207 and 940.208; *to amend* 48.685 (5) (bm) 4., 115.31 (2g),  
3           118.19 (4) (a), 938.183 (1) (a), 938.183 (1m) (c) 1. and 938.183 (1m) (c) 2.; and  
4           *to create* 940.209 of the statutes; **relating to:** battery to a person working in  
5           his or her official capacity and providing a penalty.

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

6           **SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:  
7           48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),  
8           125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),  
9           or (6), 940.20, 940.203, 940.205, 2007 stats., 940.207, 2007 stats., or 940.25, a  
10          violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6.,  
11          or 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed  
12          not more than 5 years before the date of the investigation under sub. (2) (am).

1           **SECTION 2.** 115.31 (2g) of the statutes is amended to read:

2           115.31 **(2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall  
3           revoke a license granted by the state superintendent, without a hearing, if the  
4           licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, ~~except ss.~~  
5           ~~940.08 and 940.205~~, for a violation that occurs on or after September 12, 1991, or any  
6           Class E, F, G, or H felony under ch. 940 or 948, except ss. s. 940.08 and s. 940.205,  
7           2007 stats., for a violation that occurs on or after February 1, 2003.

8           **SECTION 3.** 118.19 (4) (a) of the statutes is amended to read:

9           118.19 **(4)** (a) Notwithstanding subch. II of ch. 111, the state superintendent  
10          may not grant a license, for 6 years following the date of the conviction, to any person  
11          who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, ~~except~~  
12          ~~ss. 940.08 and 940.205~~ or of an equivalent crime in another state or country, for a  
13          violation that occurs on or after September 12, 1991, or any Class E, F, G, or H felony  
14          under ch. 940 or 948, except ss. s. 940.08 and s. 940.205, 2007 stats., for a violation  
15          that occurs on or after February 1, 2003. The state superintendent may grant the  
16          license only if the person establishes by clear and convincing evidence that he or she  
17          is entitled to the license.

18          **SECTION 4.** 938.183 (1) (a) of the statutes is amended to read:

19          938.183 **(1)** (a) A juvenile who has been adjudicated delinquent and who is  
20          alleged to have violated s. 940.20 (1) or 946.43 while placed in a juvenile correctional  
21          facility, a juvenile detention facility, or a secured residential care center for children  
22          and youth or who has been adjudicated delinquent and who is alleged to have  
23          committed a violation of s. 940.20 (2m), 2007 stats.

24          **SECTION 5.** 938.183 (1m) (c) 1. of the statutes is amended to read:

1           938.183 **(1m)** (c) 1. Except as provided in subd. 3., the court of criminal  
2 jurisdiction finds that the juvenile has committed a lesser offense or a joined offense  
3 that is not a violation of s. 940.20 (1) or ~~(2m)~~ s. 940.20 (2m), 2007 stats., or 946.43  
4 under the circumstances described in sub. (1) (a), that is not an attempt to violate s.  
5 940.01 under the circumstances described in sub. (1) (am), that is not a violation of  
6 s. 940.02 or 940.05 under the circumstances described in sub. (1) (am), and that is  
7 not an offense for which the court assigned to exercise jurisdiction under this chapter  
8 and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18.

9           **SECTION 6.** 938.183 (1m) (c) 2. of the statutes is amended to read:

10           938.183 **(1m)** (c) 2. Except as provided in subd. 3., the court of criminal  
11 jurisdiction finds that the juvenile has committed a lesser offense or a joined offense  
12 that is a violation of s. 940.20 (1) or ~~(2m)~~ s. 940.20 (2m), 2007 stats., or 946.43 under  
13 the circumstances described in sub. (1) (a), that is an attempt to violate s. 940.01  
14 under the circumstances described in sub. (1) (am), that is a violation of s. 940.02 or  
15 940.05 under the circumstances described in sub. (1) (am), or that is an offense for  
16 which the court assigned to exercise jurisdiction under this chapter and ch. 48 may  
17 waive its jurisdiction over the juvenile under s. 938.18 and the court of criminal  
18 jurisdiction, after considering the criteria specified in s. 938.18 (5), determines that  
19 the juvenile has proved by clear and convincing evidence that it would be in the best  
20 interests of the juvenile and of the public to adjudge the juvenile to be delinquent and  
21 impose a disposition specified in s. 938.34.

22           **SECTION 7.** 940.20 (2) of the statutes is repealed.

23           **SECTION 8.** 940.20 (2m) of the statutes is repealed.

24           **SECTION 9.** 940.20 (4) of the statutes is repealed.

25           **SECTION 10.** 940.20 (5) of the statutes is repealed.

