

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB192)

Received: **10/14/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Bill Kramer (608) 266-8580**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Battery to employees

Instructions:

Battery to any worker except judges should be a class I felony except judges, which should remain a class H

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>
/?							
/1	phurley 10/14/2009	kfollett 10/14/2009	mduchek 10/14/2009	_____	mbarman 10/14/2009	mbarman 10/14/2009	

FE Sent For:

<END>

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/?	phurley	llkf 10/14	llkf 10/14	_____	_____	_____	_____

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0162/
PJH...

Handwritten initials: LRM, PJH, GF

Now

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 192

Insert 1

Gen

1 AN ACT ...; relating to: battery to a person working in his or her official capacity
2 and providing a penalty.

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

3 SECTION 1. 940.20 (2) of the statutes is repealed.

4 SECTION 2. 940.20 (2m) of the statutes is repealed.

5 SECTION 3. 940.20 (4) of the statutes is repealed.

6 SECTION 4. 940.20 (5) of the statutes is repealed.

7 SECTION 5. 940.20 (6) of the statutes is repealed.

8 SECTION 6. 940.20 (7) of the statutes is repealed.

9 SECTION 7. 940.205 of the statutes is repealed.

10 SECTION 8. 940.207 of the statutes is repealed.

11 SECTION 9. 940.208 of the statutes is repealed.

2009 Wisconsin Act 28,

as affected by

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✓

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SECTION 10. 940.209 of the statutes is created to read:

940.209 Battery to persons acting in official capacity. Except as provided in s. 940.203, ✓ whoever intentionally causes bodily harm to a worker or employee when the worker or employee is acting in an official capacity is guilty of a Class I felony.

(END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0162/lins
PJH:.....

INSERT 1:

✓
SECTION 1. 48.685 (5) (bm) 4. of the statutes is amended to read:

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

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28.

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

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

History: 1991 a. 42 ss. 1 to 3, 4r; 1993 a. 16, 98; 1995 a. 27 s. 9145 (1); 1995 a. 77; 1997 a. 27, 237; 1999 a. 9; 2001 a. 57, 103, 109; 2005 a. 344.

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

118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent may not grant a license, for 6 years following the date of the conviction, to any person who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, ~~except ss. 940.08 and 940.205~~ or of an equivalent crime in another state or country, for a violation that occurs on or after September 12, 1991, or any Class E, F, G, or H felony under ch. 940 or 948, ~~except ss. s. 940.08 and s. 940.205, 2007 stats.~~, for a violation

that occurs on or after February 1, 2003. The state superintendent may grant the license only if the person establishes by clear and convincing evidence that he or she is entitled to the license.

History: 1971 c. 154; 1975 c. 39, 95; 1979 c. 346; 1981 c. 314 s. 146; 1985 a. 29, 207; 1989 a. 31; 1991 a. 42, 108, 164, 315; 1993 a. 16, 334, 339, 454, 491; 1995 a. 27 ss. 3951m, 9145 (1); 1995 a. 299; 1997 a. 27, 113, 191, 237; 1999 a. 9; 2001 a. 109; 2005 a. 121; 2007 a. 20, 222.

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

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

History: 1995 a. 77, 216, 352; 1997 a. 27, 35, 205, 252, 283; 1999 a. 9, 32; 2001 a. 16; 2005 a. 344; 2007 a. 97.

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

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

History: 1995 a. 77, 216, 352; 1997 a. 27, 35, 205, 252, 283; 1999 a. 9, 32; 2001 a. 16; 2005 a. 344; 2007 a. 97.

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

X 938.183 (1m) (c) 2. Except as provided in subd. 3., the court of criminal jurisdiction finds that the juvenile has committed a lesser offense or a joined offense that is a violation of s. 940.20 (1) or ~~(2m)~~ s. 940.20 (2m), 2007 stats. ² or 946.43 under the circumstances described in sub. (1) (a), that is an attempt to violate s. 940.01

under the circumstances described in sub. (1) (am), that is a violation of s. 940.02 or 940.05 under the circumstances described in sub. (1) (am), or that is an offense for which the court assigned to exercise jurisdiction under this chapter and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18 and the court of criminal jurisdiction, after considering the criteria specified in s. 938.18 (5), determines that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to adjudge the juvenile to be delinquent and impose a disposition specified in s. 938.34.

History: 1995 a. 77, 216, 352; 1997 a. 27, 35, 205, 252, 283; 1999 a. 9, 32; 2001 a. 16; 2005 a. 344; 2007 a. 97.