

2009 DRAFTING REQUEST

Bill

Received: 08/27/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Louis Molepske Jr (608) 267-9649

By/Representing: Lloyd

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - district attys
Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Molepske@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Threatening or harming a district attorney

Instructions:

redraft 07 AB 245

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>
/?	phurley 08/27/2009	jdye 08/31/2009		_____			S&L Crime
/1			jfrantze 09/01/2009	_____	cduerst 09/01/2009	mbarman 09/01/2009	

FE Sent For:

<END>

↳ At Intro.

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1?	phurley	1/31/09	8/31	9/11			

FE Sent For:

<END>

Barman, Mike

From: LRB.Legal
Sent: Thursday, August 27, 2009 12:47 PM
To: Hurley, Peggy
Subject: FW: Drafting Request - Redraft of 2007 AB 245
Attachments: 07AB-245.pdf

Drafting Request

From: Clark, Lloyd
Sent: Thursday, August 27, 2009 12:34 PM
To: LRB.Legal
Subject: Drafting Request - Redraft of 2007 AB 245

Date: 8/27/09

Legislator: Rep. Molepske
Staff Contact: Lloyd Clark 267-9649

Bill Description: Redraft of 07-AB 245

battery to a district attorney or assistant district attorney and providing a penalty.

This bill would:

Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who does so is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than six years, or both.

This bill attaches the same penalty to a person who knowingly causes or threatens bodily harm to a district attorney or a member of a district attorney's family while the district attorney is acting in an official capacity or as a response to an official action by the district attorney. The bill defines district attorney to include any person authorized to prosecute a criminal case or a delinquency petition, or his or her designee.

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.

Some provisions may already exist in current Wisconsin statute.

Keep Confidential

LLOYD CLARK

OFFICE OF REPRESENTATIVE LOUIS J. MOLEPSKE, JR.
CHAIR - COMMITTEE ON JOBS, THE ECONOMY, AND SMALL BUSINESS
608-267-9649
888-534-0071

08/27/2009

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2009 BILL

2007 ASSEMBLY BILL 245

8-27-09

PLWFS,
Please

April 10, 2007 - Introduced by Representatives MOLEPSKE, ALBERS, MONTGOMERY, MUSSER, ZEPNICK, TRAVIS, J. OTT, WOOD, BALLWEG, TOWNSEND, BIES, GUNDERSON, GUNDRUM, HIXSON, SINICKI, BERCEAU, BLACK, HRAYCHUCK, A. OTT and MURSAU, cosponsored by Senators SULLIVAN, HARSIDORF, LEHMAN, ROESSLER, LASSA, SCHULTZ, PLALE and DARLING. Referred to Committee on Criminal Justice.

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1 AN ACT *to amend* 940.20 (4), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a)
2 and 940.203 (2) (b); and *to create* 940.203 (1) (am) of the statutes; **relating to:**
3 battery to a district attorney or assistant district attorney and providing a
4 penalty. ✓

Analysis by the Legislative Reference Bureau

Under current law, no one may intentionally cause or threaten bodily harm to a judge ✓ or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who does so is guilty of a Class H ✓ felony and may be fined not more than ✓ \$10,000, imprisoned for not more than six years, or both. *clear*

This bill attaches the same penalty to a person who knowingly causes or threatens bodily harm to a district attorney ✓ or a member of a district attorney's family while the district attorney is acting in an official capacity or as a response to an official action by the district attorney. The bill defines ✓ "district attorney" ✓ to include any person authorized to prosecute a criminal case or a delinquency petition, or his or her designee. *

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. ✓

ASSEMBLY BILL 245

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 940.20 (4) of the statutes is amended to read:

2 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily
3 harm to a public officer in order to influence the action of such officer or as a result
4 of any action taken within an official capacity, without the consent of the person
5 injured, is guilty of a Class I felony. A district attorney, as defined by s. 950.02 (2m),
6 is not a public officer for the purpose of this subsection.

7 SECTION 2. 940.203 (title) of the statutes is amended to read:

8 **940.203 (title) Battery or threat to judge or district attorney.**

9 SECTION 3. 940.203 (1) of the statutes is created to read:

10 940.203 (1) "District attorney" has the meaning given in s. 950.02 (2m).

11 SECTION 4. 940.203 (2) (intro.) of the statutes is amended to read:

12 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
13 cause bodily harm to the person or family member of any judge or district attorney
14 under all of the following circumstances is guilty of a Class H felony:

15 SECTION 5. 940.203 (2) (a) of the statutes is amended to read:

16 940.203 (2) (a) At the time of the act or threat, the actor knows or should have
17 known that the victim is a judge or a district attorney or a member of his or her
18 judge's or district attorney's family.

19 SECTION 6. 940.203 (2) (b) of the statutes is amended to read:

SECTION #. 940.203(1)(a) of the statutes is renumbered
940.203(1)(am).

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Rein

Duerst, Christina

From: Rep.Molepske

Sent: Tuesday, September 01, 2009 9:39 AM

To: LRB.Legal

Subject: Draft Review: LRB 09-3328/1 Topic: Threatening or harming a district attorney

Please Jacket LRB 09-3328/1 for the ASSEMBLY.