

## 2009 DRAFTING REQUEST

### Bill

Received: **01/15/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Chris Danou (608) 266-7015**

By/Representing: **himself**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Battery to law enforcement officer while evading arrest

---

### Instructions:

See attached

---

### 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>
/?	rryan 01/22/2009 chanaman 03/05/2009	csicilia 03/16/2009		_____			S&L Crime
/1	chanaman 03/18/2009	csicilia 03/24/2009	phenry 03/16/2009	_____	sbasford 03/16/2009		S&L Crime
/2			mduchek 03/24/2009	_____	sbasford 03/24/2009	lparisi 03/25/2009	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

<END>

03-25-2009  
("12") ←

Requested By  
Rep. Danou

## 2009 DRAFTING REQUEST

### Bill

Received: **01/15/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Chris Danou (608) 266-7015**

By/Representing: **himself**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Battery to law enforcement officer while evading arrest

---

### Instructions:

See attached

---

### 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>
/?	rryan 01/22/2009 chanaman 03/05/2009	csicilia 03/16/2009		_____			S&L Crime
/1	chanaman 03/18/2009	csicilia 03/24/2009	phenry 03/16/2009	_____	sbasford 03/16/2009		S&L Crime
/2			mduchek 03/24/2009	_____	sbasford 03/24/2009		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

2009 DRAFTING REQUEST

Bill

Received: 01/15/2009

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Chris Danou (608) 266-7015

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - law enforcement

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Battery to law enforcement officer while evading arrest

Instructions:

See attached

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>
/?	rryan 01/22/2009 chanaman 03/05/2009	csicilia 03/16/2009	MD	ND JF			S&L Crime
/1		2. gjs 3/20 09	phenry 03/16/2009		sbasford 03/16/2009		

FE Sent For:

**2009 DRAFTING REQUEST**

**Bill**

Received: 01/15/2009

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Chris Danou (608) 266-7015

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - law enforcement

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Battery to law enforcement officer while evading arrest

---

**Instructions:**

See attached

---

**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>
/?	rryan	1 cjs 3/16 09	3/16 ph	3/16 ph	Rs		

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Officers injured by fleeing suspects

can't charge w/ 940.20(2) b/c no intent

eliminate element of intent

require be fleeing



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1560/7

CMH:.....

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

resist car

1 AN ACT ...; relating to: causing injury to a law enforcement officer while  
2 attempting to flee and providing a penalty.

band

**Analysis by the Legislative Reference Bureau**

Under current law, a person who intentionally resists or obstructs a law enforcement officer is guilty of a Class A misdemeanor. A person who intentionally causes bodily harm to a law enforcement officer is guilty of a Class H felony. Under this bill, a person who causes bodily harm to a law enforcement officer while the person is fleeing from, or attempting to flee from, a law enforcement officer is guilty of a Class H felony.

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.

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:**

3 SECTION 1. 946.41 (title) of the statutes is amended to read:

4 **946.41 (title) Resisting or, obstructing, or fleeing from officer.**



and with lawful authority +

✓ 1  
2  
3  
4  
5  
6  
7  
8  
9

SECTION 2. 946.41 (2r) of the statutes is created to read:

946.41 (2r) Whoever causes bodily harm to an officer is guilty of a Class H felony if the officer is acting in an official capacity, the actor knows or has reason to know that the victim is an officer, and the actor causes the bodily harm while he or she flees from, or attempts to flee from, an officer. ✓

SECTION 3. Initial applicability.

(1) The treatment of section 946.41 (2r) of the statutes first applies to acts committed on the effective date of this subsection. ✓

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

2  
LRB-1560/1

CMH:cjs:ph

T  
stays

2009 BILL

refer cat

1 AN ACT *to amend* 946.41 (title); and *to create* 946.41 (2r) of the statutes;  
2 relating to: causing injury to a law enforcement officer while attempting to flee;  
3 and providing a penalty.

resisting or obstructing  
a law enforcement officer  
while

**Analysis by the Legislative Reference Bureau**

Under current law, a person who intentionally resists or obstructs a law enforcement officer is guilty of a Class A misdemeanor, and a person who intentionally causes bodily harm to a law enforcement officer is guilty of a Class H felony. Under this bill, a person who causes bodily harm to a law enforcement officer while the person is fleeing from, or attempting to flee from, a law enforcement officer is guilty of a Class H felony.

resisting, obstructing

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.

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:**

4 SECTION 1. 946.41 (title) of the statutes is amended to read:

**BILL**

1 **946.41 (title) Resisting or, obstructing, or fleeing from officer.**

2 **SECTION 2.** 946.41 (2r) of the statutes is created to read:

3 946.41 (2r) Whoever causes bodily harm to an officer is guilty of a Class H  
4 felony if the officer is acting in an official capacity and with lawful authority, the actor  
5 knows or has reason to know that the victim is an officer, and the actor causes the  
6 bodily harm while he or she flees from, or attempts to flee from, an officer.

7 **SECTION 3. Initial applicability.**

8 (1) The treatment of section 946.41 (2r) of the statutes first applies to acts  
9 committed on the effective date of this subsection.

10 (END)

while violating sub. (1) or

who  
is acting  
in an  
official  
capacity  
and  
with  
lawful  
authority

**Basford, Sarah**

---

**From:** Danou, Chris  
**Sent:** Wednesday, March 25, 2009 12:59 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1560/2 Topic: Battery to law enforcement officer while evading arrest

Please Jacket LRB 09-1560/2 for the ASSEMBLY.

# Memo

To: Representative **Danou**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.**

**LRB Number: 2009 LRB-1560**

**Version: " /2 "**

**Fiscal Estimate Prepared By: (agency abbr.) DA**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 03 / 31 / 2009**

**\* \* \* \* \***

**To: LRB - Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced ...** and the version of the attached fiscal estimate is for a **previous version ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced ...** and the version of the attached fiscal estimate is for the **current version ...** please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2009**

AB 269

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Tuesday, March 31, 2009 8:23 AM  
**To:** Rep.Danou  
**Subject:** LRB 09-1560/2 (un-introduced) (FE by DA - attached - for your review)

**Attachments:** Rep.Danou.PDF



Rep.Danou.PDF  
(303 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

# Memo

To: Representative **Danou**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.**

**LRB Number: 2009 LRB-1560**

**Version: " /2 "**

**Fiscal Estimate Prepared By: (agency abbr.) DOC**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

**Entered In Computer And Copy Sent To Requester Via E-Mail: 04 / 03 / 2009**

**\* \* \* \* \***

**To: LRB - Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2007**

AB 269

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Friday, April 03, 2009 2:24 PM  
**To:** Rep.Danou  
**Subject:** LRB 09-1560/2 (un-introduced) (FE by DOC - attached - for your review)

**Attachments:** FE\_Danou.PDF



FE\_Danou.PDF  
(339 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)



# Memo

To: Representative

Danou

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.**

**LRB Number: 2009 LRB-1560**

**Version: " /2 "**

**Fiscal Estimate Prepared By: (agency abbr.) SPD**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 03 / 30 / 2009**

**\* \* \* \* \***

**To: LRB - Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced ...** and the version of the attached fiscal estimate is for a **previous version ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced ...** and the version of the attached fiscal estimate is for the **current version ...** please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2009 AB269**

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Monday, March 30, 2009 9:08 AM  
**To:** Rep.Danou  
**Subject:** LRB-1560/2 (un-introduced) (FE by SPD - attached - for your review)

**Attachments:** FE\_Danou.PDF



FE\_Danou.PDF  
(384 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)