

2013 DRAFTING REQUEST

Bill

Received: **5/23/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB: **-1659**
For: **Tim Carpenter (608) 266-8535** By/Representing: **Stuart Ewy**
May Contact: Drafter: **phurley**
Subject: **Criminal Law - sentencing** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Carpenter@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Enhanced penalty for endangering safety of a first responder

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>
/1	phurley 5/23/2013	evinz 5/24/2013	rschluet 5/24/2013	_____	srose 5/24/2013	srose 6/3/2013	State S&L Crime

FE Sent For:

<END>

→ At Intro.

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Hurley, Peggy

From: Ewy, Stuart
Sent: Thursday, May 23, 2013 1:15 PM
To: Hurley, Peggy
Cc: Rep.Goyke; Sen.Carpenter
Subject: Drafting request

Hi Peggy-

It looks like you are the drafter of this bill LRB 1659 re "creating an enhanced penalty for harassing, intimidating, or recklessly endangering a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver"

Can you please draft a senate companion for Tim Carpenter? We have the permission of drafter Rep. Goyke – I am cc'ing this email to his office and please feel free to contact him if there is a question.

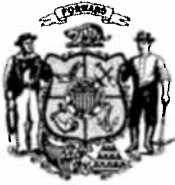


LRB-1659.pdf

Thanks very much!

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-16597
PJH:eev:jm

stays

2013 BILL

other
5-23-13

2411/1
rnr

egen

1 **AN ACT** *to renumber and amend* 941.30 (1); *to amend* 941.30 (2) and 947.013
 2 (1m) (intro.); and *to create* 941.30 (1d), 941.30 (1m), 941.30 (2m) and 947.013
 3 (1p) of the statutes; **relating to:** creating an enhanced penalty for harassing,
 4 intimidating, or recklessly endangering a law enforcement officer, a fire fighter,
 5 an emergency medical technician, a first responder, or an ambulance driver,
 6 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who harasses or intimidates another person by physical contact or threats of physical contact or by engaging in a course of conduct or repeated behaviors toward the victim may be required to forfeit up to \$1,000.

Under current law, a person who recklessly endangers the safety of another person is guilty of a Class G felony, except that if the person recklessly endangers the safety of another person under circumstances that show utter disregard for human life, he or she is guilty of a Class F felony. A Class G felony is punishable by a fine up to \$25,000, imprisonment for up to ten years, or both. A Class F felony is punishable by the same fine, imprisonment for up to 12 years and six months, or both.

Under this bill, a person who harasses or intimidates certain public employees, including a law enforcement officer; a firefighter; an emergency medical technician; a first responder; an ambulance driver; a commission warden; a probation, extended

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supervision, or parole agent; a school district officer or employee; an operator or driver of a public transit vehicle; a public or emergency health care provider; a judge; or an official, employee, or agent of the departments of revenue, safety and professional services, or workforce development, may be required to forfeit up to \$10,000. A person who recklessly endangers any of the specified public employees is guilty of a Class F felony, except that if the circumstances demonstrate an utter disregard for human life, the person is guilty of a Class E felony and may be fined up to \$50,000, imprisoned for up to 15 years, or both.

Under the bill, the greater penalties apply if the public employee was acting in his or her official capacity when the crime occurred and the person knew or should have known that the victim was a public employee.

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:

1 **SECTION 1.** 941.30 (1) of the statutes is renumbered 941.30 (1g) and amended
2 to read:

3 **941.30 Recklessly endangering safety. (1g)** FIRST-DEGREE RECKLESSLY
4 ENDANGERING SAFETY. ~~Whoever~~ Except as provided in sub. (1m), whoever recklessly
5 endangers another's safety under circumstances which that show utter disregard for
6 human life is guilty of a Class F felony.

7 **SECTION 2.** 941.30 (1d) of the statutes is created to read:

8 **941.30 (1d)** In this section, "public employee" means a law enforcement officer;
9 a firefighter; an emergency medical technician; a first responder; an ambulance
10 driver; a commission warden; an aftercare agent, as defined in s. 940.20 (2m) (a) 1.;
11 a probation, extended supervision, or parole agent, as defined in s. 940.20 (2m) (a);
12 a technical college district or school district officer or employee; an operator or driver
13 of a public transit vehicle; a health care provider, as defined in s. 940.20 (7) (a) 3.; a

BILL

1 judge, as defined in s. 940.203 (1) (b); or an official, employee, or agent of the
2 department of revenue, the department of safety and professional services, or the
3 department of workforce development.

4 **SECTION 3.** 941.30 (1m) of the statutes is created to read:

5 941.30 (1m) FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
6 CIRCUMSTANCES. Whoever recklessly endangers, under circumstances that show
7 utter disregard for human life, the safety of a public employee who is acting in an
8 official capacity and who the person knows or has reason to know is a public employee
9 is guilty of a Class E felony.

10 **SECTION 4.** 941.30 (2) of the statutes is amended to read:

11 941.30 (2) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY. ~~Whoever~~ Except
12 as provided in sub. (2m), whoever recklessly endangers another's safety is guilty of
13 a Class G felony.

14 **SECTION 5.** 941.30 (2m) of the statutes is created to read:

15 941.30 (2m) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY; SPECIAL
16 CIRCUMSTANCES. Whoever recklessly endangers the safety of a public employee who
17 is acting in an official capacity and who the person knows or has reason to know is
18 a public employee is guilty of a Class F felony.

19 **SECTION 6.** 947.013 (1m) (intro.) of the statutes is amended to read:

20 947.013 (1m) (intro.) ~~Whoever,~~ Except as provided in sub. (1p), whoever, with
21 intent to harass or intimidate another person, does any of the following is subject to
22 a Class B forfeiture:

23 **SECTION 7.** 947.013 (1p) of the statutes is created to read:

24 947.013 (1p) A person who violates sub. (1m) is subject to a Class A forfeiture
25 if the victim is a public employee, as defined in s. 941.30 (1d), who is acting in an

BILL

1 official capacity and who the person knows or has reason to know is a public
2 employee.

3 (END)

Rose, Stefanie

From: Ewy, Stuart
Sent: Monday, June 03, 2013 10:42 AM
To: LRB.Legal
Subject: Draft Review: LRB -2444/1 Topic: Enhanced penalty for endangering safety of a first responder

Please Jacket LRB -2444/1 for the SENATE.