

**2013 DRAFTING REQUEST**

**Bill**

Received: 12/3/2012 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Kathleen Vinehout (608) 266-8546 By/Representing:  
May Contact: Drafter: phurley  
Subject: Criminal Law - miscellaneous Addl. Drafters:  
Extra Copies:

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Definition of petechia

**Instructions:**

add "due to strangulation" to definition

**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 12/3/2012			_____			
/P1	phurley 1/27/2014	evinz 12/6/2012	phenry 12/6/2012	_____	sbasford 12/6/2012		
/1	srose 1/27/2014	evinz 1/27/2014	rschluet 1/27/2014	_____	srose 1/27/2014	srose 1/27/2014	

FE Sent For:

NOT  
NEEDED

<END>

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FE Sent For:		1 evv 4/27/14	1 evv 4/27/14 <END>				

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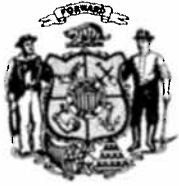
Drafting History:

<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	pl eev 12/6/12	pl eev 12/6/12				

*[Handwritten initials and signature]*

FE Sent For:

<END>



## 2007 ASSEMBLY BILL 499

September 11, 2007 - Introduced by Representatives GUNDRUM, HRAYCHUCK, BERCEAU, GUNDERSON, SINICKI, A. OTT, HILGENBERG, PARISI, SHERIDAN, JESKEWITZ, MUSSER, MOLEPSKE, HAHN, ALBERS, SHILLING, TOWNSEND, KAUFERT, NEWCOMER, LEMAHIEU, J. OTT, MURSAU, HINTZ, TAUCHEN, HINES, BALLWEG, NERISON and STEINBRINK, cosponsored by Senators LASSA, KAPANKE, KANAVAS, PLALE, DARLING, LAZICH, A. LASEE, ROESSLER, LEHMAN, SULLIVAN, OLSEN, HARSDORF, HANSEN, SCHULTZ, COWLES, RISSER and GROTHMAN. Referred to Committee on Judiciary and Ethics.

1 AN ACT *to amend* 939.22 (10), 939.22 (38), 939.632 (1) (e) 1. and 973.055 (1) (a)  
2 1.; and *to create* 939.22 (23) and 940.235 of the statutes; **relating to:**  
3 strangulation and suffocation, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, anyone who intentionally impedes the normal breathing or blood circulation of another person by applying pressure on the throat or neck, or by blocking the nose or mouth, of the other person is guilty of a Class H felony, and subject to a fine not to exceed \$10,000, a prison term not to exceed six years, or both. If the actor has a previous conviction for this offense or for another violent offense, he or she is guilty of a Class G felony, and subject to a fine not to exceed \$25,000, a prison term not to exceed 10 years, or both.

Current law provides for an enhanced sentence and other penalties if a person commits a crime using a dangerous weapon or if a person who is convicted of certain offenses has a previous conviction for a violent crime. The bill broadens the definition of a "dangerous weapon" to include a ligature or any other instrument used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood, and includes strangulation and suffocation in the definition of a "violent crime."

The bill also expands the definition of "substantial bodily harm" to include a bruise, contusion, or petechia that is caused by strangulation or suffocation. Finally, the bill requires a person who is convicted of a strangulation or suffocation offense that involves a person who had a restraining order against the offender, the

**ASSEMBLY BILL 499**

offender's spouse or former spouse, an adult with whom the offender lives or formerly lived, or an adult with whom the offender has a child to pay a domestic abuse assessment of \$75 for each offense.

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.

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

1           **SECTION 1.** 939.22 (10) of the statutes is amended to read:

2           939.22 (10) "Dangerous weapon" means any firearm, whether loaded or  
3 unloaded; any device designed as a weapon and capable of producing death or great  
4 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or  
5 mouth of another person to impede, partially or completely, breathing or circulation  
6 of blood; any electric weapon, as defined in s. 941.295 (4); or any other device or  
7 instrumentality which, in the manner it is used or intended to be used, is calculated  
8 or likely to produce death or great bodily harm.

9           **SECTION 2.** 939.22 (23) of the statutes is created to read:

10          939.22 (23) "Petechia" means a minute colored spot that appears on the skin,  
11 eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or  
12 rupture to a blood vessel or capillary.

13          **SECTION 3.** 939.22 (38) of the statutes is amended to read:

14          939.22 (38) "Substantial bodily harm" means bodily injury that causes a  
15 laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone;  
16 a broken nose; a burn; a bruise, contusion, or petechia caused by strangulation or  
17 suffocation; a temporary loss of consciousness, sight or hearing; a concussion; or a  
18 loss or fracture of a tooth.

**ASSEMBLY BILL 499**

1           **SECTION 4.** 939.632 (1) (e) 1. of the statutes is amended to read:

2           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
3           (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
4           941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2),  
5           948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.085, or 948.30 (2).

6           **SECTION 5.** 940.235 of the statutes is created to read:

7           **940.235 Strangulation and suffocation. (1)** Whoever intentionally  
8           impedes the normal breathing or circulation of blood by applying pressure on the  
9           throat or neck or by blocking the nose or mouth of another person is guilty of a Class  
10          H felony.

11          **(2)** Whoever violates sub. (1) is guilty of a Class G felony if the actor has a  
12          previous conviction under this section or a previous conviction for a violent crime, as  
13          defined in s. 939.632 (1) (e) 1.

14          **SECTION 6.** 973.055 (1) (a) 1. of the statutes is amended to read:

15          973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
16          in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
17          940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,  
18          940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01,  
19          947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,  
20          941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125; and

21

(END)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAJ  
xref

12-3-12

1 AN ACT <sup>gen cat</sup> ... relating to: the definition of petechia.

which is defined

***Analysis by the Legislative Reference Bureau***

Under current law, the definition of "substantial bodily harm" includes an injury that causes a petechia. Current law defines "petechia" as a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of a localized hemorrhage or rupture to a blood vessel or capillary.

This bill redefines "petechia" to specify that the hemorrhage or rupture is caused by strangulation or suffocation.

must be

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

2 SECTION 1. 939.22 (23) of the statutes is amended to read:

3 939.22 (23) "Petechia" means a minute colored spot that appears on the skin,

4 eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or

rupture to a blood vessel or capillary that is caused by strangulation or suffocation.

**History:** 1971 c. 219; 1973 c. 336; 1977 c. 173; 1979 c. 89, 221; 1981 c. 79 s. 17; 1981 c. 89, 348; 1983 a. 17, 459; 1985 a. 146 s. 8; 1987 a. 332, 399; 1993 a. 98, 213, 227, 441, 486; 1995 a. 69, 436, 448; 1997 a. 143, 295; 2001 a. 109; 2003 a. 97, 223; 2005 a. 273, 277, 435; 2007 a. 27, 97, 127; 2009 a. 28, 276; 2011 a. 35.





other

mv

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

12774

regen

1 AN ACT *to amend* 939.22 (23) of the statutes; **relating to:** the definition of  
2 petechia.

***Analysis by the Legislative Reference Bureau***

Under current law, the definition of “substantial bodily harm” includes a petechia, which is defined as a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of a localized hemorrhage or rupture to a blood vessel or capillary.

This bill redefines “petechia” to specify that the hemorrhage or rupture must be caused by strangulation or suffocation.

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

3 SECTION 1. 939.22 (23) of the statutes is amended to read:

4 939.22 (23) “Petechia” means a minute colored spot that appears on the skin,  
5 eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or  
6 rupture to a blood vessel or capillary that is caused by strangulation or suffocation.

7 (END)

**Barman, Mike**

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**From:** Nilsestuen, Joel  
**Sent:** Monday, January 27, 2014 2:14 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0672/1 Topic: Definition of petechia

Please Jacket LRB -0672/1 for the SENATE.