2013 DRAFTING REQUEST

Bill							
Received: 3/11/2014			F	Received By:	phurley		
Wante	ed: As time permits			Sa	ame as LRB:	-4371	
For:	For: Glenn Grothman (608) 266-7513				By/Representing:		
May Contact:					Orafter:	phurley	•
Subject: Criminal Law - miscellaneous					Addl. Drafters:		
				F	Extra Copies:		
Reque Carbon	t via email: ster's email: n copy (CC) t		rothman@le _l	gis.wisconsi	n.gov		
Pre To	ecific pre topi	ic given					
Topic	dation of a w	itness					
Instru	ections:						
See att	tached						
Drafti	ing History:						
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1	phurley 3/11/2014	scalvin 3/11/2014	rschluet 3/12/2014		sbasford 3/12/2014	mbarman 3/12/2014	
FE Se	nt For:						
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Subject: Criminal Law - miscellaneous				I	Addl. Drafters:		
				I	Extra Copies:		
Submit via email: Requester's email: Carbon copy (CC) to: Pre Topic: YES Sen.Grothman@legis.wisconsin.gov							
	-	opic given					
Topic:	dation of a	witness					
Instru	ections:						
See att	tached						
Drafti	ing Histor	y:					
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1	phurley 3/11/201	scalvin 4 3/11/2014	rschluet 3/12/2014		sbasford 3/12/2014		
FE Se	nt For:						
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2013 DRAFTING REQUEST

Bill

Received:

3/11/2014

Received By:

phurley

Wanted:

As time permits

Same as LRB:

-4371

For:

Glenn Grothman (608) 266-7513

By/Representing:

May Contact:

Drafter:

phurley

Subject:

Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email:

YES

Requester's email:

Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Intimidation of a witness

Instructions:

See attached

Drafting History:

Vers. Drafted

Reviewed

<u>Typed</u> Proofed **Submitted**

Jacketed

Required

/1 phurley /1 Sac /1 sac 03/11/2014 03/11/2014

FE Sent For:

<END>



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State of Misconsin 2013 - 2014 LEGISLATURE

LRB-4371/PF PJH:sac:49 4 392/

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3-11-4 no dume

AN ACT to amond 940.44 (2) of the statutes: relating to: in

AN ACT to amend 940.44 (2) of the statutes; relating to: intimidating a witness.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to intimidate a witness. Current law sets forth three statutory categories of intimidation: one, preventing or dissuading a victim or a person acting on the victim's behalf from making a report of the crime; two, preventing or dissuading the victim or a person acting on the victim's behalf from causing a complaint, indictment, or information to be sought and prosecuted and assisting in the prosecution, and three, preventing or dissuading the victim or a person acting on the victim's behalf from arresting, or causing or seeking the arrest of, a person in connection with the criminal act.

In *State of Wisconsin v. Freer*, 2010 WI App 9, the court of appeals held that the statutory language for the second category, causing a complaint, indictment, or information to be sought and prosecution and assisting in the prosecution thereof, should be read so that a person who prevents or dissuades a victim from doing any one or more of the following is guilty of intimidating a witness: causing a complaint, indictment, or information to be sought, causing a complaint to be prosecuted, or assisting in the prosecution.

This bill amends the statutory language to comply with the interpretation set forth in the *Freer* case.

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

LRB-4371/P1 PJH:sac:rs SECTION 1

1	SECTION 1. 940.44 (2) of the statutes is amended to read:
2	940.44 (2) Causing a complaint, indictment, or information to be sought and
3	or prosecuted and, or assisting in the prosecution thereof.
4	(END)

Barman, Mike

From: Sent:

Sen.Grothman

Wednesday, March 12, 2014 1:26 PM

To:

Subject:

LRB.Legal
Draft Review: LRB -4392/1 Topic: Intimidation of a witness

Please Jacket LRB -4392/1 for the SENATE.