

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:

<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 3/11/2014	scalvin 3/11/2014	rschluet 3/12/2014	_____	sbasford 3/12/2014	mbarman 3/12/2014	

FE Sent For:

<END>

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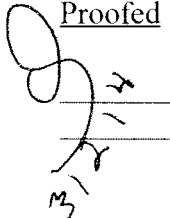
Topic:

Intimidation of a witness

Instructions:

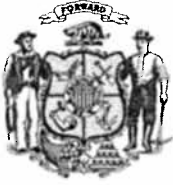
See attached

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/1	phurley	/1 SAC 03/11/2014	/1 SAC 03/11/2014				

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-43717P

PJH:sac

steps
439211

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

comp.
10/11

3-11-14
no change

Gen cat

1 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:

Barman, Mike

From: Sen.Grothman
Sent: Wednesday, March 12, 2014 1:26 PM
To: LRB.Legal
Subject: Draft Review: LRB -4392/1 Topic: Intimidation of a witness

Please Jacket LRB -4392/1 for the SENATE.