

2015 DRAFTING REQUEST

Bill

Received: 3/31/2015 Received By: phurley
Wanted: As time permits Same as LRB: -1975
For: Richard Gudex (608) 266-5300 By/Representing: Lance Burri
May Contact: Drafter: phurley
Subject: Criminal Law - law enforcement Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Enhanced penalty for threat or battery to prosecutors and law enforcement officers

Instructions:

09AB423, with amendment, and including LEOs. Amd 940.20 to exclude LEOs from that provision

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 3/31/2015	kfollett 3/31/2015	rschluet 3/31/2015	_____	sbasford 3/31/2015	lparisi 4/1/2015	State S&L

FE Sent For:

→ At Intro.

<END>

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1975/2
PJH:kjf:kf

2015 BILL

2115/1
compensation
102

4-2-15

1 AN ACT *to amend* 940.20 (2), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a)
2 and 940.203 (2) (b); and *to create* 940.203 (1) (c), 940.203 (1) (d) and 940.203
3 (2) (d) of the statutes; **relating to:** battery and threats to a judge, a prosecutor,
4 or a law enforcement officer and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may intentionally cause bodily harm to a law enforcement officer acting in an official capacity, if the actor knows or has reason to know that the victim is a law enforcement officer. Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who commits any of these acts is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than six years, or both.

Under this bill, a person who intentionally causes or threatens bodily harm to a judge, a prosecutor, or a law enforcement officer, or who intentionally causes or threatens bodily harm to a family member of any of those persons, is guilty of Class H felony if the person knows or should know that the victim is a judge, prosecutor, law enforcement officer, or family member of any of those, if the person commits the offense in response to any action taken in the judge's, prosecutor's, or law enforcement officer's official capacity, or if the person commits the offense while the judge, prosecutor, or law enforcement officer is acting in his or her official capacity.

BILL

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.** 940.20 (2) of the statutes is amended to read:

2 940.20 (2) ~~BATTERY TO LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND~~
3 ~~COMMISSION WARDENS.~~ Whoever intentionally causes bodily harm to a law
4 ~~enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8) (b) and~~
5 ~~(e), or to a commission warden, acting in an official capacity and the person knows~~
6 ~~or has reason to know that the victim is a law enforcement officer, fire fighter, or~~
7 ~~commission warden, by an act done without the consent of the person so injured, is~~
8 guilty of a Class H felony.

9 **SECTION 2.** 940.203 (title) of the statutes is amended to read:

10 **940.203 (title) Battery or threat to judge, prosecutor, or law**
11 **enforcement officer.**

12 **SECTION 3.** 940.203 (1) (c) of the statutes is created to read:

13 940.203 (1) (c) "Law enforcement officer" has the meaning given in s. 102.475
14 (8) (c).

15 **SECTION 4.** 940.203 (1) (d) of the statutes is created to read:

16 940.203 (1) (d) "Prosecutor" means any of the following:

17 1. A district attorney, a deputy district attorney, an assistant district attorney,
18 or a special prosecutor appointed under s. 978.045 or 978.05 (8) (b).

19 2. The attorney general, a deputy attorney general, or an assistant attorney
20 general performing the duties of a district attorney.

21 **SECTION 5.** 940.203 (2) (intro.) of the statutes is amended to read:

Barman, Mike

From: Burri, Lance
Sent: Wednesday, April 01, 2015 3:04 PM
To: LRB.Legal
Subject: Draft Review: LRB -2115/1 Topic: Enhanced penalty for threat or battery to prosecutors and law enforcement officers

Please Jacket LRB -2115/1 for the SENATE.