



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 347

Assembly Amendment 1

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Under current law, a person who intentionally causes bodily harm to a law enforcement officer acting in his or her official capacity is guilty of a Class H felony if the actor knows or has reason to know that the victim is a law enforcement officer. Also under current law, a person who intentionally causes or threatens to cause bodily harm to a judge or a member of a judge's family is guilty of a Class H felony if at the time of the act or threat the person knew or should have known that the victim is a judge or a member of his or her family, and the judge is acting in his or her official capacity, or the act or threat is a response to any action taken in an official capacity.

2015 ASSEMBLY BILL 347

Assembly Bill 347 provides that it is a Class H felony to either cause bodily harm or threaten to cause bodily harm to the person of or family of a judge, law enforcement officer, prosecutor, or public defender under any of the following circumstances:

- The person causing or threatening to cause the harm knows or should have known that the victim is a judge, law enforcement officer, prosecutor, or public defender or a member of a judge's, law enforcement officer's, prosecutor's, or public defender's family;
- The act or threat is in response to any action taken by the judge, law enforcement officer, prosecutor, or public defender in an official capacity; or
- The judge, law enforcement officer, prosecutor, or public defender is acting in his or her official capacity at the time of the act or threat.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes the following changes to the bill:

- It expands the definitions of judge, law enforcement officer, prosecutor, and public defender to include persons who formerly served in these positions.
- It applies the bill's provisions if the act or threat is in response to any action taken by **a** judge, law enforcement officer, prosecutor, or public defender in an official capacity, not necessarily **the** judge, law enforcement officer, prosecutor, or public defender against whom the act or threat was made.
- It deletes the provision pertaining to the protected official acting in his or her official capacity at the time of the act or threat.
- Finally, it makes the circumstances under which the bill's prohibitions may be violated conjunctive rather than disjunctive; that is, a person is guilty if he or she knows or should have known the victim was a judge, law enforcement officer, prosecutor, or public defender **and** the threat or act was in response to an act taken by a judge, law enforcement officer, prosecutor, or public defender in an official capacity.

BILL HISTORY

Representative Kerkman offered Assembly Amendment 1 to Assembly Bill 347 on October 26, 2015. On October 27, 2015, the Assembly voted to recommend adoption of Assembly Amendment 1 on a voice vote. On the same day, the Assembly voted to recommend passage of the bill, as amended, on a vote of Ayes, 80; Noes, 15.

JO:ksm