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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Contact:** Melissa Schmidt, Senior Staff Attorney

2019 Assembly Bill 175

Assembly Substitute  
Amendment 1

### BACKGROUND

In general, it is a Class A misdemeanor for a person to intentionally cause bodily harm<sup>1</sup> (battery) to a person without the other person's consent. However, it is a violation of battery to an emergency medical care provider, a Class H felony, for a person to commit a battery against an **emergency department worker**, emergency medical services practitioner, emergency medical responder, or ambulance driver who is acting in an official capacity and who the person knows or has reason to know is one of these emergency medical care providers, by an act done without the emergency medical provider's consent. An "emergency department worker" is either of the following:

- An employee of a hospital who works in an emergency department.
- A **health care provider, whether or not employed by a hospital,<sup>2</sup> who works in an emergency department.** For purposes of the crime of battery to an emergency medical care provider, a "health care provider" means "any person who is licensed, registered, permitted or certified by the Department of Health Services or the Department of Safety and Professional Services to provide health care services in the state."

The penalty for a Class A misdemeanor is a fine of up to \$10,000, imprisonment up to nine months, or both. The penalty for a Class H felony is a fine of up to \$10,000, imprisonment up to six years, or both.

### 2019 ASSEMBLY BILL 175

2019 Assembly Bill 175 provides felony penalties for intentionally causing battery to a nurse or to an individual acting under the supervision of a nurse. Under the bill, a person is guilty of a Class H felony if all of the following apply:

- The person intentionally causes battery to a nurse, or to an individual acting under the supervision of a nurse.
- The nurse, or person acting under the nurse's supervision, is acting in his or her professional capacity.
- The person knows or has reason to know that the victim is a nurse or an individual acting under the supervision of a nurse.

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<sup>1</sup> Current law defines "bodily harm" to mean "physical pain or injury, illness, or any impairment of physical condition." [s. 939.22 (4), Stats.]

<sup>2</sup> For purposes of battery to an emergency medical care provider, the term "hospital" uses the definition found in s. 50.33 (2), Stats.

## **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1 retains the provisions of the bill that make it a Class H felony to intentionally cause battery to a nurse. The substitute amendment also expands the crime of battery to an emergency medical care provider, a Class H felony, such that it is also a violation of this crime if a person intentionally commits a battery to a health care provider who works **anywhere in a hospital**, not just in the hospital's emergency department.

## **BILL HISTORY**

Assembly Substitute Amendment 1 was introduced by Representative Magnafici on October 15, 2019. On October 17, 2019, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the substitute amendment by a vote of Ayes, 12; Noes, 1. The committee subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 11; Noes, 2.

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