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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 804**

**Assembly Amendment 1**

### BACKGROUND

Current law contains the crimes of intimidating a victim and intimidating a witness. Specifically, under current law, it is a Class A misdemeanor to knowingly and maliciously prevent or dissuade, or attempt to so prevent or dissuade, a **victim** of a crime from doing any of the following acts:

- Reporting the victimization to any peace officer, law enforcement or prosecuting agency, or judge.
- Causing a criminal complaint to be sought or prosecuted, or assisting in the prosecution of the complaint.
- Arresting, or causing or seeking the arrest of, any person in connection with the victimization.

In addition, it is Class A misdemeanor to knowingly and maliciously prevent or dissuade, or attempt to so prevent or dissuade, any **witness** of a crime from attending or giving testimony at any trial, proceeding, or lawful inquiry.

Under current law, both crimes are punishable as a Class G felony if the act of intimidating the victim or intimidating the witness is committed under certain aggravating circumstances, such as when the act is accompanied by force or violence, for monetary gain, or in furtherance of a conspiracy.

### 2019 ASSEMBLY BILL 804

Assembly Bill 804 creates an aggravating circumstance for the crime of intimidating a **victim**. Specifically, under the bill, it is a Class G felony to commit the crime of intimidating a victim if the underlying crime is either an act of domestic abuse<sup>1</sup> that constitutes a commission of a crime, or a crime that, following a conviction, is subject to the domestic abuse surcharge.<sup>2</sup>

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 also creates an aggravating circumstance for the crime of intimidating a **witness**. Under the amendment, it is a Class G felony to commit the crime of intimidating a witness if the proceeding is a criminal trial, where the crime is either an act of domestic abuse that constitutes a

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<sup>1</sup> “Domestic abuse” means certain physical acts engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common. [s. 968.075(1)(a), Stats.]

<sup>2</sup> Under current law, courts must impose a domestic abuse surcharge of \$100 if a person is convicted of knowingly violating a domestic abuse temporary restraining order or injunction, or is otherwise convicted of violating certain specified crimes and the court finds the conduct constituting the violation involved an act by an adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided, or against an adult with whom the adult person has created a child. [s. 973.055, Stats.]

commission of a crime, or a crime that, following a conviction, is subject to the domestic abuse surcharge.

## **BILL HISTORY**

Representative Knodl offered Assembly Amendment 1 on February 4, 2020. On February 6, 2020, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 9; Noes, 5.

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