

# State of Wisconsin



2021 Senate Bill 420

Date of enactment: **March 17, 2022**

Date of publication\*: **March 18, 2022**

## 2021 WISCONSIN ACT 191

AN ACT to amend 940.203 (3) (intro.), 940.203 (3) (a) and 940.203 (3) (b); and to create 940.203 (1) (ab) of the statutes; relating to: battery or threat to an officer of the court in a tribal proceeding and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations. Under current law, it is a Class H felony to intentionally cause or threaten to cause bodily harm to the person or a family member of a guardian ad litem, corporation counsel, or attorney if (a) the person causing or threatening to cause the harm knows or should have known the person is a current or former guardian ad litem, corporation counsel, or attorney, or a member of the current or former guardian ad litem's, corporation counsel's, or attorney's family and (b) the act or threat is in response to an action taken by the current or former guardian ad litem, corporation counsel, or attorney in his or her official capacity in a court proceeding relating to child welfare, juvenile justice, guardianships, protective services, or an action affecting the family.

This bill provides that a person who intentionally causes or threatens to cause bodily harm to the person or a family member of an advocate, as defined by the bill, is guilty of a Class H felony if (a) the person causing or threatening to cause the harm knows or should have known the person is an advocate or a member of the advocate's family and (b) the act or threat is in response to an action taken by the advocate in his or her official capacity in a tribal court proceeding similar to the proceedings described above. "Advocate" is defined by the bill to mean "an individual who is representing the interests of a child, the tribe, or another party in a tribal court proceeding."

**SECTION 1.** 940.203 (1) (ab) of the statutes is created to read:

940.203 (1) (ab) "Advocate" means an individual who is representing the interests of a child, the tribe, or another party in a tribal court proceeding.

**SECTION 2.** 940.203 (3) (intro.) of the statutes is amended to read:

940.203 (3) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of a current or former guardian ad litem, corporation counsel, advocate, or attorney under all of the following circumstances is guilty of a Class H felony:

**SECTION 3.** 940.203 (3) (a) of the statutes is amended to read:

940.203 (3) (a) At the time of the act or threat, the actor knows or should have known that the victim is a current or former guardian ad litem, corporation counsel, advocate, or attorney, or a member of the current or former guardian ad litem's, corporation counsel's, advocate's, or attorney's family.

**SECTION 4.** 940.203 (3) (b) of the statutes is amended to read:

940.203 (3) (b) The act or threat is in response to an action taken by the current or former guardian ad litem, corporation counsel, advocate, or attorney in his or her official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 or in a similar proceeding in a tribal court.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."