2021 SENATE BILL 28

January 28, 2021 - Introduced by Senator MARKLEIN, cosponsored by Representative KURTZ. Referred to Committee on Judiciary and Public Safety.

AN ACT to amend 940.20 (1g) of the statutes; relating to: battery by a person detained while awaiting trial as a sexually violent person and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another person commits simple battery and is guilty of a Class A misdemeanor. Current law increases the penalty for battery under special circumstances. For instance, if a person who is committed to a facility as a sexually violent person commits battery against an officer, employee, agent, visitor, or other resident of the facility, the person is guilty of a Class H felony. This bill adds that a person who is placed in a facility awaiting a commitment trial as a sexually violent person is also guilty of a Class H felony if he or she commits battery against an officer, employee, agent, visitor, or other resident of the facility.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

SECTION 1. 940.20 (1g) of the statutes is amended to read:
940.20 (1g) Battery by certain detained or committed persons. Any person who is placed in a facility under s. 980.04 or 980.065 and who intentionally causes bodily harm to an officer, employee, agent, visitor, or other resident of the facility, without his or her consent, is guilty of a Class H felony.

(END)