

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-3915/1 EAW:kjf

## 2021 SENATE BILL 420

June 14, 2021 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Judiciary and Public Safety.

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

## Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

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, 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 her official capacity in a court proceeding relating to child welfare, juvenile justice, guardianships, protective services, or an action affecting the family.

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19	(END)
18	similar proceeding in a tribal court.
17	official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 or in a
16	or former guardian ad litem, corporation counsel, <u>advocate</u> , or attorney in his or her
15	940.203 (3) (b) The act or threat is in response to an action taken by the current
14	<b>SECTION 4.</b> 940.203 (3) (b) of the statutes is amended to read:
13	corporation counsel's, <u>advocate's,</u> or attorney's family.
12	advocate, or attorney, or a member of the current or former guardian ad litem's,
11	known that the victim is a current or former guardian ad litem, corporation counsel,
10	940.203 (3) (a) At the time of the act or threat, the actor knows or should have
9	<b>SECTION 3.</b> 940.203 (3) (a) of the statutes is amended to read:
8	circumstances is guilty of a Class H felony:
7	ad litem, corporation counsel, <u>advocate</u> , or attorney under all of the following
6	cause bodily harm to the person or family member of a current or former guardian
5	940.203 (3) (intro.) Whoever intentionally causes bodily harm or threatens to
4	<b>SECTION 2.</b> 940.203 (3) (intro.) of the statutes is amended to read:
3	interests of a child, the tribe, or another party in a tribal court proceeding.
2	940.203 (1) (ab) "Advocate" means an individual who is representing the
1	<b>SECTION 1.</b> 940.203 (1) (ab) of the statutes is created to read:
	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."