

State of Wisconsin



2007 Senate Bill 260

Date of enactment: **March 20, 2008**

Date of publication*: **April 3, 2008**

2007 WISCONSIN ACT 127

AN ACT *to amend* 939.22 (10), 939.22 (38), 939.632 (1) (e) 1. and 973.055 (1) (a) 1.; and *to create* 939.22 (23) and 940.235 of the statutes; **relating to:** strangulation and suffocation, and providing a penalty.

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

SECTION 1. 939.22 (10) of the statutes is amended to read:

939.22 (10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, as defined in s. 941.295 (4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

SECTION 2. 939.22 (23) of the statutes is created to read:

939.22 (23) "Petechia" means a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.

SECTION 3. 939.22 (38) of the statutes is amended to read:

939.22 (38) "Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of conscious-

ness, sight or hearing; a concussion; or a loss or fracture of a tooth.

SECTION 4. 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.085, or 948.30 (2).

SECTION 5. 940.235 of the statutes is created to read:

940.235 Strangulation and suffocation. (1) Whoever intentionally impedes the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person is guilty of a Class H felony.

(2) Whoever violates sub. (1) is guilty of a Class G felony if the actor has a previous conviction under this section or a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1.

SECTION 6. 973.055 (1) (a) 1. of the statutes is amended to read:

973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21, 940.225, 940.23, 940.235, 940.285, 940.30,

* Section 991.11, WISCONSIN STATUTES 2005-06 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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940.305, 940.31, 940.42, 940.43, 940.44, 940.45, municipal ordinance conforming to s. 940.201, 941.20,
940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
943.15, 946.49, 947.01, 947.012 or 947.0125 or of a 947.01, 947.012 or 947.0125; and
