
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 187
[2021 Senate Bill 100]

Battery to a Probation, Extended Supervision, Parole, Community Supervision, or Aftercare Agent

BACKGROUND

In general, a person commits the crime of battery if he or she causes bodily harm¹ to another person without the other person's consent. The crime of battery is a Class A misdemeanor.

A person commits substantial battery if he or she causes great bodily harm to another by an act done with intent to cause bodily harm to that person and aggravated battery if he or she causes great bodily harm² to another by an act done with intent to cause great bodily harm to that person. Felony penalties apply to the crimes of substantial battery and aggravated battery.

Felony penalties also apply to battery committed under certain circumstances. One such circumstance is when a person commits battery against a probation, extended supervision, parole,³ community supervision,⁴ or aftercare⁵ agent. Under current law, it is a Class H felony for a person to intentionally cause bodily harm to a probation, extended supervision, parole, community supervision, or aftercare agent, who is acting in an official capacity if both of the following apply:

- The person knows or has reason to know that the victim is a probation, extended supervision, parole, community supervision, or aftercare agent.
- The probation, extended supervision, parole, community supervision, or aftercare agent does not consent.

The penalty for a Class A misdemeanor is a fine of up to \$10,000, imprisonment of up to nine months, or both. The penalty for a Class H felony is a fine of up to \$10,000, imprisonment of up to six years, or both.

¹ Current law defines "bodily harm" to mean "physical pain or injury, illness, or any impairment of physical condition." [s. 939.22 (4), Stats.]

² Great bodily harm is defined, by statute, to mean "bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury." [s. 939.22 (14), Stats.]

³ A probation, extended supervision, or parole agent is any person authorized by the Department of Corrections (DOC) to exercise control over a probationer, parolee, or person on extended supervision. [s. 940.20 (2m) (a) 2., Stats.]

⁴ A community supervision agent is any person authorized by DOC to exercise control over a juvenile on community supervision. [s. 940.20 (2m) (a) 1m., Stats.]

⁵ An aftercare agent is any person authorized by DOC to exercise control over a juvenile on aftercare. [s. 940.20 (2m) (a) 1., Stats.]

2021 WISCONSIN ACT 187

2021 Wisconsin Act 187 makes a variety of changes to the crime of battery to a probation, extended supervision, parole, community supervision, or aftercare agent. First, the act prohibits intentionally threatening to cause bodily harm to the specified categories of individuals. Prior law prohibited intentionally causing bodily harm to these individuals, but did not prohibit threatening to cause bodily harm.

Second, the act provides that the felony penalties for threatening or causing bodily harm to a probation, extended supervision, parole, community supervision, or after care agent, also apply to threatening or causing bodily harm to the family member of a probation, extended supervision, parole, community supervision, or after care agent. For this purpose, “family member” is defined to mean a spouse, child, stepchild, foster child, parent, sibling, or grandchild.

Finally, the act amends the definitions of “aftercare agent” and “community supervision agent” to include persons authorized by federally recognized American Indian tribes or bands to exercise control over a juvenile on aftercare or a comparable program that is authorized by the tribe or band.⁶

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⁶ The act defines “exercise control” to include exercising control either directly or through a subordinate, and includes transporting the person supervised.