



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 263

Assembly Amendment 1

Memo published: October 24, 2011

Contact: Katie Bender-Olson, Staff Attorney (266-2988)

Assembly Bill 263

2011 Assembly Bill 263 permits a court to impose certain response and investigation costs on a defendant who violates s. 946.41, Stats., by obstructing an officer. The bill allows a defendant to be charged for reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate false information provided by the defendant or physical evidence planted by the defendant. These costs may include personnel costs and costs associated with the use of police or emergency response vehicles.

Assembly Amendment 1

Assembly Amendment 1 specifies that response or investigation costs cannot be imposed on a defendant under certain circumstances involving abusive conduct, including interspousal battery, domestic abuse, harassment, sexual exploitation by a therapist, sexual assault, or child abuse.

Specifically, **Assembly Amendment 1** provides that costs cannot be charged against a defendant if: (1) the defendant was charged with obstructing an officer solely because he or she recanted a report of abuse; (2) the defendant was a victim of abuse and was charged with obstructing an officer because he or she omitted information or provided false information during an investigation into the abuse; or (3) the defendant was charged with obstructing an officer solely because his or her report did not lead to charges against, or conviction of, another person.

Legislative History

Assembly Amendment 1 was offered by Representatives Knodl and Krug on October 17, 2011. On October 19, 2011, the Assembly Committee on Criminal Justice and Corrections recommended adoption of the amendment on a vote of Ayes, 8; Noes, 1. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 9; Noes, 0.

KBO:ty