



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 117	Senate Amendment 1
<i>Memo published: April 30, 2015</i>	<i>Contact: David Moore, Staff Attorney (266-1946)</i>

Under current law, a person who intentionally causes bodily harm to a law enforcement officer acting in his or her official capacity is guilty of a Class H felony if the actor knows or has reason to know that the victim is a law enforcement officer. Also under a current law, a person who intentionally causes or threatens to cause bodily harm to a judge or a member of a judge's family is guilty of a Class H felony if at the time of the act or threat the person knows or should have known that the victim is a judge or a member of his or her family, and the judge is acting in his or her official capacity or the act or threat is a response to any action taken in an official capacity.

2015 SENATE BILL 117

Senate Bill 117 provides that it is a Class H felony to either cause bodily harm or threaten to cause bodily harm to the person or family of a law enforcement officer, prosecutor, or judge under any of the following circumstances:

- The person causing or threatening to cause the harm knows or should have known that the victim is a judge, prosecutor, or law enforcement officer or a member of a judge's, prosecutor's, or law enforcement officer's family;
- The act or threat is in response to any action taken by the judge, prosecutor, or law enforcement officer in an official capacity; or
- The judge, prosecutor, or law enforcement officer is acting in his or her official capacity at the time of the act or threat.

SENATE AMENDMENT 1

Senate Amendment 1 makes the following changes to the bill:

- It expands the definitions of judge, prosecutor, and law enforcement officer to include former judges, prosecutors, and law enforcement officers.
- It applies the bill's provisions if the act or threat is in response to any action taken by **a** judge, prosecutor, or law enforcement officer in an official capacity, not necessarily **the** judge, prosecutor, or law enforcement officer against whom the act or threat was made.
- The amendment also deletes the provision pertaining to the judge, prosecutor, or law enforcement officer acting in his or her official capacity at the time of the act or threat.
- Finally, the amendment makes the circumstances under which the bill's prohibitions may be violated conjunctive rather than disjunctive; that is, a person is guilty if he or she knows or should have known the victim was a judge, prosecutor, or law enforcement officer **and** the threat or act was in response to an act taken by a judge, prosecutor, or law enforcement officer in an official capacity.

BILL HISTORY

Senator Gudex offered Senate Amendment 1 to Senate Bill 117 on April 10, 2015. On April 28, 2015, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendment 1. On the same day, the committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

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