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State of Misconsin 2007 - 2008 LEGISLATURE

LRB-3365/1 PJH:jld:pg

2007 ASSEMBLY BILL 564

November 2, 2007 – Introduced by Representatives Gundrum, Musser, Lemahieu, Jeskewitz, Berceau, Hahn, Shilling, Townsend and A. Ott, cosponsored by Senators Kapanke, Vinehout, Lazich, Olsen and Roessler. Referred to Committee on Judiciary and Ethics.

1 AN ACT to repeal 29.341 and 346.74 (5) (e); and to create 940.245 of the statutes;

relating to: duties upon causing an injury, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who accidentally injures another person while hunting with a firearm or a bow has a duty to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to comply with these requirements is subject to a fine of up to \$5,000 or imprisonment for up to one year if the person intentionally failed to comply, or for up to nine months if the person negligently failed to comply, or both.

Under this bill, any person who knows that he or she has injured another with a dangerous weapon is required to give his or her name to the injured person, render assistance to the person, obtain immediate medical care for the person, and report the incident to a local law enforcement agency. A person who fails to do so is guilty of: 1) a Class A misdemeanor if the violation involved injury to a person but the person did not suffer great bodily harm; 2) a Class E felony if the violation involved injury to a person and the person suffered great bodily harm; or 3) a Class D felony if the violation involved death to a person. The bill also eliminates a provision in the statutes that leaving the scene of a motor vehicle accident is a felony if the accident involved injury, but not great bodily harm, to another person.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **Section 1.** 29.341 of the statutes is repealed.
- 2 **Section 2.** 346.74 (5) (e) of the statutes is repealed.
- 3 **Section 3.** 940.245 of the statutes is created to read:
 - 940.245 Duties upon accidental injury by dangerous weapon. (1) Any person who injures or kills another person with a dangerous weapon, and who knows or should know that the person has been injured or killed, shall immediately give his or her name and address to the injured person, render assistance to the injured person and obtain immediate medical or hospital care for the injured person, and immediately report the injury or death to the sheriff or police of the locality in which the incident took place.
 - (2) Any person who violates sub. (1):
 - (a) Is guilty of a Class A misdemeanor if the violation involved injury to a person but the person did not suffer great bodily harm.
 - (b) Is guilty of a Class E felony if the violation involved injury to a person and the person suffered great bodily harm.
 - (c) Is guilty of a Class D felony if the violation involved death to a person.

17 (END)