



2013 ASSEMBLY BILL 213

May 17, 2013 - Introduced by Representatives BIES, BERNIER, KLEEFISCH, T. LARSON, KERKMAN, NASS, A. OTT and RIPP, cosponsored by Senator L. TAYLOR. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 940.20 (4); and *to create* 940.20 (4) (a) and
2 947.014 of the statutes; **relating to:** battery to family member of a public
3 officer, harassment of a legislator or his or her family, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, an individual who intentionally causes bodily harm to a public officer in order to influence the action of the public officer or as a result of any action the public officer took (battery to a public officer) is guilty of a Class I felony. Under this bill, battery to a public officer would include intentionally causing bodily harm to a family member of a public officer in order to influence the action of the public officer or as a result of any action the public officer took. Also, under this bill, an individual who, with the intention of harassing or intimidating a legislator or a member of his or family, either due to an official action of a legislator or with the intention of influencing an official action, strikes, shoves, or kicks the legislator or his or her family member; commits acts that harass or intimidate the legislator or his or her family member with no legitimate purpose; or remains on or within 100 yards of property that the legislator or family member owns or occupies is guilty of a Class A misdemeanor. The classification of the crime increases to a Class H felony if the act is accompanied by a credible threat that places the legislator or family member in reasonable fear of death or bodily harm or if the conviction is the second or subsequent conviction, or the individual has been convicted of battery to a public officer, stalking, or harassment, and the victim is the same legislator or a family member of the same legislator.

ASSEMBLY BILL 213

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.

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

1 **SECTION 1.** 940.20 (4) of the statutes is renumbered 940.20 (4) (b) and amended
2 to read:

3 940.20 (4) (b) Whoever intentionally causes bodily harm to the person or family
4 member of a public officer in order to influence the action of such the public officer
5 or as a result of any action taken within an official capacity, without the consent of
6 the person injured, is guilty of a Class I felony.

7 **SECTION 2.** 940.20 (4) (a) of the statutes is created to read:

8 940.20 (4) (a) In this subsection, “family member” has the meaning given in s.
9 940.201 (1) (a).

10 **SECTION 3.** 947.014 of the statutes is created to read:

11 **947.014 Harassment; special circumstances. (1)** In this section:

12 (a) “Course of conduct” has the meaning given in s. 947.013 (1) (a).

13 (b) “Credible threat” has the meaning given in s. 947.013 (1) (b).

14 **(2)** Whoever, with intent to harass or intimidate a legislator or a member of his
15 or her family, due to an action the legislator has taken in his or her official capacity
16 or to influence the action of the legislator in his or her official capacity, does any of
17 the following is guilty of a Class A misdemeanor:

18 (a) Strikes, shoves, kicks, or otherwise subjects the legislator or family member
19 to physical contact or attempts or threatens to do the same.

ASSEMBLY BILL 213

1 (b) Engages in a course of conduct or repeatedly commits acts which harass or
2 intimidate the legislator or family member and which serve no legitimate purpose.

3 (c) Remains for a period on or within 100 yards of private property that the
4 legislator or family member owns or occupies without the consent of the legislator
5 or family member.

6 **(3)** Whoever violates sub. (2) is guilty of a Class H felony if any of the following
7 applies:

8 (a) The act is accompanied by a credible threat that places the legislator or a
9 family member of the legislator in reasonable fear of death or bodily harm.

10 (b) The actor has a prior conviction under this section or under s. 940.20 (4),
11 940.32 (2), or 947.013 involving the same legislator or any family member of the same
12 legislator.

13 **(END)**