LRB-4313/1 PJH:jld

2015 SENATE BILL 544

January 8, 2016 – Introduced by Senators Wanggaard, Nass and Olsen, cosponsored by Representatives Novak, Born, Ballweg, E. Brooks, Heaton, Horlacher, Kitchens, Kleefisch, Murphy, Mursau, A. Ott, J. Ott, Rodriguez, Rohrkaste and Spiros. Referred to Committee on Judiciary and Public Safety.

- AN ACT to amend 941.375 (2); and to create 941.375 (1) (am) of the statutes; relating to: throwing or expelling a bodily fluid at a prosecutor and providing
- 3 a criminal penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who throws or expels blood, semen, vomit, saliva, urine, feces, or other bodily substance at or toward an emergency medical technician, a first responder, a law enforcement officer, a fire fighter, or a person operating or staffing an ambulance is guilty of a Class I felony.

Under this bill, the same penalty applies to a person who throws or expels blood, semen, vomit, saliva, urine, feces, or other bodily substance at or toward a prosecutor.

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

- **SECTION 1.** 941.375 (1) (am) of the statutes is created to read:
- 5 941.375 (1) (am) "Prosecutor" means any of the following:
- 6 1. A district attorney, a deputy district attorney, an assistant district attorney,
- 7 or a special prosecutor appointed under s. 978.045 or 978.05 (8) (b).

SENATE BILL 544

13

1	2. The attorney general, a deputy attorney general, or an assistant attorney
2	general.
3	Section 2. 941.375 (2) of the statutes is amended to read:
4	941.375 (2) Any person who throws or expels blood, semen, vomit, saliva, urine
5	feces, or other bodily substance at or toward a public safety worker or a prosecutor
6	under all of the following circumstances is guilty of a Class I felony:
7	(a) The person throws or expels the blood, semen, vomit, saliva, urine, feces
8	or other bodily substance with the intent that it come into contact with the public
9	safety worker <u>or prosecutor</u> .
10	(c) The public safety worker or prosecutor does not consent to the blood, semen
11	vomit, saliva, urine, feces, or other bodily substance being thrown or expelled at or
12	toward him or her.

(END)