



2021 ASSEMBLY BILL 895

January 21, 2022 - Introduced by Representatives MILROY, ANDRACA, HEBL, B. MEYERS, SINICKI, STUBBS, SUBECK and VRUWINK, cosponsored by Senators BEWLEY and SMITH. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 939.24 (2); and **to create** 940.232 of the statutes; **relating to:**
2 **endangering safety of an incapacitated person and providing a penalty.**

Analysis by the Legislative Reference Bureau

Under current law, whoever recklessly causes the death of another person is guilty of a Class D felony, and whoever recklessly endangers another person's safety is guilty of a Class G felony. For the purpose of these crimes, "recklessly" means that the actor creates an unreasonable and substantial risk of death or great bodily harm to another person, and that the actor is aware of that risk.

Under this bill, a person who recklessly endangers the safety of a person who is incapacitated by alcohol or another drug is guilty of a Class G felony, if the reckless endangerment of safety results in death. For the purposes of this crime created under the bill, "recklessly" is defined as conduct that creates a situation of unreasonable risk of harm and demonstrates a conscious disregard for the safety of the person who is incapacitated by alcohol or another drug.

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.

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

3 **SECTION 1.** 939.24 (2) of the statutes is amended to read:

