



2021 ASSEMBLY BILL 90

February 18, 2021 - Introduced by Representatives SCHRAA, BRANDTJEN, EDMING, GUNDRUM, KUGLITSCH, MOSES, MURPHY, MURSAU, RAMTHUN, THIESFELDT, TITTL and WICHGERS, cosponsored by Senators JACQUE, BALLWEG, FEYEN and NASS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber and amend* 940.20 (2m) (b); *to amend* 940.20 (2m) (a) 1.
2 and 1m. and 940.20 (2m) (a) 2.; and *to create* 940.20 (2m) (a) 1p. of the statutes;
3 **relating to:** battery or threat to a probation, extended supervision, and parole
4 agent; a community supervision agent; or an aftercare agent or a family
5 member of the agent and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another person commits the crime of simple battery and is guilty of a Class A misdemeanor. Current law provides greater penalties for persons who intentionally cause bodily harm to certain persons, which is special circumstances battery. For example, under current law, a person who intentionally causes bodily harm to a probation, extended supervision, and parole agent; a community supervision agent; or an aftercare agent is guilty of a Class H felony. This bill expands this special circumstances battery crime so that intentionally harming a family member of the agent, or threatening to harm the agent or a family member of the agent, is also a Class H felony. In addition, the bill expands the definition of agent to include an agent in a comparable program authorized by a federally recognized American Indian tribe or band.

ASSEMBLY BILL 90

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:

1 **SECTION 1.** 940.20 (2m) (a) 1. and 1m. of the statutes are amended to read:

2 940.20 **(2m)** (a) 1. “Aftercare agent” means any person authorized by the
3 department of corrections to exercise control over a juvenile on aftercare or
4 authorized by a federally recognized American Indian tribe or band to exercise
5 control over a juvenile on aftercare or a comparable program that is authorized by
6 the tribe or band.

7 1m. “Community supervision agent” means any person authorized by the
8 department of corrections to exercise control over a juvenile on community
9 supervision or authorized by a federally recognized American Indian tribe or band
10 to exercise control over a juvenile on community supervision or a comparable
11 program that is authorized by the tribe or band.

12 **SECTION 2.** 940.20 (2m) (a) 1p. of the statutes is created to read:

13 940.20 **(2m)** (a) 1p. “Family member” means a spouse, child, stepchild, foster
14 child, parent, sibling, or grandchild.

15 **SECTION 3.** 940.20 (2m) (a) 2. of the statutes is amended to read:

16 940.20 **(2m)** (a) 2. “Probation, extended supervision and parole agent” means
17 any person authorized by the department of corrections to exercise control over a
18 probationer, parolee, or person on extended supervision or authorized by a federally
19 recognized American Indian tribe or band to exercise control over a probationer,

ASSEMBLY BILL 90

1 parolee, or person on extended supervision or a comparable program that is
2 authorized by the tribe or band.

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

5 940.20 **(2m)** (b) (intro.) Whoever intentionally causes bodily harm or threatens
6 to cause bodily harm to the person or family member of a probation, extended
7 supervision, and parole agent, a community supervision agent, or an aftercare agent,
8 under all of the following circumstances is guilty of a Class H felony:

9 2. The act or threat is in response to any action taken by the agent acting in an
10 official capacity and,

11 1. At the time of the act or threat, the person actor knows or has reason to know
12 that the victim is a probation, extended supervision and parole agent, a community
13 supervision agent, or an aftercare agent, by an ~~or~~ a member of the agent's family.

14 3. The act or threat is done without the consent of the person so injured, is guilty
15 of a Class H felony harmed or threatened.

16 (END)