



2021 SENATE BILL 28

January 28, 2021 - Introduced by Senator MARKLEIN, cosponsored by Representative KURTZ. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 940.20 (1g) of the statutes; **relating to:** battery by a person
2 detained while awaiting trial as a sexually violent person and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another person commits simple battery and is guilty of a Class A misdemeanor. Current law increases the penalty for battery under special circumstances. For instance, if a person who is committed to a facility as a sexually violent person commits battery against an officer, employee, agent, visitor, or other resident of the facility, the person is guilty of a Class H felony. This bill adds that a person who is placed in a facility awaiting a commitment trial as a sexually violent person is also guilty of a Class H felony if he or she commits battery against an officer, employee, agent, visitor, or other resident of the facility.

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:

4 **SECTION 1.** 940.20 (1g) of the statutes is amended to read:

SENATE BILL 28**SECTION 1**

1 940.20 (**1g**) BATTERY BY CERTAIN DETAINED OR COMMITTED PERSONS. Any person
2 who is placed in a facility under s. 980.04 or 980.065 and who intentionally causes
3 bodily harm to an officer, employee, agent, visitor, or other resident of the facility,
4 without his or her consent, is guilty of a Class H felony.

5

(END)