

State of Misconsin 2019 - 2020 LEGISLATURE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 940.203 (3) (intro.), 940.203 (3) (a) and 940.203 (3) (b); and *to* 2 *create* 940.203 (1) (ab) of the statutes; **relating to:** battery or threat to an 3 officer of the court in a tribal proceeding and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it a Class H felony to intentionally cause or threaten to cause bodily harm to an attorney, an individual representing the interests of a child, or an individual representing the interests of a tribe, or a family member of such an individual, if the harm or threat is in response to an action taken by that attorney or individual in his or her official capacity in a court proceeding under tribal law relating to child welfare, juvenile justice, guardianships, protective services, or an action affecting the family. Under current law, an identical crime already exists for harming or threatening to harm an attorney, guardian ad litem, or corporation counsel who is representing someone in a similar proceeding in state court.

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:

SECTION 1. 940.203 (1) (ab) of the statutes is created to read:

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1	940.203 (1) (ab) "Advocate" means an individual who is representing the
2	interests of a child or the tribe in a tribal court proceeding.
3	SECTION 2. 940.203 (3) (intro.) of the statutes is amended to read:
4	940.203 (3) (intro.) Whoever intentionally causes bodily harm or threatens to
5	cause bodily harm to the person or family member of a current or former guardian
6	ad litem, corporation counsel, advocate, or attorney under all of the following
7	circumstances is guilty of a Class H felony:
8	SECTION 3. 940.203 (3) (a) of the statutes is amended to read:
9	940.203 (3) (a) At the time of the act or threat, the actor knows or should have
10	known that the victim is a current or former guardian ad litem, corporation counsel,
11	advocate, or attorney, or a member of the current or former guardian ad litem's,
12	corporation counsel's, <u>advocate's,</u> or attorney's family.
13	SECTION 4. 940.203 (3) (b) of the statutes is amended to read:
14	940.203 (3) (b) The act or threat is in response to an action taken by the current
15	or former guardian ad litem, corporation counsel, <u>advocate</u> , or attorney in his or her
16	official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 <u>or in a</u>
17	similar proceeding in a tribal court.
18	(END)