State of Misconsin 2025 - 2026 LEGISLATURE

LRB-0011/P2 MJW:wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT to repeal 939.22 (21) (em), 940.198 (1) (intro.), 940.20 (title), 940.20 1 2 (1m) (title), 940.20 (2m) (a) (intro.), 940.20 (2m) (b) 3., 940.20 (4m) (a) (intro.), 3 940.20 (5) (a) (intro.), 940.201 (1) (intro.), 940.201 (1) (a), 940.201 (2) (intro.), 4 940.203 (title), 940.203 (1) (intro.), 940.203 (1) (am), 940.203 (2) (c), 940.203 (3) (c), 940.204 (title), 940.204 (1) (intro.), 940.204 (1) (a), 940.204 (2) (c), 5 940.204 (3) (c), 940.205 (1), 940.205 (2) (c), 940.207 (1), 940.207 (2) (c), 940.208 6 7 (3) and 941.38 (1) (b) 5m.; to renumber 940.198 (1) (a), 940.198 (1) (b), 8 940.198 (2), (3) and (4), 940.20 (2m) (a) 1., 940.20 (2m) (a) 1m., 940.20 (2m) (a) 9 10., 940.20 (2m) (a) 1p., 940.20 (2m) (a) 2., 940.20 (4m) (a) 1., 940.20 (4m) (a) 10 2., 940.20 (4m) (a) 3., 940.20 (4m) (a) 4., 940.20 (5) (a) 1., 940.20 (5) (a) 2., 11 940.201 (1) (b), 940.203 (1) (ab), 940.203 (1) (ac), 940.203 (1) (b), 940.203 (1) (c), 12 940.203 (1) (d), 940.204 (1) (b), 940.204 (1) (c) and 940.208 (2) and (2p); to 13 renumber and amend 940.19, 940.195 (title), (1), (2), (4), (5) and (6), 940.198

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(title), 940.20 (1), 940.20 (1g), 940.20 (1m) (a), 940.20 (1m) (b), 940.20 (2), 940.20 (2m) (title), 940.20 (2m) (b) (intro.), 1. and 2., 940.20 (3), 940.20 (4), 940.20 (4m) (title), 940.20 (4m) (b), 940.20 (5) (title), 940.20 (5) (b), 940.20 (6) (title), 940.20 (6) (a), 940.20 (6) (b), 940.201 (title), 940.201 (2) (a), 940.201 (2) (b), 940.203 (2) (intro.), (a) and (b), 940.203 (3) (intro.), (a) and (b), 940.204 (2) (intro.), (a) and (b), 940.204 (3) (intro.), (a) and (b), 940.204 (4), 940.205 (title), 940.205 (2) (intro.), (a) and (b), 940.207 (title), 940.207 (2) (intro.), (a) and (b) and 940.208 (intro.) and (1); *to amend* 118.124 (2) (a) 4., 343.12 (7) (c) 9j., 767.41 (2) (d) 1. a., 767.41 (6) (g) 4., 939.22 (21) (d), 939.22 (21) (e), 939.66 (5), subchapter II (title) of chapter 940 [precedes 940.21], 941.38 (1) (b) 4. and 941.38 (1) (b) 5.; *to create* 165.25 (22) (title), subchapter III (title) of chapter 940 [precedes 940.51], 940.51, 940.60 (intro.), 940.61, 940.62 and 940.63 of the statutes; **relating to:** recodification of battery statutes and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Recodification of Battery Statutes. This bill moves the battery statutes found in ss. 940.19 to 940.208, Stats., into a newly created subch. III, entitled, "Bodily Security; Causing Bodily Harm" in ch. 940, Stats. This bill generally reorganizes the various crimes of battery by: (1) who the actor is; and (2) who the person harmed is. In doing so, the bill also makes the following changes to the battery statutes:

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The bill combines into one section all of the definitions that are created specifically for the battery statutes. This bill does not create duplicate definitions for terms that are already defined in ch. 939, Stats., (e.g., bodily harm, substantial bodily harm, great bodily harm, etc.) as these terms are not exclusive to the battery statutes.

The bill combines the various threats to commit a battery into one crime, entitled, "threatening to cause bodily harm."

The bill deletes the term "aggravated battery" from the title of battery and instead uses the various types of harm caused (e.g., bodily harm, substantial bodily harm, or great bodily harm).

With respect to the crimes of "battery, substantial battery, and aggravated battery to an unborn child" and "physical abuse of an elder person," ss. 940.195 and 940.198, Stats., respectively, the bill does the following: (1) changes the titles of these crimes to be consistent with other titles used in the bill; (2) moves them into the newly created subchapter; and (3) otherwise retains the structure of these crimes in their own separate statutes.

- **SECTION 1.** 118.124 (2) (a) 4. of the statutes is amended to read:
- 2 118.124 (2) (a) 4. Battery, substantial battery, or aggravated battery Causing
- 3 bodily harm under s. 940.19 940.60.
- 4 **SECTION 2.** 165.25 (22) (title) of the statutes is created to read:
- 5 165.25 (22) (title) Post model language for health care facilities.
- **SECTION 3.** 343.12 (7) (c) 9j. of the statutes is amended to read:
- 7 343.12 (7) (c) 9j. Physical abuse of Causing bodily harm to an elder person
- 8 under s. 940.198 (2) <u>940.66 (1)</u>.
- **SECTION 4.** 767.41 (2) (d) 1. a. of the statutes is amended to read:
- 10 767.41 (2) (d) 1. a. The party who committed the battery bodily harm or abuse
- has successfully completed treatment for batterers abusers provided through a
- certified treatment program or by a certified treatment provider and is not abusing
- alcohol or any other drug.
- **SECTION 5.** 767.41 (6) (g) 4. of the statutes is amended to read:
- 15 767.41 (6) (g) 4. Requiring the party who committed the battery bodily harm
- or abuse to attend and complete, to the satisfaction of the court, treatment for

1	batterers abusers provided through a certified treatment program or by a certified
2	treatment provider as a condition of exercising his or her periods of physical
3	placement.
4	SECTION 6. 939.22 (21) (d) of the statutes is amended to read:
5	939.22 (21) (d) Battery Causing bodily harm, as prohibited in s. 940.19 or
6	940.195 940.60, or causing bodily harm to an unborn child, as prohibited in s.
7	<u>940.65</u> .
8	SECTION 7. 939.22 (21) (e) of the statutes is amended to read:
9	939.22 (21) (e) Battery, special circumstances Bodily harm caused by certain
10	persons, as prohibited in s. 940.20 940.61, or bodily harm caused to certain persons,
11	as prohibited in s. 940.62.
12	SECTION 8. 939.22 (21) (em) of the statutes is repealed.
13	SECTION 9. 939.66 (5) of the statutes is amended to read:
14	939.66 (5) The crime of attempted battery causing bodily harm when the
15	crime charged is sexual assault, sexual assault of a child, robbery, mayhem or
16	aggravated battery causing great bodily harm or an attempt to commit any of them.
17	SECTION 10. 940.19 of the statutes is renumbered 940.60, and 940.60 (title),
18	as renumbered, is amended to read:
19	940.60 (title) Battery; Causing bodily harm, substantial battery;
20	aggravated battery bodily harm, or great bodily harm.
21	SECTION 11. 940.195 (title), (1), (2), (4), (5) and (6) of the statutes are
22	$renumbered\ 940.65\ (title), (1), (2), (3), (4)\ and\ (5), and\ 940.65\ (title), as\ renumbered,$
23	is amended to read::

1	940.65 (title) Battery to an unborn child; substantial battery to an
2	unborn child; aggravated battery Causing bodily harm, substantial bodily
3	harm, or great bodily harm to an unborn child.
4	SECTION 12. 940.198 (title) of the statutes is renumbered 940.66 (title) and
5	amended to read:
6	940.66 (title) Physical abuse of Causing bodily harm to an elder
7	person.
	****NOTE: I think it makes the most sense to move this section into the battery subchapter and rename this section as well, like with the unborn child statute, given the content of the provisions.
8	SECTION 13. 940.198 (1) (intro.) of the statutes is repealed.
	****NOTE: I have moved the definitions from the "physical abuse of an elder person" section to the definitions section at the start of the subchapter.
9	SECTION 14. 940.198 (1) (a) of the statutes is renumbered 940.51 (6).
10	SECTION 15. 940.198 (1) (b) of the statutes is renumbered 940.51 (20).
11	SECTION 16. 940.198 (2), (3) and (4) of the statutes are renumbered 940.66
12	(1), (2) and (3).
13	SECTION 17. 940.20 (title) of the statutes is repealed.
14	SECTION 18. 940.20 (1) of the statutes is renumbered 940.61 (2) (a) and
15	amended to read:
16	940.61 (2) (a) Battery Bodily harm caused by prisoners. Any The person who
17	causes the bodily harm is a prisoner confined to a state prison or other state,
18	county, or municipal detention facility who and intentionally causes the bodily
19	harm or a soft tissue injury, as defined in s. 946.41 (2) (c), to an officer, employee,
20	visitor, or another inmate of such prison or institution, without his or her consent,
21	is guilty of a Class H felony.

1	SECTION 19. 940.20 (1g) of the statutes is renumbered 940.61 (2) (b) and
2	amended to read:
3	940.61 (2) (b) Battery Bodily harm caused by certain detained or committed
4	persons. Any The person who causes the bodily harm is placed in a facility under s.
5	980.04 or 980.065 and $\frac{1}{2}$ intentionally causes $\frac{1}{2}$ bodily harm to an officer,
6	employee, agent, visitor, or other resident of the facility, without his or her consent,
7	is guilty of a Class H felony.
8	SECTION 20. 940.20 (1m) (title) of the statutes is repealed.
9	SECTION 21. 940.20 (1m) (a) of the statutes is renumbered 940.61 (1) (a) and
10	amended to read:
11	940.61 (1) (a) <u>Bodily harm caused by individuals subject to domestic abuse</u>
12	injunctions or foreign protection orders. Any The person who causes the bodily
13	<u>harm</u> is subject to an injunction under s. 813.12 or a tribal injunction filed under s.
14	813.128 (3g) and $\frac{1}{2}$ who intentionally causes $\frac{1}{2}$ bodily harm to the petitioner who
15	sought the injunction by an act done without the consent of the petitioner is guilty
16	of a Class I felony .
17	SECTION 22. 940.20 (1m) (b) of the statutes is renumbered 940.61 (1) (b) and
18	amended to read:
19	940.61 (1) (b) <u>Bodily harm caused by individuals subject to harassment</u>
20	<i>injunctions</i> . Any The person who causes the bodily harm is subject to an injunction
21	under s. 813.125 and $\frac{1}{2}$ and $\frac{1}{2}$ intentionally causes $\frac{1}{2}$ bodily harm to the petitioner
22	who sought the injunction by an act done without the consent of the petitioner is
23	guilty of a Class I felony.

1	SECTION 23. 940.20 (2) of the statutes is renumbered 940.62 (2) (g) and
2	amended to read:
3	940.62 (2) (g) Battery Bodily harm caused to fire fighters firefighters and
4	commission wardens. Whoever intentionally The person causes the bodily harm to
5	a fire fighter, as defined in s. 102.475 (8) (b), firefighter or to a commission warden,
6	acting in an official capacity and, who the person knows or has reason to know that
7	the victim is a fire fighter firefighter or commission warden, by an act done without
8	the consent of the person so injured, is guilty of a Class H felony.
9	SECTION 24. 940.20 (2m) (title) of the statutes is renumbered 940.62 (2) (f)
10	(title) and amended to read:
11	940.62 (2) (f) (title) Battery Bodily harm caused to probation, extended
12	supervision and, or parole agents, community supervision agents, and aftercare
13	agents <u>or their family members</u> .
14	SECTION 25. 940.20 (2m) (a) (intro.) of the statutes is repealed.
15	SECTION 26. 940.20 (2m) (a) 1. of the statutes is renumbered 940.51 (2).
16	SECTION 27. 940.20 (2m) (a) 1m. of the statutes is renumbered 940.51 (4).
17	SECTION 28. 940.20 (2m) (a) 1o. of the statutes is renumbered 940.51 (9).
18	SECTION 29. 940.20 (2m) (a) 1p. of the statutes is renumbered 940.51 (10).
	****NOTE: This is the most inclusive definition of "family member" from the existing definitions. I have repealed all other definitions of "family member."
19	SECTION 30. 940.20 (2m) (a) 2. of the statutes is renumbered 940.51 (17).
20	SECTION 31. 940.20 (2m) (b) (intro.), 1. and 2. of the statutes are renumbered
21	940.62 (2) (f) (intro.), 1. and 2. and amended to read:
22	940.62 (2) (f) (intro.) Whoever intentionally The person causes the bodily
23	harm or threatens to cause bodily harm to the person or family member of a

1	probation, extended supervision, and or parole agent, a community supervision
2	agent, or an aftercare agent under all of the following circumstances is guilty of a
3	Class H felony:
4	1. At the time of the act or threat, the actor person knows or has reason to
5	know that the victim is a probation, extended supervision, and or parole agent, a
6	community supervision agent, or an aftercare agent, or a member of the agent's
7	family.
8	2. The act or threat is in response to any action taken by the agent acting in an
9	official capacity.
10	SECTION 32. 940.20 (2m) (b) 3. of the statutes is repealed.
11	SECTION 33. 940.20 (3) of the statutes is renumbered 940.62 (2) (c) and
12	amended to read:
13	940.62 (2) (c) Battery Bodily harm caused to jurors. Whoever intentionally
14	$\underline{\text{The person}} \text{ causes } \underline{\text{the}} \text{ bodily harm to a person who he or she knows or has reason to}$
15	know is or was a grand or petit juror, and by reason of any verdict or indictment
16	assented to by the person, without the consent of the person injured, is guilty of a
17	Class H felony.
18	SECTION 34. 940.20 (4) of the statutes is renumbered 940.62 (1) (a) and
19	amended to read:
20	940.62 (1) (a) Battery Bodily harm caused to public officers. Wheever
21	intentionally The person causes the bodily harm to a public officer in order to
22	influence the action of such officer or as a result of any action taken within an
23	official capacity, without the consent of the person injured, is guilty of a Class I
24	felony .

1	SECTION 35. 940.20 (4m) (title) of the statutes, as created by 2023 Wisconsin
2	Act 126, is renumbered 940.62 (1) (c) (title) and amended to read:
3	940.62 (1) (c) (title) Battery Bodily harm caused to election officials, election
4	registration officials, or clerks.
5	SECTION 36. 940.20 (4m) (a) (intro.) of the statutes, as created by 2023
6	Wisconsin Act 126, is repealed.
7	SECTION 37. 940.20 (4m) (a) 1. of the statutes, as created by 2023 Wisconsin
8	Act 126, is renumbered 940.51 (5).
9	SECTION 38. 940.20 (4m) (a) 2. of the statutes, as created by 2023 Wisconsin
10	Act 126, is renumbered 940.51 (7).
11	SECTION 39. 940.20 (4m) (a) 3. of the statutes, as created by 2023 Wisconsin
12	Act 126, is renumbered 940.51 (8).
13	SECTION 40. 940.20 (4m) (a) 4. of the statutes, as created by 2023 Wisconsin
14	Act 126, is renumbered 940.51 (16).
15	SECTION 41. 940.20 (4m) (b) of the statutes, as created by 2023 Wisconsin Act
16	126, is renumbered 940.62 (1) (c) and amended to read:
17	940.62 (1) (c) Whoever intentionally The person causes the bodily harm to an
18	election official, election registration official, county clerk, or municipal clerk who is
19	acting in his or her official capacity is guilty of a Class I felony if the person knows
20	or has reason to know that the victim is an election official, election registration
21	official, county clerk, or municipal clerk and the victim does not consent to the
22	harm .
23	SECTION 42. 940.20 (5) (title) of the statutes is renumbered 940.62 (1) (d)
24	(title) and amended to read:

1	940.62 (1) (d) (title) Battery Bodily harm caused to technical college district or
2	school district officers and employees.
3	SECTION 43. 940.20 (5) (a) (intro.) of the statutes is repealed.
4	SECTION 44. 940.20 (5) (a) 1. of the statutes is renumbered 940.51 (21).
5	SECTION 45. 940.20 (5) (a) 2. of the statutes is renumbered 940.51 (23).
6	SECTION 46. 940.20 (5) (b) of the statutes is renumbered 940.62 (1) (d) and
7	amended to read:
8	940.62 (1) (d) Wheever intentionally The person causes the bodily harm to a
9	technical college district or school district officer or employee acting in that
10	capacity, and if the person knows or has reason to know that the victim is a
11	technical college district or school district officer or employee, without the consent
12	of the person so injured, is guilty of a Class I felony.
13	SECTION 47. 940.20 (6) (title) of the statutes is renumbered 940.62 (1) (e)
14	(title) and amended to read:
15	940.62 (1) (e) (title) <u>Battery Bodily harm caused</u> to public transit vehicle
16	operator, driver or passenger.
17	SECTION 48. 940.20 (6) (a) of the statutes is renumbered 940.51 (19) and
18	amended to read:
19	940.51 (19) In this subsection, "public "Public transit vehicle" means any
20	vehicle used for providing transportation service to the general public.
21	SECTION 49. 940.20 (6) (b) of the statutes is renumbered 940.62 (1) (e) and
22	amended to read:
23	940.62 (1) (e) Whoever intentionally The person causes the bodily harm to
24	another under any of the following circumstances is guilty of a Class I felony:

1	1. The <u>bodily</u> harm occurs while the victim is an operator, a driver, or a
2	passenger of, in or on, a public transit vehicle.
3	2. The bodily harm occurs after the offender forces or directs the victim to
4	leave a public transit vehicle.
5	3. The bodily harm occurs as the offender prevents, or attempts to prevent,
6	the victim from gaining lawful access to a public transit vehicle.
7	SECTION 50. 940.201 (title) of the statutes is renumbered 940.62 (2) (d) (title)
8	and amended to read:
9	940.62 (2) (d) (title) Battery or threat Bodily harm caused to witnesses.
10	SECTION 51. 940.201 (1) (intro.) of the statutes is repealed.
11	SECTION 52. 940.201 (1) (a) of the statutes is repealed.
12	SECTION 53. 940.201 (1) (b) of the statutes is renumbered 940.51 (24).
13	SECTION 54. 940.201 (2) (intro.) of the statutes is repealed.
14	SECTION 55. 940.201 (2) (a) of the statutes is renumbered 940.62 (2) (d) and
15	amended to read:
16	940.62 (2) (d) Intentionally causes The person causes the bodily harm or
17	threatens to cause bodily harm to a person who he or she knows or has reason to
18	know is or was a witness by reason of the person having attended or testified as a
19	witness and without the consent of the person harmed or threatened.
20	SECTION 56. 940.201 (2) (b) of the statutes is renumbered 940.62 (2) (e) and
21	amended to read:
22	940.62 (2) (e) <u>Bodily harm caused to family members of witnesses.</u>
23	Intentionally causes The person causes the bodily harm or threatens to cause bodily
24	harm to a person who he or she knows or has reason to know is a family member of

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1 a witness or a person sharing a common domicile with a witness by reason of the $\mathbf{2}$ witness having attended or testified as a witness and without the consent of the 3 person harmed or threatened. ****NOTE: "Person sharing a common domicile" is broader than "family member," which is why this paragraph is separate, whereas in other provisions it's formatted more as "person or family member of XYZ." Does that make sense, or should it be amended to match the others? 4 **SECTION 57.** 940.203 (title) of the statutes is repealed. 5 **SECTION 58.** 940.203 (1) (intro.) of the statutes is repealed. 6 **SECTION 59.** 940.203 (1) (ab) of the statutes is renumbered 940.51 (1). 7 **SECTION 60.** 940.203 (1) (ac) of the statutes is renumbered 940.51 (3). 8 **SECTION 61.** 940.203 (1) (am) of the statutes is repealed. 9 **SECTION 62.** 940.203 (1) (b) of the statutes is renumbered 940.51 (14). 10 **SECTION 63.** 940.203 (1) (c) of the statutes is renumbered 940.51 (15). 11 **SECTION 64.** 940.203 (1) (d) of the statutes is renumbered 940.51 (18). 12 **SECTION 65.** 940.203 (2) (intro.), (a) and (b) of the statutes are renumbered 13 940.62 (2) (a) (intro.), 1. and 2. and amended to read: 14 940.62 (2) (a) Bodily harm caused to a judge, prosecutor, or law enforcement 15 officer or their family member. (intro.) Whoever intentionally The person causes 16 the bodily harm or threatens to cause bodily harm to the person or family member 17 of any judge, prosecutor, or law enforcement officer under all of the following 18 circumstances is guilty of a Class H felony: 19 1. At the time of the act or threat, the actor person knows or should have 20 known that the victim is a judge, prosecutor, or law enforcement officer or a

member of the judge's, prosecutor's, or law enforcement officer's family.

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1	2. The act or threat is in response to any action taken by a judge, prosecutor,
2	or law enforcement officer in an official capacity.
3	SECTION 66. 940.203 (2) (c) of the statutes is repealed.
4	SECTION 67. 940.203 (3) (intro.), (a) and (b) of the statutes are renumbered
5	940.62 (2) (b) (intro.), 1. and 2. and amended to read:
6	940.62 (2) (b) Bodily harm caused to a guardian ad litem, corporation counsel,
7	advocate, or attorney or their family member. (intro.) Whoever intentionally The
8	person causes the bodily harm or threatens to cause bodily harm to the person or
9	family member of a current or former guardian ad litem, corporation counsel,
10	advocate, or attorney under all of the following circumstances is guilty of a Class H
11	felony :
12	1. At the time of the act or threat, the actor person knows or should have
13	known that the victim is a current or former guardian ad litem, corporation
14	counsel, advocate, or attorney, or a member of the current or former guardian ad
15	litem's, corporation counsel's, advocate's, or attorney's family.
16	2. The act or threat is in response to an action taken by the current or former
17	guardian ad litem, corporation counsel, advocate, or attorney in his or her official
18	capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 or in a similar
19	proceeding in a tribal court.
20	SECTION 68. 940.203 (3) (c) of the statutes is repealed.
21	SECTION 69. 940.204 (title) of the statutes is repealed.
22	SECTION 70. 940.204 (1) (intro.) of the statutes is repealed.
23	SECTION 71. 940.204 (1) (a) of the statutes is repealed.

SECTION 72. 940.204 (1) (b) of the statutes is renumbered 940.51 (12).

1	SECTION 73. 940.204 (1) (c) of the statutes is renumbered 940.51 (13).
2	SECTION 74. 940.204 (2) (intro.), (a) and (b) of the statutes are renumbered
3	940.62 (2) (h) (intro.), 1. and 2. and amended to read:
4	940.62 (2) (h) Bodily harm caused to a person who works in a health care
5	<u>facility or their family member.</u> (intro.) Whoever intentionally The person causes
6	the bodily harm or threatens to cause bodily harm to a person who works in a health
7	care facility or to a family member of a person who works in a health care facility
8	under all of the following circumstances is guilty of a Class H felony:
9	1. At the time of the act or threat, the actor person knows or should have
10	known that the victim works or formerly worked in a health care facility or is a
11	family member of the person who works or formerly worked in a health care facility.
12	2. The act or threat is in response to an action occurring at the health care
13	facility or an action by an official, employee, or agent of the health care facility
14	acting in his or her official capacity.
15	SECTION 75. 940.204 (2) (c) of the statutes is repealed.
16	SECTION 76. 940.204 (3) (intro.), (a) and (b) of the statutes are renumbered
17	940.62 (2) (i) (intro.), 1. and 2. and amended to read:
18	940.62 (2) (i) Bodily harm caused to a health care provider or their family
19	member. (intro.) Whoever intentionally The person causes the bodily harm or
20	threatens to cause bodily harm to a health care provider or to a family member of a
21	health care provider under all of the following circumstances is guilty of a Class H
22	felony :

1	1. At the time of the act or threat, the actor person knows or should have
2	known that the victim is a health care provider or is a family member of a health
3	care provider.
4	2. The act or threat is in response to an action by the health care provider
5	acting in his or her capacity as a health care provider.
6	SECTION 77. 940.204 (3) (c) of the statutes is repealed.
7	SECTION 78. 940.204 (4) of the statutes is renumbered 165.25 (22) and
8	amended to read:
9	165.25 (22) The department of justice shall post Post on its website model
10	language that health care facilities may post at their entrances alerting persons to
11	the penalties under this section ss. 940.62 (2) (h) and (i) and 940.63 (5) and (6).
12	SECTION 79. 940.205 (title) of the statutes is renumbered 940.62 (2) (j) (title)
13	and amended to read:
14	940.62 (2) (j) (title) Battery or threat Bodily harm caused to department of
15	revenue employee <u>or their family member</u> .
16	SECTION 80. 940.205 (1) of the statutes is repealed.
17	SECTION 81. 940.205 (2) (intro.), (a) and (b) of the statutes are renumbered
18	940.62 (2) (j) (intro.), 1. and 2. and amended to read:
19	940.62 (2) (j) (intro.) Whoever intentionally The person causes the bodily
20	harm or threatens to cause bodily harm to the person or family member of any
21	department of revenue official, employee, or agent under all of the following
22	circumstances is guilty of a Class H felony :

1	1. At the time of the act or threat, the actor person knows or should have
2	known that the victim is a department of revenue official, employee, or agent or a
3	member of his or her family.
4	2. The official, employee, or agent is acting in an official capacity at the time
5	of the act or threat or the act or threat is in response to any action taken in an
6	official capacity.
7	SECTION 82. 940.205 (2) (c) of the statutes is repealed.
8	SECTION 83. 940.207 (title) of the statutes is renumbered 940.62 (2) (k) (title)
9	and amended to read:
10	940.62 (2) (k) (title) Battery or threat Bodily harm caused to department of
11	safety and professional services or department of workforce development employee <u>or</u>
12	their family member.
13	SECTION 84. 940.207 (1) of the statutes is repealed.
14	SECTION 85. 940.207 (2) (intro.), (a) and (b) of the statutes are renumbered
15	940.62 (2) (k) (intro.), 1. and 2. and amended to read:
16	940.62 (2) (k) (intro.) Whoever intentionally The person causes the bodily
17	harm or threatens to cause bodily harm to the person or family member of any
18	department of safety and professional services or department of workforce
19	development official, employee, or agent under all of the following circumstances is
20	guilty of a Class H felony:
21	1. At the time of the act or threat, the actor person knows or should have
22	known that the victim is a department of safety and professional services or
23	department of workforce development official, employee, or agent or a member of
24	his or her family.

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BILL	SECTION 8

1	2. The official, employee, or agent is acting in an official capacity at the time
2	of the act or threat or the act or threat is in response to any action taken in an
3	official capacity.
4	SECTION 86. 940.207 (2) (c) of the statutes is repealed.
5	SECTION 87. 940.208 (intro.) and (1) of the statutes are renumbered 940.62 (1)
6	(b) (intro.) and 1. and amended to read:
7	940.62 (1) (b) Battery Bodily harm caused to certain employees of counties,
8	cities, villages, or towns. (intro.) Whoever intentionally The person causes the
9	bodily harm to an employee of a county, city, village, or town under all of the
10	following circumstances is guilty of a Class I felony:
11	1. At the time of the act, the actor person knows or should know that the
12	victim is an employee of a county, city, village, or town.
13	SECTION 88. 940.208 (2) and (2p) of the statutes are renumbered 940.62 (1)
14	(b) 2. and 3.
15	SECTION 89. 940.208 (3) of the statutes is repealed.
16	SECTION 90. Subchapter II (title) of chapter 940 [precedes 940.21] of the
17	statutes is amended to read:
18	CHAPTER 940
19	SUBCHAPTER II
20	BODILY SECURITY; OTHER
21	SECTION 91. Subchapter III (title) of chapter 940 [precedes 940.51] of the
22	statutes is created to read:
23	CHAPTER 940

BILL

1	SUBCHAPTER III
2	BODILY SECURITY; CAUSING BODILY HARM
3	SECTION 92. 940.51 of the statutes is created to read:
4	940.51 Definitions. In this subchapter:
5	(11) "Firefighter" has the meaning given in s. 102.475 (8) (b).
6	(22) "Soft tissue injury" has the meaning given in s. 946.41 (2) (c).
7	SECTION 93. 940.60 (intro.) of the statutes is created to read:
8	940.60 (intro.) Except as provided in s. 940.61, 940.62, 940.65, or 940.66:
9	SECTION 94. 940.61 of the statutes is created to read:
10	940.61 Bodily harm caused by certain persons. (1) CLASS I FELONY
11	BODILY HARM. A person who causes bodily harm to another by an act done with
12	intent to cause bodily harm to that person or another without the consent of the
13	person so harmed is guilty of a Class I felony if any of the following applies:
14	(2) CLASS H FELONY BODILY HARM. A person who causes bodily harm to
15	another by an act done with intent to cause bodily harm to that person or another
16	without the consent of the person so harmed is guilty of a Class H felony if any of
17	the following applies:
18	SECTION 95. 940.62 of the statutes is created to read:
19	940.62 Bodily harm caused to certain persons. (1) CLASS I FELONY
20	BODILY HARM. A person who causes bodily harm to another by an act done with
21	intent to cause bodily harm to that person or another without the consent of the
22	person so harmed is guilty of a Class I felony if any of the following applies:
23	(2) CLASS H FELONY BODILY HARM. A person who causes bodily harm to
24	another by an act done with intent to cause bodily harm to that person or another

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BILL SECTION 95

without the consent of the person so harmed is guilty of a Class H felony if any of the following applies:

SECTION 96. 940.63 of the statutes is created to read:

940.63 Threatening to cause bodily harm. A person who threatens to cause bodily harm to another without the consent of the person threatened is guilty of a Class H felony if any of the following is true:

****NOTE: What follows is copied directly from existing statutes; it could probably be revised to be shorter and grouped together; i.e., "to a person who is an employee of a, b, c, d, e, or f or a family member of one of those persons and the threat was due to an action that person took in his or her capacity as an official or employee" or something like that.

****NOTE: The amended cross-references do NOT include the new "threat" provisions; where previous definitions of "violent crime" included a crime that penalized causing bodily harm or threatening to cause bodily harm, only actually causing bodily harm is included in the cross-references for this version. Policy question: Do you want "threats" to be included in all the various definitions of "violent crime" throughout the statutes?

- (1) WITNESSES. The person threatens a person who he or she knows or has reason to know is or was a witness by reason of the person having attended or testified as a witness.
- (2) FAMILY MEMBERS OF OR PERSONS DOMICILED WITH WITNESSES. The person threatens a person who he or she knows or has reason to know is a family member of a witness or a person sharing a common domicile with a witness by reason of the witness having attended or testified as a witness.

****NOTE: "Person sharing a common domicile" is broader than "family member," which is why this subsection is separate, whereas elsewhere it's formatted more as "person or family member of XYZ." Does that make sense, or should it be amended to match the others?

(3) JUDGES, PROSECUTORS, LAW ENFORCEMENT OFFICERS, AND THEIR FAMILY MEMBERS. The person threatens the person or family member of any judge, prosecutor, or law enforcement officer under all of the following circumstances:

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BILL SECTION 96

(a) At the time of the threat, the person knows or should have known that the victim is a judge, prosecutor, or law enforcement officer or a member of the judge's, prosecutor's, or law enforcement officer's family.

- (b) The threat is in response to an action taken by the current or former judge, prosecutor, or law enforcement officer in his or her official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 or in a similar proceeding in a tribal court.
- (4) GUARDIANS AD LITEM, CORPORATION COUNSELS, ADVOCATES, OR ATTORNEYS OR THEIR FAMILY MEMBERS. The person threatens the person or family member of a current or former guardian ad litem, corporation counsel, advocate, or attorney under all of the following circumstances:
- (a) At the time of the threat, the person knows or should have known that the victim is a current or former guardian ad litem, corporation counsel, advocate, or attorney, or a member of the current or former guardian ad litem's, corporation counsel's, advocate's, or attorney's family.
- (b) The threat is in response to an action taken by the current or former guardian ad litem, corporation counsel, advocate, or attorney in his or her official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938 or in a similar proceeding in a tribal court.
- (5) Persons who work in a health care facility or their family MEMBERS. The person threatens a person who works in a health care facility or a family member of a person who works in a health care facility under all of the following circumstances:

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BILL SECTION 96

1	(a) At the time of the threat, the person knows or should have known that the
2	victim works or formerly worked in a health care facility or is a family member of
3	the person who works or formerly worked in a health care facility.
4	(b) The threat is in response to an action occurring at the health care facility
5	or an action by an official, employee, or agent of the health care facility acting in his
6	or her official capacity.
7	(6) HEALTH CARE PROVIDERS OR THEIR FAMILY MEMBERS. The person
8	threatens a health care provider or a family member of a health care provider under
9	all of the following circumstances:
10	(a) At the time of the threat, the person knows or should have known that the
11	victim is a health care provider or is a family member of a health care provider.
12	(b) The threat is in response to an action by the health care provider acting in
13	his or her capacity as a health care provider.
14	(7) DEPARTMENT OF REVENUE EMPLOYEES OR THEIR FAMILY MEMBERS. The
15	person threatens the person or family member of any department of revenue
16	official, employee, or agent under all of the following circumstances:
17	(a) At the time of the threat, the person knows or should have known that the
18	victim is a department of revenue official, employee, or agent or a member of his or
19	her family.
20	(b) The official, employee, or agent is acting in an official capacity at the time
21	of the threat or the threat is in response to any action taken in an official capacity.

(8) DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES OR DEPARTMENT OF

WORKFORCE DEVELOPMENT EMPLOYEES OR THEIR FAMILY MEMBERS. The person

threatens the person or family member of any department of safety and professional

services or department of workforce development official, employee, or agent under 1 $\mathbf{2}$ all of the following circumstances: 3 (a) At the time of the threat, the person knows or should have known that the 4 victim is a department of safety and professional services or department of 5 workforce development official, employee, or agent or a member of his or her family. 6 (b) The official, employee, or agent is acting in an official capacity at the time 7 of the threat or the threat is in response to any action taken in an official capacity. 8 **SECTION 97.** 941.38 (1) (b) 4. of the statutes is amended to read: 9 941.38 (1) (b) 4. Battery Causing bodily harm, as prohibited in s. 940.19 or 10 940.195 940.60, or causing bodily harm to an unborn child, as prohibited in s. 11 <u>940.65</u>. 12 **SECTION 98.** 941.38 (1) (b) 5. of the statutes is amended to read: 13 941.38 (1) (b) 5. Battery, special circumstances Bodily harm caused by certain 14 persons, as prohibited in s. 940.20 940.61, or bodily harm caused to certain persons. 15 as prohibited in s. 940.62. 16 **SECTION 99.** 941.38 (1) (b) 5m. of the statutes is repealed. 17 SECTION 100. Terminology changes. 18 (1) BODILY HARM: TERMINOLOGY CHANGES. Wherever "battery" appears in the 19 following, "bodily harm" is substituted: ss. 767.225 (1n) (b) 2., 767.333 (2) (d). 20 767.401 (1) (a), 767.405 (6) (b), (8) (b) 2., (10) (e) 2., and (14) (a) 2m., 767.407 (4), 21767.41 (1m) (b), (c), and (o), (2) (b) 2. c., (d) 1. (intro.) and b., 2. (intro.), and 4., (5) 22(am) 12. and (bm), and (6) (f) and (g) (intro.), 2., 3., 5., 6., 7., and 8., 767.481 (4) (b) 3. 23 and (c) 3., 905.045 (1) (a), 908.08 (4) (c), 939.66 (2m), 943.10 (2) (d), 946.43 (1m) (a), 24 967.04 (7) (b) 3., and 973.06 (1) (av) 2. a. and b.

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BILL SECTION 100

(2) CAUSING BODILY HARM; TERMINOLOGY CHANGES. Wherever "battery" appears in the following, "causing bodily harm" is substituted: ss. 48.686 (1) (c) 12., 167.25 (2), 343.12 (7) (c) 6. and 940.225 (5) (b) 1. (intro.).

SECTION 101. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in column C:

****Note: These do NOT include the new "threat" provisions. Policy question: Do you want "threats" to be included in all the various definitions of "violent crime" throughout the statutes?

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
6.47 (1) (b)	940.19, 940.20 (1m), 940.201	940.60, 940.61 (1), 940.62 (2) (d) or (e)
48.355 (2d) (b) 3.	940.19 (2), (4), or (5)	940.60 (2), (3), or (4)
48.415 (9m) (b) 2. a.	940.19 (2), (4) or (5)	940.60 (2), (3), or (4)
48.417 (1) (d)	940.19 (2), (4), or (5)	940.60 (2), (3), or (4)
48.685 (1) (c) 2.	940.19 (2), (4), (5), or (6), 940.198 (2)	940.60 (2), (3), (4), or (5), 940.66 (1)
48.685 (2) (bb)	940.19 (1), 940.195, 940.20, 940.204	940.60 (1), 940.61, 940.62, 940.65
48.685 (5) (bm) 2.	940.19 (2), (4), (5) or (6) or 940.20 (1) or (1m)	940.60 (2), (3), (4), or (5) or 940.61 (1) or (2) (a)
48.685 (5) (bm) 4.	940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.204, 940.205, 940.207	940.60 (2), (3), (4), or (5), 940.61, 940.62
48.686 (1) (c) 4.	940.19 (2), (4), (5), or (6) or 940.20 (1) or (1m)	940.60 (2), (3), (4), or (5) or 940.61 (1) or (2) (a)

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
48.686 (1) (c) 9.	940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.204, 940.205, 940.207	940.60 (2), (3), or (4), 940.61, 940.62
48.686 (1) (c) 12.	940.19 (2), (4), (5), or (6), 940.20, or 940.204	940.60 (2), (3), (4), or (5), 940.61, or 940.62
48.686 (2) (bb)	940.19 (1), 940.195, 940.20, 940.204	940.60 (1), 940.61, 940.62, 940.65
50.065 (1) (e) 1.	940.19 (2), (4), (5) or (6), 940.198 (2)	940.60 (2), (3), (4), or (5), 940.66 (1)
50.065 (2) (bb)	940.19 (1), 940.195, 940.20, 940.204	940.60 (1), 940.61, 940.62, 940.65
103.34 (1) (b) 2.	940.19 (2), (4), (5), or (6), 940.198 (2)	940.60 (2), (3), (4), or (5), 940.66 (1)
115.31 (2g) (a)	940.205	940.62 (2) (j)
115.31 (2g) (b)	940.205	940.62 (2) (j)
118.19 (4) (a)	940.205	940.62 (2) (j)
165.70 (1) (b)	940.20 (3), 940.201	940.62 (2) (c), (d), or (e)
165.84 (7) (ab) 1.	940.198 (2)	940.66 (1)
165.84 (7) (ab) 2.	940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20, 940.201 (2), 940.203 (2), 940.204, 940.205 (2), 940.207 (2), 940.208	940.60 (2), (3), (4), or (5), 940.61, 940.62, 940.65 (2), (3), (4), or (5)
301.03 (5f)	940.20 (1)	940.61 (2) (a)

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
301.048 (2) (bm) 1. a.	940.19 (4) or (5), 940.195 (4) or (5), 940.198 (2), 940.20, 940.201, 940.203, 940.204	940.60 (3) or (4), 940.61, 940.62, 940.65 (3) or (4), 940.66 (1)
302.11 (1g) (a) 2.	940.19 (5), 940.195 (5), 940.198 (2)	940.60 (4), 940.65 (4), 940.66 (1)
343.12 (7) (c) 6.	940.19 (2), (4), (5), or (6)	940.60 (2), (3), (4), or (5),
767.225 (1n) (b) 2.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.333 (2) (d)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.401 (1) (a)	940.19 or 940.20 (1m)	940.60, or 940.61 (1)
767.405 (6) (b)	940.19 or 940.20 (1m)	40.60, or 940.61 (1)
767.405 (8) (b) 2.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.405 (10) (e) 2.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.405 (14) (a) 2m.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.407 (4)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (1m) (b)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (1m) (c)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (1m) (o)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (2) (b) 2. c.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (2) (d) 1. (intro.)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (2) (d) 2. (intro.)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (5) (am) 12.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (5) (bm)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
767.41 (6) (f)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.41 (6) (g) (intro.)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.461 (4)	940.19, 940.195, 940.20, 940.201 (2), 940.203 (2), 940.204	940.60, 940.61, 940.62, 940.65
767.481 (4) (b) 3.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
767.481 (4) (c) 3.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
905.045 (1) (a)	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
938.183 (1) (a)	940.20 (1)	940.61 (2) (a)
938.183 (1) (a)	940.20 (2m)	940.62 (2) (f)
938.183 (1m) (c) 1.	940.20 (1) or (2m)	940.61 (2) (a) or 940.62 (2) (f)
938.183 (1m) (c) 2.	940.20 (1) or (2m)	940.61 (2) (a) or 940.62 (2) (f)
938.208 (1) (a)	940.19 (2) to (6), 940.198	940.60 (2) to (5), 940.66
938.34 (4m) (b) 1.	940.19 (2) to (6), 940.198	940.60 (2) to (5), 940.66
938.355 (2d) (b) 3.	940.19 (2), (4), or (5), 940.198 (2) (a) or (3) (a)	940.60 (2), (3), or (4), 940.66 (1) (a) or (2) (a)
939.32 (1) (intro.)	940.19, 940.195	940.60, 940.65
939.619 (1)	940.19 (5)	940.60 (4)
939.62 (2m) (a) 2m. b.	940.19 (5), 940.195 (5), 940.198 (2) (a) or (c)	940.60 (4), 940.65 (4), 940.66 (1) (a) or (c)
939.632 (1) (e) 1.	940.19 (2), (4) or (5), 940.198 (2) (a) or (c)	940.60 (2), (3), or (4), 940.66 (1) (a) or (c)

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
939.632 (1) (e) 3.	940.19 (1)	940.60 (1)
939.66 (6)	940.19 (2) to (6)	940.60 (2) to (5)
939.75 (1)	940.195	940.65
939.75 (2) (b) (intro.)	940.195	940.65
939.75 (3)	940.195	940.65
940.03	940.19, 940.195, 940.20, 940.201, 940.203, 940.204	940.60, 940.61, 940.62, 940.65
940.225 (5) (b) 1. (intro.)	940.19 (1)	940.60 (1)
941.29 (1g) (a)	940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204	940.60, 940.61, 940.62, 940.65, 940.66
941.29 (1g) (b)	940.19 (1), 940.195	940.60 (1), 940.65
941.291 (1) (b)	940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204	940.60, 940.61, 940.62, 940.65, 940.66
946.645 (1)	940.203 (1) (b)	940.51 (14)
946.82 (4)	940.19 (4) to (6), 940.20, 940.201, 940.203	940.60 (3) to (5), 940.61, 940.62
949.03 (2)	940.19, 940.198, 940.20, 940.201, 940.204	940.60, 940.61, 940.62, 940.66
968.255 (1) (a) 2.	940.19	940.60

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
968.26 (1b) (a) 2. a.	940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, 940.201, 940.203, 940.204, 940.205, 940.207, 940.208	940.60 (2), (3), (4), or (5), 940.61, 940.62, 940.65 (2), (3), (4), or (5), 940.66 (1) (b) or (c) or (2)
969.001 (3) (a)	940.19 (1), (2), (4), (5), or (6), 940.195 (1), (2), (4), (5), or (6), 940.198 (2) or (3), 940.20, 940.201 (2), 940.203 (2), 940.204, 940.205 (2), 940.207 (2), 940.208	940.60, 940.61, 940.62, 940.65, 940.66 (1) or (2)
969.035 (1) (b)	940.19 (5), 940.195 (5), 940.198 (2) (a) or (c)	940.60 (4), 940.65 (4), 940.66 (1) (a) or (c)
969.08 (10) (b)	940.19 (5), 940.195 (5), 940.198 (2) (a) or (c), 940.20, 940.201, 940.203, 940.204	940.60 (4), 940.61, 940.62, 940.65 (4), 940.66 (1) (a) or (c)
971.37 (1m) (a) 2.	940.19, 940.20 (1m), 940.201	940.60, 940.61 (1), 940.62 (2) (d) or (e)
973.0135 (1) (b) 2.	940.19 (5), 940.195 (5), 940.198 (2) (a) or (c)	940.60 (4), 940.65 (4), 940.66 (1) (a) or (c)
973.017 (5) (a) 2.	940.19 (2), (4), (5), or (6)	940.60 (2), (3), (4), or (5)
973.055 (1) (a) 1.	940.19, 940.20 (1m), 940.201	940.60, 940.61 (1), 940.62 (2) (d) or (e)
973.06 (1) (av) 2. a.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)
973.06 (1) (av) 2. b.	940.19 or 940.20 (1m)	940.60 or 940.61 (1)

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
973.123 (1)	940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204	940.60, 940.61, 940.62, 940.65, 940.66
980.01 (6) (b)	940.19 (2), (4), (5), or (6), 940.195 (4) or (5), 940.198 (2) or (3)	940.60 (2), (3), (4), or (5), 940.65 (3) or (4), 940.66 (1) or (2)

(END)

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