
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON RECODIFICATION OF BATTERY STATUTES

411 South, State Capitol
Madison, WI
September 3, 2024
10:00 a.m. – 11:50 a.m.

CALL TO ORDER AND ROLL CALL

Chair Wanggaard called the meeting to order and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Van Wanggaard, Chair; Rep. Ron Tusler, Vice Chair; Sen. Kelda Roys; Rep. Daniel Riemer; and Public Members Kathilynne Grotelueschen, Dale Schmidt, and Brenda Yaskal.

COMMITTEE MEMBER EXCUSED: Public Member Robert Repischak.

COUNCIL STAFF PRESENT: Anne Sappenfield, Director; Melissa Schmidt, Principal Attorney; and Peggy Hurley, Senior Staff Attorney.

OPENING REMARKS

Anne Sappenfield, Director, Legislative Council Staff

Chair Wanggaard welcomed committee members and introduced Anne Sappenfield, Director of the Legislative Council staff. Ms. Sappenfield thanked the members for their service and presented a video featuring Wisconsin legislators discussing the importance of study committees.

INTRODUCTION OF COMMITTEE MEMBERS AND ASSIGNMENT

Chair Wanggaard introduced himself and explained his interest in the topic. At his invitation, committee members introduced themselves and briefly explained their backgrounds and interest in the committee's topic.

DESCRIPTION OF MATERIAL DISTRIBUTED

Melissa Schmidt, Principal Attorney, and Peggy Hurley, Senior Staff Attorney, explained the material contained Memo No. 1, [*Introduction to the Recodification of Battery Statutes, Sections 940.19 to 940.208, Stats.*](#) (August 27, 2024).

Ms. Hurley began the explanation with a brief overview of the battery statutes discussed in the Memo, including s. 940.19, Stats., and batteries committed under special circumstances (special circumstances batteries), ss. 940.195 to 940.208, Stats. She explained that most special circumstances batteries

increase the penalty of simple battery based upon who the victim is and others increase the penalty based upon who the actor is; in some cases, the special circumstances batteries focus on both. She explained that there are two exceptions, s. 940.195, Stats., battery to an unborn child and physical abuse of an elder person, because these two special circumstances batteries have slightly different elements than the other special circumstances batteries.

Ms. Schmidt briefly explained the study committee recodification process and listed the general scope of questions for the study committee to consider in the recodification process. In response to questions, Ms. Hurley described various ways to reorganize the battery statutes. In response to questions about whether members could communicate with one another outside of the study committee meetings, Ms. Schmidt responded that study committee members should communicate with Legislative Council staff if they have any questions or need information prior to the next meeting.

DISCUSSION OF COMMITTEE ASSIGNMENT

Chair Wanggaard invited committee members to discuss recommendations that the committee could consider related to the recodification of the battery statutes, ss. 940.19 to 940.208, Stats. Committee members discussed various terms used in the battery statutes. Members discussed reviewing the different types of bodily harm caused, and how these terms are treated among the various battery statutes. Members also discussed how some terms, including “aggravated” and “detention facility,” are confusing and are undefined. Members also discussed how to make it easier to find the definitions of terms used.

Regarding the reorganization of the battery statutes, committee members discussed placing them in a separate subchapter within ch. 940, Stats. Members discussed combining all of the special circumstances batteries into one umbrella statute. The members also discussed: (1) grouping the batteries by the status of the person harmed and the status of the offender; (2) grouping the batteries by the type of bodily harm caused; and (3) separating out threats to cause bodily harm into its own statute.

After discussion, Chair Wanggaard directed Legislative Council staff to prepare drafts incorporating the various suggestions raised by committee members.

Chair Wanggaard also directed Legislative Council staff to prepare a separate draft that increases the penalty for causing bodily harm to a citizen who is aiding a law enforcement officer; this increased penalty was suggested by Public Member Schmidt. After committee discussion of this suggestion, Vice Chair Tusler and Chair Wanggaard noted that there might not be a clear consensus of support for this suggestion and expressed a willingness to consider this sponsoring this idea as separate legislation for introduction in the next legislative session.

Public Member Grotelueschen stated that she had data to share with the committee related to the frequency of state public defender appointments for individuals facing battery charges between 2019 and 2023. She suggested that based upon the numbers, it might be possible to eliminate some of the battery statutes. Chair Wanggaard also said that he had charging statistics from the Wisconsin Circuit Court Access website to share with the committee.

After the committee meeting, Public Member Repischak submitted to the Legislative Council staff four general comments in response to the committee’s discussion. First, he agreed that an umbrella organization of the battery statutes may be helpful in “structuring the battery offenses, by level of injury, by type of offender, by type of victim, etc.” Second, he also agreed that there was a need for better and more definitive definitions for the battery statutes that describe “what makes battery ‘aggravated,’ and what makes a battery ‘substantial,’ etc.,” within each of the battery statutes. Third, he

agreed that with respect to the threat of batteries, it is more akin to disorderly conduct. “Threats (true threats) are not injuries and, arguably, may be more suited to the realm of actions covered under disorderly conduct, rather than battery, which requires injury at some level.” And lastly, with respect to increasing the penalty for a battery to an aider of law enforcement, Mr. Repischak said that the draft should require that the offender “know or reasonably be certain that (1) an officer requested assistance, and (2) the civilian has knowingly engaged in the assistance of the officer, for the purpose of assisting the officer.” He agreed that this may be better addressed as a separate bill.

OTHER BUSINESS

There was no other business before the committee.

PLANS FOR FUTURE MEETINGS

Chair Wanggaard informed the committee that he has scheduled its second meeting for October 1, 2024, at 10:00 a.m., in Room 411 South, State Capitol. The committee’s third meeting is scheduled for October 30, 2024.

ADJOURNMENT

The committee adjourned at 11:51 a.m.

MS:ksm