



2007 ASSEMBLY BILL 92

February 22, 2007 - Introduced by Representatives ALBERS, OWENS, MUSSER, MURSAU, KLEEFISCH, GUNDERSON, LOTHIAN and A. OTT, cosponsored by Senator SCHULTZ. Referred to Committee on Corrections and Courts.

- 1 **AN ACT** *to create* 939.622 of the statutes; **relating to:** battery occurring during
2 a riot and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law criminalizes several types of assaultive behavior by prisoners:

1. It is a crime for a prisoner to cause bodily harm intentionally to an officer, employee, visitor, or another inmate of a prison or other type of detention facility without the person's consent (battery by a prisoner). The maximum penalty for battery by a prisoner is a fine not to exceed \$10,000; a term of confinement in prison followed by a term of extended supervision that together may not exceed six years; or both.

2. It is a crime for a prisoner to place an officer, employee, visitor, or another inmate of a prison or other type of detention facility in fear of immediate and great bodily harm or to confine or restrain the officer, employee, visitor, or other inmate. The maximum penalty for these offenses is a fine not to exceed \$10,000; a term of confinement followed by a term of extended supervision that together may not exceed 12.5 years; or both.

3. It is a crime for a prisoner to throw or expel certain bodily substances at an officer, employee, visitor, or other inmate of a prison or other type of detention facility. The maximum penalty for this offense is a fine not to exceed \$10,000; a term of confinement followed by a term of extended supervision that together may not exceed three and one-half years; or both.

Under this bill, any person who commits any of those offenses while participating in a riot is subject to a mandatory minimum term of three years in

