



2021 ASSEMBLY BILL 225

March 31, 2021 - Introduced by Representatives KNODL, MAGNAFICI, GUNDRUM, ROZAR, TITTL, KUGLITSCH, SKOWRONSKI and BRANDTJEN, cosponsored by Senators STROEBEL, DARLING, NASS, L. TAYLOR and MARKLEIN. Referred to Committee on Criminal Justice and Public Safety. Referred to Joint Review Committee on Criminal Penalties.

1 **AN ACT** *to create* 941.33 of the statutes; **relating to:** reckless handling of a
2 vaccine or drug and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes damage to another's property is guilty of a Class A misdemeanor. If the damage reduces the property value by more than \$2,500, the penalty is increased to a Class I felony.

Under this bill, a person who recklessly handles, stores, or treats a vaccine, drug, or biologic product used as a therapeutic treatment in a manner that may render the item unsafe, tainted, spoiled, ineffective, or unusable is guilty of a Class I felony. Under the bill, unlike the current law prohibition against damaging property, the item would not actually have to be damaged in order for the person to be found guilty. The current law definition of reckless would apply in this crime so the person, in doing the act, must create an unreasonable and substantial risk of death or great bodily harm to another and must be aware of that risk.

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:

3 **SECTION 1.** 941.33 of the statutes is created to read:

