



2021 SENATE BILL 928

February 1, 2022 - Introduced by Senators DARLING, WANGGAARD, FEYEN, MARKLEIN and STROEBEL, cosponsored by Representatives STEFFEN, SORTWELL, KUGLITSCH, BRANDTJEN, WICHGERS, JAMES, GUNDRUM, DUCHOW, SKOWRONSKI, DITTRICH and KNODL. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to renumber and amend* 940.20 (3) (title) and 940.20 (3); *to amend*
2 48.685 (2) (bb), 48.685 (5) (bm) 4., 48.686 (1) (c) 9., 48.686 (1) (c) 12., 48.686 (2)
3 (bb), 50.065 (2) (bb), 165.70 (1) (b), 165.84 (7) (ab) 2., 301.048 (2) (bm) 1. a.,
4 767.461 (4), 940.03, 941.29 (1g) (a), 941.291 (1) (b), 941.39 (title), 946.82 (4),
5 949.03 (1) (b), 968.26 (1b) (a) 2. a., 969.08 (10) (b), 973.049 (2) and 973.123 (1);
6 and *to create* 939.22 (21) (es), 940.202 (1) and (3) and 941.38 (1) (b) 5s. of the
7 statutes; **relating to:** battery or threat to jurors and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the crime of battery is defined as intentionally causing another person bodily harm and is a Class A misdemeanor. Under current law, if the battery is a special circumstance battery—for example, the battery is committed against an individual because of the individual’s status as a law enforcement officer, witness in a trial, or juror—the penalty is increased to a Class H felony. Under this bill, a threat or battery against a juror or a threat or battery against a family member of a juror is a Class I felony.

Current law also allows a judge, upon sentencing a person for a crime, to prohibit the person from contacting a victim of or witness to the person’s crime during any part of the person’s sentence or probation. The bill allows a judge to prohibit a person who is convicted of a crime from contacting, for any part of the person’s

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sentence or probation, a juror who served at any proceeding related to the person's crime.

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:

1 **SECTION 1.** 48.685 (2) (bb) of the statutes is amended to read:

2 48.685 (2) (bb) If information obtained under par. (am), (b), or (ba) indicates a
3 charge of a serious crime, but does not completely and clearly indicate the final
4 disposition of the charge, the department, county department, child welfare agency,
5 or entity shall make every reasonable effort to contact the clerk of courts to determine
6 the final disposition of the charge. If a background information form under sub. (6)
7 (a) or (am) indicates a charge or a conviction of a serious crime, but information
8 obtained under par. (am), (b), or (ba) does not indicate such a charge or conviction,
9 the department, county department, child welfare agency, or entity shall make every
10 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
11 complaint and the final disposition of the complaint. If information obtained under
12 par. (am), (b), or (ba), a background information form under sub. (6) (a) or (am), or
13 any other information indicates a conviction of a violation of s. 940.19 (1), 940.195,
14 940.20, 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5
15 years before the date on which that information was obtained, the department,
16 county department, child welfare agency, or entity shall make every reasonable
17 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
18 judgment of conviction relating to that violation.

19 **SECTION 2.** 48.685 (5) (bm) 4. of the statutes is amended to read:

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1 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
2 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
3 or (6), 940.20, 940.202, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63
4 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 4. to 7., or (f), (2j) (d), or (3m),
5 or an offense under ch. 961 that is a felony, if committed not more than 5 years before
6 the date of the investigation under sub. (2) (am).

7 **SECTION 3.** 48.686 (1) (c) 9. of the statutes is amended to read:

8 48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
9 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.202, 940.203,
10 940.205, 940.207, 940.25, or 943.23 (1g), a violation of s. 346.63 (1), (2), (5), or (6) that
11 is a felony under s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense
12 under ch. 961 that is a felony.

13 **SECTION 4.** 48.686 (1) (c) 12. of the statutes is amended to read:

14 48.686 (1) (c) 12. A violation of the laws of another state or United States
15 jurisdiction that if committed in this state would constitute felony battery under s.
16 940.19 (2), (4), (5), or (6) ~~or~~, 940.20, or 940.202, a felony offense of domestic abuse, as
17 defined in s. 813.12 (1) (am), a sex offense or a violent crime under ch. 948, or a
18 violation of s. 940.225 if the victim was a child.

19 **SECTION 5.** 48.686 (2) (bb) of the statutes is amended to read:

20 48.686 (2) (bb) If information obtained under par. (am) indicates a charge of a
21 serious crime, but does not completely and clearly indicate the final disposition of the
22 charge, the department shall make every reasonable effort to contact the clerk of
23 courts to determine the final disposition of the charge. If information submitted to
24 the department under par. (ag) indicates a charge or a conviction of a serious crime,
25 but information obtained under par. (am) does not indicate such a charge or

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1 conviction, the department shall make every reasonable effort to contact the clerk
2 of courts to obtain a copy of the criminal complaint and the final disposition of the
3 complaint. If information obtained under par. (am), information submitted under
4 par. (ag), or any other information indicates a conviction of a violation of s. 940.19 (1),
5 940.195, 940.20, 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more
6 than 5 years before the date on which that information was obtained, the department
7 shall make every reasonable effort to contact the clerk of courts to obtain a copy of
8 the criminal complaint and judgment of conviction relating to that violation.

9 **SECTION 6.** 50.065 (2) (bb) of the statutes is amended to read:

10 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
11 of a serious crime, but does not completely and clearly indicate the final disposition
12 of the charge, the department or entity shall make every reasonable effort to contact
13 the clerk of courts to determine the final disposition of the charge. If a background
14 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
15 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
16 a serious crime, but information obtained under par. (am) or (b) does not indicate
17 such a charge or conviction, the department or entity shall make every reasonable
18 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
19 final disposition of the complaint. If information obtained under par. (am) or (b), a
20 background information form under sub. (6) (a) or (am), any disclosure made
21 pursuant to a disclosure policy described under sub. (6) (am), or any other
22 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
23 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before
24 the date on which that information was obtained, the department or entity shall

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1 make every reasonable effort to contact the clerk of courts to obtain a copy of the
2 criminal complaint and judgment of conviction relating to that violation.

3 **SECTION 7.** 165.70 (1) (b) of the statutes is amended to read:

4 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.
5 ~~940.20 (3)~~, 940.201, 940.202, 941.25, 941.26, 943.01 (2) (c), 943.011, 943.27, 943.28,
6 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4),
7 948.075, 948.08, and 948.081.

8 **SECTION 8.** 165.84 (7) (ab) 2. of the statutes is amended to read:

9 165.84 (7) (ab) 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08,
10 940.09 (1c), 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20,
11 940.201 (2), 940.202, 940.203 (2), 940.205 (2), 940.207 (2), 940.208, 940.23, 941.30,
12 or 948.03 (3) or (5) (a) 4.

13 **SECTION 9.** 301.048 (2) (bm) 1. a. of the statutes, as affected by 2021 Wisconsin
14 Act 76, is amended to read:

15 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
16 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
17 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)
18 or (5), 940.198 (2), 940.20, 940.201, 940.202, 940.203, 940.21, 940.225 (1) to (3),
19 940.23, 940.235, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3.,
20 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327,
21 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g),
22 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
23 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

24 **SECTION 10.** 767.461 (4) of the statutes, as created by 2021 Wisconsin Act 20,
25 is amended to read:

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1 767.461 (4) A term of incarceration, extended supervision, parole, or probation
2 for a violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10,
3 940.19, 940.195, 940.20, 940.201 (2), 940.202, 940.203 (2), 940.225 (1), (2), or (3),
4 940.23, 940.235, 940.24 (1), 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or
5 (2m), 940.42, 940.43, 940.44, 940.45, 941.20, 941.29, 941.30, 941.39, 943.011 (2),
6 947.012, 947.013, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.055,
7 948.06, 948.07, 948.08, 948.085, 948.095, 948.30, 948.55, or 951.02 or any felony to
8 which the penalty enhancer under s. 939.621 could be imposed, for a violation of a
9 72-hour no contact order under s. 968.075 (5), for a violation of a domestic abuse
10 restraining order, child abuse restraining order, or harassment restraining order, or
11 for a violation to which a penalty enhancer for the use of a dangerous weapon is
12 applied.

13 **SECTION 11.** 939.22 (21) (es) of the statutes is created to read:

14 939.22 (21) (es) Battery or threat to a juror or the family member of a juror, as
15 prohibited in s. 940.202.

16 **SECTION 12.** 940.03 of the statutes is amended to read:

17 **940.03 Felony murder.** Whoever causes the death of another human being
18 while committing or attempting to commit a crime specified in s. 940.19, 940.195,
19 940.20, 940.201, 940.202, 940.203, 940.225 (1) or (2) (a), 940.30, 940.31, 943.02,
20 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than 15 years
21 in excess of the maximum term of imprisonment provided by law for that crime or
22 attempt.

23 **SECTION 13.** 940.20 (3) (title) of the statutes is renumbered 940.202 (title) and
24 amended to read:

25 **940.202 (title) Battery or threat to jurors.**

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1 **SECTION 14.** 940.20 (3) of the statutes is renumbered 940.202 (2) and amended
2 to read:

3 940.202 (2) Whoever intentionally causes bodily harm or threatens to cause
4 bodily harm to a person who he or she knows or has reason to know is ~~or was a grand~~
5 ~~or petit juror, and by reason of any verdict or indictment assented to by the person,~~
6 for a reason related to the person's service as a juror, without the consent of the
7 person ~~injured,~~ harmed or threatened is guilty of a Class ~~H~~ I felony.

8 **SECTION 15.** 940.202 (1) and (3) of the statutes are created to read:

9 940.202 (1) In this section:

10 (a) "Family member" means a spouse, child, stepchild, foster child, parent,
11 sibling, or grandchild.

12 (b) "Juror" means a person who is or was a grand or petit juror or is a
13 prospective grand or petit juror who has received a summons to appear for jury
14 service.

15 **(3)** Whoever intentionally causes bodily harm or threatens to cause bodily
16 harm to a person who he or she knows or has reason to know is a family member of
17 a juror, for a reason related to the juror's service as a juror, without the consent of
18 the person harmed or threatened is guilty of a Class I felony.

19 **SECTION 16.** 941.29 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act
20 76, is amended to read:

21 941.29 (1g) (a) "Violent felony" means any felony under s. 943.23 (1m), 1999
22 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,
23 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.202,
24 940.203, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,
25 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28,

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1 941.2905, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2),
2 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
3 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

4 **SECTION 17.** 941.291 (1) (b) of the statutes, as affected by 2021 Wisconsin Act
5 76, is amended to read:

6 941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,
7 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
8 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198,
9 940.20, 940.201, 940.202, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29,
10 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26,
11 941.28, 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,
12 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86,
13 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
14 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a
15 financial institution, as defined in s. 943.80 (2), a felony, or the solicitation,
16 conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

17 **SECTION 18.** 941.38 (1) (b) 5s. of the statutes is created to read:

18 941.38 (1) (b) 5s. Battery or threat to a juror or the family member of a juror,
19 as prohibited in s. 940.202.

20 **SECTION 19.** 941.39 (title) of the statutes is amended to read:

21 **941.39 (title) Victim, witness, juror, or co-actor contact.**

22 **SECTION 20.** 946.82 (4) of the statutes is amended to read:

23 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
24 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
25 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,

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1 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
2 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
3 940.20, 940.201, 940.202, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31,
4 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d),
5 or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,
6 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,
7 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
8 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81,
9 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c)
10 and (e), 944.32, 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
11 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
12 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

13 **SECTION 21.** 949.03 (1) (b) of the statutes, as affected by 2021 Wisconsin Act 76,
14 is amended to read:

15 949.03 (1) (b) The commission or the attempt to commit any crime specified in
16 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
17 940.09, 940.10, 940.19, 940.198, 940.20, 940.201, 940.202 940.21, 940.22 (2),
18 940.225, 940.23, 940.235, 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2),
19 940.305, 940.31, 940.32, 941.327, 942.09, 943.02, 943.03, 943.04, 943.10, 943.20,
20 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.05,
21 948.051, 948.06, 948.07, 948.075, 948.08, 948.085, 948.09, 948.095, 948.20, 948.21
22 (1), 948.30 or 948.51.

23 **SECTION 22.** 968.26 (1b) (a) 2. a. of the statutes, as affected by 2021 Wisconsin
24 Act 76, is amended to read:

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1 968.26 **(1b)** (a) 2. a. Section 940.04, 940.11, 940.19 (2), (4), (5), or (6), 940.195
2 (2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, 940.201, 940.202, 940.203,
3 940.205, 940.207, 940.208, 940.22 (2), 940.225 (3), 940.29, 940.302 (2) (c), 940.32,
4 941.32, 941.38 (2), 942.09 (2), 943.10, 943.205, 943.32 (1), 946.43, 946.44, 946.47,
5 946.48, 948.02 (3), 948.03 (2) (b) or (c), (3), or (4), 948.04, 948.055, 948.095, 948.10
6 (1) (a), 948.11, 948.13 (2) (a), 948.14, 948.20, 948.23 (1), (2), or (3) (c) 2. or 3., or 948.30
7 (1).

8 **SECTION 23.** 969.08 (10) (b) of the statutes, as affected by 2021 Wisconsin Act
9 76, is amended to read:

10 969.08 **(10)** (b) “Serious crime” means any crime specified in s. 943.23 (1m),
11 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
12 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.198 (2) (a) or (c),
13 940.20, 940.201, 940.202, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
14 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3),
15 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04,
16 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86,
17 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2),
18 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the
19 victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84
20 (1) or (2).

21 **SECTION 24.** 973.049 (2) of the statutes is amended to read:

22 973.049 **(2)** When a court imposes a sentence on an individual or places an
23 individual on probation for the conviction of a crime, the court may prohibit the
24 individual from contacting victims of, witnesses to, jurors who served at any
25 proceeding relating to, or co-actors in, a crime considered at sentencing during any

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1 part of the individual's sentence or period of probation if the court determines that
2 the prohibition would be in the interest of public protection. For purposes of the
3 prohibition, the court may determine who are the victims of or witnesses to any crime
4 considered at sentencing.

5 **SECTION 25.** 973.123 (1) of the statutes, as affected by 2021 Wisconsin Act 76,
6 is amended to read:

7 973.123 (1) In this section, "violent felony" means any felony under s. 943.23
8 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,
9 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.202,
10 940.203, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,
11 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28,
12 941.29, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2),
13 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
14 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

15 (END)