2015 ASSEMBLY BILL 147

April 1, 2015 – Introduced by Representatives J. OTT, JAGLER, BORN, KERKMAN, HEATON, T. LARSON, MURPHY, A. OTT, ROHRKASTE, WEATHERSTON, QUINN, RODRIGUEZ, MURTHA, NOVAK, E. BROOKS, KRUG, SPIROS, BERNIER, BALLWEG, MACCO, RIPP, EDMING, MURSAU, KULP, KREMER, GANNON, MILROY, C. TAYLOR, HORLACHER, KNODL, JACQUE, STUCK, SKOWRONSKI, THIESFELDT, TITTL and STEFFEN, cosponsored by Senators GUDEX, WANGGAARD, LASSA, BEWLEY and MARKLEIN. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1   AN ACT *to amend* 940.20 (2), 940.203 (title), 940.203 (2) (intro.), 940.203 (2) (a)

2   and 940.203 (2) (b); and *to create* 940.203 (1) (c), 940.203 (1) (d) and 940.203

3   (2) (d) of the statutes; **relating to:** battery and threats to a judge, a prosecutor,

4   or a law enforcement officer and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may intentionally cause bodily harm to a law enforcement officer acting in an official capacity, if the actor knows or has reason to know that the victim is a law enforcement officer. Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who commits any of these acts is guilty of a Class H felony and may be fined not more than $10,000, imprisoned for not more than six years, or both.

Under this bill, a person who intentionally causes or threatens bodily harm to a judge, a prosecutor, or a law enforcement officer, or who intentionally causes or threatens bodily harm to a family member of any of those persons, is guilty of Class H felony if the person knows or should know that the victim is a judge, prosecutor, law enforcement officer, or family member of any of those, if the person commits the offense in response to any action taken in the judge's, prosecutor's, or law enforcement officer's official capacity, or if the person commits the offense while the judge, prosecutor, or law enforcement officer is acting in his or her official capacity.

> For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 940.20 (2) of the statutes is amended to read:

2   940.20 **(2)**   BATTERY TO ~~LAW ENFORCEMENT OFFICERS,~~ FIRE FIGHTERS, AND

3   COMMISSION WARDENS.   Whoever intentionally causes bodily harm to a ~~law~~

4   ~~enforcement officer or~~ fire fighter, as ~~those terms are~~ defined in s. 102.475 (8) (b) ~~and~~

5   ~~(c)~~, or to a commission warden, acting in an official capacity and the person knows

6   or has reason to know that the victim is a ~~law enforcement officer,~~ fire fighter~~,~~ or

7   commission warden, by an act done without the consent of the person so injured, is

8   guilty of a Class H felony.

9   SECTION 2. 940.203 (title) of the statutes is amended to read:

10   **940.203**   (title)   **Battery or threat to judge<u>, prosecutor, or law</u>**

11   **<u>enforcement officer</u>.**

12   SECTION 3. 940.203 (1) (c) of the statutes is created to read:

13   940.203 **(1)** (c) "Law enforcement officer" has the meaning given in s. 102.475

14   (8) (c).

15   SECTION 4. 940.203 (1) (d) of the statutes is created to read:

16   940.203 **(1)** (d) "Prosecutor" means any of the following:

17   1. A district attorney, a deputy district attorney, an assistant district attorney,

18   or a special prosecutor appointed under s. 978.045 or 978.05 (8) (b).

19   2. The attorney general, a deputy attorney general, or an assistant attorney

20   general performing the duties of a district attorney.

21   SECTION 5. 940.203 (2) (intro.) of the statutes is amended to read:

1   940.203 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to

2   cause bodily harm to the person or family member of any judge, prosecutor, or law

3   enforcement officer under all any of the following circumstances is guilty of a Class

4   H felony:

5   SECTION 6. 940.203 (2) (a) of the statutes is amended to read:

6   940.203 **(2)** (a) At the time of the act or threat, the actor knows or should have

7   known that the victim is a judge, prosecutor, or law enforcement officer or a member

8   of his or her the judge's, prosecutor's, or law enforcement officer's family.

9   SECTION 7. 940.203 (2) (b) of the statutes is amended to read:

10   940.203 **(2)** (b) The judge is acting in an official capacity at the time of the act

11   or threat or the act or threat is in response to any action taken by the judge,

12   prosecutor, or law enforcement officer in an official capacity.

13   SECTION 8. 940.203 (2) (d) of the statutes is created to read:

14   940.203 **(2)** (d) The judge, prosecutor, or law enforcement officer is acting in his

15   or her official capacity at the time of the act or threat.

16   **(END)**