



2009 ASSEMBLY BILL 423

September 22, 2009 – Introduced by Representatives MOLEPSKE JR., JORGENSEN, GUNDRUM, SCHNEIDER, RADCLIFFE, BLACK, TURNER, BERCEAU, KAUFERT, BROOKS, HRAYCHUCK, SINICKI, HINTZ, GUNDERSON, ZEPNICK, ZIGMUNT, NERISON and BALLWEG, cosponsored by Senators HARSDFORF, DARLING, LEHMAN and LASSA. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber* 940.203 (1) (a); *to amend* 940.20 (4), 940.203 (title),
2 940.203 (2) (intro.), 940.203 (2) (a) and 940.203 (2) (b); and *to create* 940.203
3 (1) (ac) of the statutes; **relating to:** battery to a district attorney or assistant
4 district attorney and providing a penalty.

Analysis by the Legislative Reference Bureau

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 does so 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.

This bill attaches the same penalty to a person who knowingly causes or threatens bodily harm to a district attorney or a member of a district attorney's family while the district attorney is acting in an official capacity or as a response to an official action by the district attorney. The bill defines "district attorney" to include any person authorized to prosecute a criminal case or a delinquency petition, or his or her designee.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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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 (4) of the statutes is amended to read:

2 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily
3 harm to a public officer in order to influence the action of such officer or as a result
4 of any action taken within an official capacity, without the consent of the person
5 injured, is guilty of a Class I felony. A district attorney, as defined in s. 950.02 (2m),
6 is not a public officer for the purpose of this subsection.

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

8 **940.203** (title) **Battery or threat to judge or district attorney.**

9 **SECTION 3.** 940.203 (1) (a) of the statutes is renumbered 940.203 (1) (am).

10 **SECTION 4.** 940.203 (1) (ac) of the statutes is created to read:

11 940.203 (1) (ac) “District attorney” has the meaning given in s. 950.02 (2m).

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

13 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
14 cause bodily harm to the person or family member of any judge or district attorney
15 under all of the following circumstances is guilty of a Class H felony:

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

17 940.203 (2) (a) At the time of the act or threat, the actor knows or should have
18 known that the victim is a judge or a district attorney or a member of ~~his or her~~ the
19 judge’s or district attorney’s family.

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

