



2011 ASSEMBLY BILL 424

December 14, 2011 – Introduced by Representatives JORGENSEN, RICHARDS, SINICKI, ZEPNICK, SPANBAUER, BERCEAU and BIES, cosponsored by Senator T. CULLEN. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber* 940.203 (1) (a); *to amend* 940.203 (title); and *to create*
2 940.203 (1) (ag), 940.203 (3) and 940.203 (4) of the statutes; **relating to:** battery
3 to or threatening a court employee or threatening damage to a courthouse and
4 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, an individual who causes bodily harm to another individual is guilty of battery, which is a Class A misdemeanor. Current law provides more severe penalties for battery committed against certain public officials. For instance, an individual who intentionally causes, or threatens to cause, bodily harm to a judge is guilty of a Class H felony. Under this bill, an individual is guilty of a Class I felony if he or she intentionally causes, or threatens to cause, bodily harm to a court employee, which includes circuit court clerks and their employees, employees of the supreme court, district attorneys and deputy and assistant district attorneys, and state public defenders, who is acting in his or her official capacity or if the act or threat is in response to an action he or she has taken in an official capacity. Also under this bill, an individual is guilty of a Class I felony if he or she threatens to cause damage to a courthouse and if the threatened action could result in bodily harm to a judge or court employee.

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

ASSEMBLY BILL 424

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

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

1 **SECTION 1.** 940.203 (title) of the statutes is amended to read:

2 **940.203** (title) **Battery or threat to judge or court employee.**

3 **SECTION 2.** 940.203 (1) (a) of the statutes is renumbered 940.203 (1) (ar).

4 **SECTION 3.** 940.203 (1) (ag) of the statutes is created to read:

5 940.203 (1) (ag) "Court employee" means any of the following:

6 1. A clerk of circuit court or an individual supervised by a clerk of circuit court.

7 2. An individual employed by the supreme court.

8 3. A district attorney, an assistant district attorney, a deputy district attorney,
9 or an employee of the office of the district attorney.

10 4. The state public defender or an employee of the office of the state public
11 defender.

12 5. An individual who is employed by a county, or under a contract with the
13 county, to work regularly in the county courthouse.

14 **SECTION 4.** 940.203 (3) of the statutes is created to read:

15 940.203 (3) Whoever intentionally causes bodily harm or threatens to cause
16 bodily harm to a court employee under all of the following circumstances is guilty of
17 a Class I felony:

18 (a) At the time of the act or threat, the actor knows or should have known that
19 the victim is a court employee.

20 (b) The court employee is acting in an official capacity at the time of the act or
21 threat or the act or threat is in response to any action taken in an official capacity.

ASSEMBLY BILL 424

1 (c) The court employee does not consent to being harmed or threatened.

2 **SECTION 5.** 940.203 (4) of the statutes is created to read:

3 940.203 (4) Whoever threatens to cause damage to a courthouse, if the
4 threatened action could result in bodily harm to a judge or court employee, is guilty
5 of a Class I felony.

6 (END)