

# State of Wisconsin



2015 Senate Bill 117

Date of enactment: **November 11, 2015**  
Date of publication\*: **November 12, 2015**

## 2015 WISCONSIN ACT 78

AN ACT *to amend* 940.20 (2), 940.203 (title), 940.203 (1) (b), 940.203 (2) (intro.), 940.203 (2) (a) and 940.203 (2) (b); and *to create* 940.203 (1) (c) and 940.203 (1) (d) of the statutes; **relating to:** battery and threats to a judge, a prosecutor, or a law enforcement officer and providing a criminal penalty.

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

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

**940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND COMMISSION WARDENS.** Whoever intentionally causes bodily harm to a ~~law enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8) (b) and (e), or to a commission warden, acting in an official capacity and the person knows or has reason to know that the victim is a law enforcement officer, fire fighter, or commission warden, by an act done without the consent of the person so injured, is guilty of a Class H felony.~~

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

**940.203 (title) Battery or threat to judge, prosecutor, or law enforcement officer.**

**SECTION 2m.** 940.203 (1) (b) of the statutes is amended to read:

940.203 (1) (b) "Judge" means a person who currently is or who formerly was a supreme court justice, court of appeals judge, circuit court judge, municipal judge, temporary or permanent reserve, judge or circuit, supplemental, or municipal court commissioner.

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

940.203 (1) (c) "Law enforcement officer" has the meaning given in s. 102.475 (8) (c) and includes a person who formerly was a law enforcement officer under that definition.

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

940.203 (1) (d) "Prosecutor" means a person who currently is or formerly was any of the following:

1. A district attorney, a deputy district attorney, an assistant district attorney, or a special prosecutor appointed under s. 978.045 or 978.05 (8) (b).

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

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

940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any judge, prosecutor, or law enforcement officer under all of the following circumstances is guilty of a Class H felony:

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

940.203 (2) (a) At the time of the act or threat, the actor knows or should have known that the victim is a

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**2015 Wisconsin Act 78**

**2015 Senate Bill 117**

~~judge, prosecutor, or law enforcement officer~~ or a member of his or her ~~the judge's, prosecutor's, or law enforcement officer's~~ family.

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

940.203 (2) (b) The ~~judge is acting in an official capacity at the time of the act or threat or the act or threat~~ is in response to any action taken by a judge, prosecutor, or law enforcement officer in an official capacity.

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