



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 147

Assembly Amendment 2

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Contact: Jessica Ozalp, Staff Attorney (266-2982)

Under current law, a person who intentionally causes bodily harm to a law enforcement officer acting in his or her official capacity is guilty of a Class H felony if the actor knows or has reason to know that the victim is a law enforcement officer. Also under a current law, a person who intentionally causes or threatens to cause bodily harm to a judge or a member of a judge's family is guilty of a Class H felony if at the time of the act or threat the person knows or should have known that the victim is a judge or a member of his or her family, and the judge is acting in his or her official capacity or the act or threat is a response to any action taken in an official capacity.

2015 ASSEMBLY BILL 147

Assembly Bill 147 provides that it is a Class H felony to either cause bodily harm or threaten to cause bodily harm to the person of or family of a law enforcement officer, prosecutor, or judge under any of the following circumstances:

- The person causing or threatening to cause the harm knows or should have known that the victim is a judge, prosecutor, or law enforcement officer or a member of a judge's, prosecutor's, or law enforcement officer's family;
- The act or threat is in response to any action taken by the judge, prosecutor, or law enforcement officer in an official capacity; or
- The judge, prosecutor, or law enforcement officer is acting in his or her official capacity at the time of the act or threat.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 makes the following changes to the bill:

- It expands the definitions of judge, prosecutor, and law enforcement officer to include former judges, prosecutors, and law enforcement officers.
- It applies the bill's provisions if the act or threat is in response to any action taken by **a** judge, prosecutor, or law enforcement officer in an official capacity, not necessarily **the** judge, prosecutor, or law enforcement officer against whom the act or threat was made.
- The amendment also deletes the provision pertaining to the judge, prosecutor, or law enforcement officer acting in his or her official capacity at the time of the act or threat.
- Finally, the amendment makes the circumstances under which the bill's prohibitions may be violated conjunctive rather than disjunctive; that is, a person is guilty if he or she knows or should have known the victim was a judge, prosecutor, or law enforcement officer **and** the threat or act was in response to an act taken by a judge, prosecutor, or law enforcement officer in an official capacity.

BILL HISTORY

Representative Ott offered Assembly Amendment 2 to Assembly Bill 147 on April 9, 2015. On October 15, 2015, the Assembly Committee voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 6; Noes, 2. On the same day, the committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 6; Noes, 2.

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