

1 **AN ACT** *to create* 940.20 (8) of the statutes; **relating to:** battery to staff providing
 2 institutional care for sexually violent persons.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on sexually violent person commitments.

3 **SECTION 1.** 940.20 (8) of the statutes is created to read:

4 940.20 (8) BATTERY TO STAFF PROVIDING INSTITUTIONAL CARE FOR SEXUALLY VIOLENT
 5 PERSONS. (a) In this subsection, “staff member” means a person employed by an institution,
 6 described under s. 980.065, that provides care for sexually violent persons.

7 (b) Whoever intentionally causes bodily harm to a staff member acting in an official
 8 capacity, who knows or has reason to know that the victim is a staff member, and who causes
 9 the bodily harm without the consent of the staff person injured is guilty of a Class H felony.

NOTE: This SECTION creates s. 940.20 (8) to provide that whoever causes bodily harm to a staff member of an institution that provides care for sexually violent persons, when that staff member is acting in an official capacity and does not consent to the injury, is guilty of a class H felony. The term “bodily harm” is defined in s. 939.22 (4), stats., to mean physical pain or injury, illness, or any impairment of physical condition. A class H felony is punishable by a fine not to exceed \$10,000 or a term of confinement and extended supervision not to exceed 6 years, or both. The crime created in this provision is comparable to the crimes of battery by prisoners and battery to law enforcement officers and fire fighters; probation, extended supervision and parole agents and aftercare agents; and emergency medical care providers. [See s. 940.20 (1), (2), (2m), (3), and (7), Stats.]

The general battery statute, s. 940.19, stats., may be summarized as follows:

Bodily harm caused with intent to cause bodily harm	Class A misdemeanor
Substantial bodily harm caused with intent to cause bodily harm	Class I felony
Substantial bodily harm caused with intent to cause substantial bodily harm	Class D felony
Great bodily harm caused with intent to cause bodily harm	Class H felony
Great bodily harm caused with intent to cause great bodily harm	Class E felony
Bodily harm caused by conduct creating substantial risk of great bodily harm	Class H felony