



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBs0200/1  
JEO:kaf:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1997 ASSEMBLY BILL 221**

June 10, 1997 - Offered by Representative BALDWIN.

1     **AN ACT** *to amend* 767.11 (8) (b) 2., 767.11 (10) (e) 2., 767.24 (2) (b) 2. c., 767.24  
2           (5) (i), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and **to create** 940.20 (8) and  
3           940.20 (9) of the statutes; **relating to:** battery to a pregnant female resulting  
4           in great bodily harm to or death of her fetus and providing penalties.

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

5           **SECTION 1.** 767.11 (8) (b) 2. of the statutes is amended to read:  
6           767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20  
7           (1m), (8) or (9) or domestic abuse as defined in s. 813.12 (1) (a).

8           **SECTION 2.** 767.11 (10) (e) 2. of the statutes is amended to read:  
9           767.11 (10) (e) 2. There is evidence of interspousal battery as described under  
10          s. 940.19 or 940.20 (1m), (8) or (9) or domestic abuse as defined in s. 813.12 (1) (a).

11          **SECTION 3.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

1           767.24 (2) (b) 2. c. The parties will be able to cooperate in the future decision  
2 making required under an award of joint legal custody. In making this finding the  
3 court shall consider, along with any other pertinent items, any reasons offered by a  
4 party objecting to joint legal custody. Evidence that either party engaged in abuse,  
5 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of  
6 interspousal battery, as described under s. 940.19 or 940.20 (1m), (8) or (9), or  
7 domestic abuse, as defined in s. 813.12 (1) (a), creates a rebuttable presumption that  
8 the parties will not be able to cooperate in the future decision making required. This  
9 presumption may be rebutted by clear and convincing evidence that the abuse will  
10 not interfere with the parties' ability to cooperate in the future decision making  
11 required.

12           **SECTION 4.** 767.24 (5) (i) of the statutes is amended to read:

13           767.24 (5) (i) Whether there is evidence of interspousal battery as described  
14 under s. 940.19 or 940.20 (1m), (8) or (9) or domestic abuse as defined in s. 813.12 (1)  
15 (a).

16           **SECTION 5.** 940.20 (8) of the statutes is created to read:

17           940.20 (8) BATTERY TO A PERSON RESULTING IN FETAL INJURY. Whoever  
18 intentionally causes bodily harm to a person who he or she knows or has reason to  
19 know is pregnant, resulting in great bodily harm to the fetus that that person is  
20 carrying, without the consent of the injured person, is guilty of a Class D felony.

21           **SECTION 6.** 940.20 (9) of the statutes is created to read:

22           940.20 (9) BATTERY TO A PERSON RESULTING IN FETAL DEATH. Whoever  
23 intentionally causes bodily harm to a person who he or she knows or has reason to  
24 know is pregnant, resulting in the death of the fetus that that person is carrying,  
25 without the consent of the injured person, is guilty of a Class B felony.

1           **SECTION 7.** 971.37 (1m) (a) 2. of the statutes is amended to read:

2           971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of  
3 s. 940.19, 940.20 (1m) ~~or~~, (3), (8) or (9), 940.225, 940.23, 940.285, 940.30, 940.42,  
4 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49,  
5 947.01, 947.012 or 947.0125 and the conduct constituting the violation involved an  
6 act by the adult person against his or her spouse or former spouse, against an adult  
7 with whom the adult person resides or formerly resided or against an adult with  
8 whom the adult person has created a child.

9           **SECTION 8.** 973.055 (1) (a) 1. of the statutes is amended to read:

10           973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified  
11 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m) ~~or~~, (3), (8) or (9),  
12 940.21, 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,  
13 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01, 947.012 or  
14 947.0125 or of a municipal ordinance conforming to s. 941.20, 941.30, 943.01, 943.14,  
15 943.15, 946.49, 947.01, 947.012 or 947.0125; and

16           **SECTION 9. Initial applicability.**

17           (1) This act applies to offenses committed on or after the effective date of this  
18 subsection.

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(END)