



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 192**

October 15, 2009 – Offered by COMMITTEE ON CRIMINAL JUSTICE.

1 **AN ACT to repeal** 940.20 (2), 940.20 (2m), 940.20 (4), 940.20 (5), 940.20 (6), 940.20
2 (7), 940.205, 940.207 and 940.208; **to amend** 48.685 (5) (bm) 4., 115.31 (2g),
3 118.19 (4) (a), 938.183 (1) (a), 938.183 (1m) (c) 1. and 938.183 (1m) (c) 2.; and
4 **to create** 940.209 of the statutes; **relating to:** battery to a person working in
5 his or her official capacity and providing a penalty.

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

6 **SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:
7 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
8 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
9 or (6), 940.20, 940.203, 940.205, 2007 stats., 940.207, 2007 stats., or 940.25, a
10 violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6.,
11 or 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed
12 not more than 5 years before the date of the investigation under sub. (2) (am).

1 **SECTION 2.** 115.31 (2g) of the statutes is amended to read:

2 115.31 **(2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall
3 revoke a license granted by the state superintendent, without a hearing, if the
4 licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, ~~except ss.~~
5 ~~940.08 and 940.205~~, for a violation that occurs on or after September 12, 1991, or any
6 Class E, F, G, or H felony under ch. 940 or 948, except ss. s. 940.08 and s. 940.205,
7 2007 stats., for a violation that occurs on or after February 1, 2003.

8 **SECTION 3.** 118.19 (4) (a) of the statutes is amended to read:

9 118.19 **(4)** (a) Notwithstanding subch. II of ch. 111, the state superintendent
10 may not grant a license, for 6 years following the date of the conviction, to any person
11 who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, ~~except~~
12 ~~ss. 940.08 and 940.205~~ or of an equivalent crime in another state or country, for a
13 violation that occurs on or after September 12, 1991, or any Class E, F, G, or H felony
14 under ch. 940 or 948, except ss. s. 940.08 and s. 940.205, 2007 stats., for a violation
15 that occurs on or after February 1, 2003. The state superintendent may grant the
16 license only if the person establishes by clear and convincing evidence that he or she
17 is entitled to the license.

18 **SECTION 4.** 938.183 (1) (a) of the statutes is amended to read:

19 938.183 **(1)** (a) A juvenile who has been adjudicated delinquent and who is
20 alleged to have violated s. 940.20 (1) or 946.43 while placed in a juvenile correctional
21 facility, a juvenile detention facility, or a secured residential care center for children
22 and youth or who has been adjudicated delinquent and who is alleged to have
23 committed a violation of s. 940.20 (2m), 2007 stats.

24 **SECTION 5.** 938.183 (1m) (c) 1. of the statutes is amended to read:

1 938.183 **(1m)** (c) 1. Except as provided in subd. 3., the court of criminal
2 jurisdiction finds that the juvenile has committed a lesser offense or a joined offense
3 that is not a violation of s. 940.20 (1) or ~~(2m)~~ s. 940.20 (2m), 2007 stats., or 946.43
4 under the circumstances described in sub. (1) (a), that is not an attempt to violate s.
5 940.01 under the circumstances described in sub. (1) (am), that is not a violation of
6 s. 940.02 or 940.05 under the circumstances described in sub. (1) (am), and that is
7 not an offense for which the court assigned to exercise jurisdiction under this chapter
8 and ch. 48 may waive its jurisdiction over the juvenile under s. 938.18.

9 **SECTION 6.** 938.183 (1m) (c) 2. of the statutes is amended to read:

10 938.183 **(1m)** (c) 2. Except as provided in subd. 3., the court of criminal
11 jurisdiction finds that the juvenile has committed a lesser offense or a joined offense
12 that is a violation of s. 940.20 (1) or ~~(2m)~~ s. 940.20 (2m), 2007 stats., or 946.43 under
13 the circumstances described in sub. (1) (a), that is an attempt to violate s. 940.01
14 under the circumstances described in sub. (1) (am), that is a violation of s. 940.02 or
15 940.05 under the circumstances described in sub. (1) (am), or that is an offense for
16 which the court assigned to exercise jurisdiction under this chapter and ch. 48 may
17 waive its jurisdiction over the juvenile under s. 938.18 and the court of criminal
18 jurisdiction, after considering the criteria specified in s. 938.18 (5), determines that
19 the juvenile has proved by clear and convincing evidence that it would be in the best
20 interests of the juvenile and of the public to adjudge the juvenile to be delinquent and
21 impose a disposition specified in s. 938.34.

22 **SECTION 7.** 940.20 (2) of the statutes is repealed.

23 **SECTION 8.** 940.20 (2m) of the statutes is repealed.

24 **SECTION 9.** 940.20 (4) of the statutes is repealed.

25 **SECTION 10.** 940.20 (5) of the statutes is repealed.

