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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2009 Assembly Bill 269**

**Senate  
Amendment 1**

*Memo published:* February 19, 2010

*Contact:* Ronald Sklansky, Senior Staff Attorney (266-1946)

Under current law a person who knowingly resists or obstructs a law enforcement officer while the officer is acting in an official capacity and with lawful authority is guilty of a Class A misdemeanor. (Section 946.41 (1), Stats.; the terms “obstructs” and “officer” are defined in s. 946.41 (2) (a) and (b), Stats., respectively.)

Assembly Bill 269 provides that a person who violates the above prohibition on resisting or obstructing an officer and causes bodily harm to the officer is guilty of a Class H felony. “Bodily harm” is defined in s. 939.22 (4), Stats., as “physical pain or injury, illness, or any impairment of physical condition.”

Senate Amendment 1 provides that a person must cause substantial bodily harm, rather than bodily harm, to a police officer when resisting or obstructing the officer in order to be guilty of a Class H felony.

**Legislative History**

On February 18, 2010, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing adopted Senate Amendment 1 to Assembly Bill 269 and recommended concurrence in the bill, as amended, both on votes of Ayes, 5; Noes, 0.

RS:jal