



1995 ASSEMBLY BILL 276

April 3, 1995 – Introduced by Representatives OWENS, DOBYNS, KAUFERT, LADWIG, KREIBICH, WALKER, GREEN, SKINDRUD and SERATTI, cosponsored by Senators BUETTNER, DARLING and ANDREA. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to create** 946.415 of the statutes; **relating to:** refusing to comply with
2 a peace officer’s attempt to take a person into custody and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, if a person resists or obstructs a peace officer, upon conviction the person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. This bill provides a penalty for intentionally doing all of the following: failing to comply with an officer’s attempt to take the person into custody; retreating or remaining in some place and attempting to prevent the officer from taking the person into custody; and being armed with or threatening to use a dangerous weapon. Upon conviction, the person may be fined not more than \$10,000 or imprisoned for not more than 2 years or both.

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

3 **SECTION 1.** 946.415 of the statutes is created to read:
4 **946.415 Failure to comply with officer’s attempt to take person into**
5 **custody. (1)** In this section, “officer” has the meaning given in s. 946.41 (2) (b).
6 **(2)** Whoever intentionally does all of the following is guilty of a Class E felony:
7 (a) Refuses to comply with an officer’s attempt to take him or her into custody.
8 (b) Retreats or remains in a building or place and, through action or threat,
9 attempts to prevent the officer from taking him or her into custody.

