



## 1995 ASSEMBLY BILL 901

February 19, 1996 - Introduced by Representatives GUNDERSON, MUSSER, HANDRICK, BOYLE, BALDUS and ZIEGELBAUER, cosponsored by Senator DRZEWIECKI. Referred to Committee on Criminal Justice and Corrections.

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 (7) of the  
3           statutes; **relating to:** battery to a spouse or former spouse and providing a  
4           penalty.

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### *Analysis by the Legislative Reference Bureau*

Presently, ordinary battery (intentionally causing bodily harm to another person without consent) is a Class A misdemeanor, punishable by imprisonment of not more than 9 months or by a fine of not more than \$10,000 or both. However, if the victim is a police officer, fire fighter, probation or parole agent, witness, juror, public official, technical college system employe or officer or public transit vehicle operator, driver or passenger, ordinary battery is a felony. This bill makes it a Class E felony for a person to commit an ordinary battery against his or her spouse or former spouse. A Class E felony is punishable by not more than 2 years in prison or a fine of not more than \$10,000 or both.

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***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)  
7           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:

1           767.11 (10) (e) 2. There is evidence of interspousal battery as described under  
2 s. 940.19 or 940.20 (7) or domestic abuse as defined in s. 813.12 (1) (a).

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

4           767.24 (2) (b) 2. c. The parties will be able to cooperate in the future decision  
5 making required under an award of joint legal custody. In making this finding the  
6 court shall consider, along with any other pertinent items, any reasons offered by a  
7 party objecting to joint legal custody. Evidence that either party engaged in abuse  
8 of the child as defined in s. 48.981 (1) (a) and (b) or 813.122 (1) (a) or evidence of  
9 interspousal battery as described under s. 940.19 or 940.20 (7) or domestic abuse as  
10 defined in s. 813.12 (1) (a) creates a rebuttable presumption that the parties will not  
11 be able to cooperate in the future decision making required. This presumption may  
12 be rebutted by clear and convincing evidence that the abuse will not interfere with  
13 the parties' ability to cooperate in the future decision making required.

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

15           767.24 (5) (i) Whether there is evidence of interspousal battery as described  
16 under s. 940.19 or 940.20 (7) or domestic abuse as defined in s. 813.12 (1) (a).

17           **SECTION 5.** 940.20 (7) of the statutes is created to read:

18           940.20 (7) BATTERY TO SPOUSE OR FORMER SPOUSE. Whoever intentionally causes  
19 bodily harm to his or her spouse or former spouse by an act done without the consent  
20 of the person so injured is guilty of a Class E felony.

21           **SECTION 6.** 971.37 (1m) (a) 2. of the statutes is amended to read:

22           971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of  
23 s. 940.19, 940.20 (3) or (7), 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44,  
24 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012 and  
25 the conduct constituting the violation involved an act by the adult person against his

1 or her spouse or former spouse, against an adult with whom the adult person resides  
2 or formerly resided or against an adult with whom the adult person has created a  
3 child.

4 **SECTION 7.** 973.055 (1) (a) 1. of the statutes is amended to read:

5 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
6 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (3) or (7), 940.21, 940.225,  
7 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48,  
8 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012 or of a municipal  
9 ordinance conforming to s. 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or  
10 947.012; and

11 **SECTION 8. Initial applicability.**

12 (1) This act first applies to offenses occurring on the effective date of this  
13 subsection.

14 (END)