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LRB-2558/3 RLR:kmg:pg

2003 ASSEMBLY BILL 483

August 26, 2003 – Introduced by Representatives Young and Musser, cosponsored by Senator Kanavas. Referred to Committee on Criminal Justice.

1 AN ACT to create 946.41 (2r) and (2u) of the statutes; relating to: the prohibition

against resisting or obstructing an officer and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from resisting or obstructing a peace officer while the officer is acting in his or her official capacity. A person who violates this prohibition is guilty of a Class A misdemeanor. Current law also prohibits a person from intentionally causing bodily harm to a law enforcement officer while the officer is acting in his or her official capacity if the person knows or has reason to know that the victim is a law enforcement officer. A person who violates this prohibition is guilty of a Class H felony.

This bill increases the penalty for violating the prohibition against resisting or obstructing a peace officer if the person harms the officer. Under the bill, a person who causes bodily harm to an officer while resisting or obstructing the officer is guilty of a Class I felony. A person who causes substantial bodily harm to an officer while resisting or obstructing the officer is guilty of a Class H felony.

The penalties for the crimes mentioned above are as follows:

<u>Crime</u>	<u>Maximum Fine</u>	Maximum Imprisonment (For felonies, includes term of extended supervision)
Class A misdemeanor	\$10,000	Nine months
Class I felony	\$10,000	Three and one-half years
Class H felony	\$10,000	Six years

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- **SECTION 1.** 946.41 (2r) and (2u) of the statutes are created to read:
- 946.41 (**2r**) Whoever, while violating sub. (1), causes bodily harm to the officer whom the person is resisting or obstructing is guilty of a Class I felony.
 - (2u) Whoever, while violating sub. (1), causes substantial bodily harm to the officer whom the person is resisting or obstructing is guilty of a Class H felony.
- 6 (END)

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