

State of Misconsin 2011 - 2012 LEGISLATURE



## **2011 ASSEMBLY BILL 246**

September 7, 2011 – Introduced by Representatives KRUG, JACQUE, BERNARD SCHABER, BROOKS, ENDSLEY, KERKMAN, RIPP, SPANBAUER and ZEPNICK. Referred to Committee on Criminal Justice and Corrections.

AN ACT to repeal 946.415 (2) (a); to consolidate, renumber and amend 946.415 (2) (intro.), (b) and (c); and to amend 946.415 (title) of the statutes; relating to: resisting officer while armed with or threatening to use a dangerous weapon.

## Analysis by the Legislative Reference Bureau

Under current law, an individual is guilty of a Class I felony if he or she, through action or threat, resists arrest while armed with or threatening to use a weapon and while retreating or remaining in a building or place. Under this bill, an individual is guilty of a Class I felony if he or she, through action or threat, resists arrest while armed with or threatening to use a weapon. A person who is convicted of a Class I felony may be fined not more than \$10,000, sentenced to a term of imprisonment of up to three years and six months, or both.

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

- 5 **SECTION 1.** 946.415 (title) of the statutes is amended to read:
- 6 946.415 (title) Failure to comply with Preventing officer's attempt to
- 7 take <del>person</del> into custody <u>while armed with or threatening to use a weapon</u>.

2011 – 2012 Legislature

## **ASSEMBLY BILL 246**

1	SECTION 2. 946.415 (2) (intro.), (b) and (c) of the statutes are consolidated,
<b>2</b>	renumbered 946.415 (2) and amended to read:
3	946.415 (2) Whoever intentionally <del>does all of the following is guilty of a Class</del>
4	I felony: (b) Retreats or remains in a building or place and, through action or threat,
5	attempts to prevent <del>the</del> <u>an</u> officer from <u>lawfully</u> taking him or her into custody. (c)
6	While acting under pars. (a) and (b), if he or she remains or becomes armed with a
7	dangerous weapon, or threatens to use a dangerous weapon regardless of whether
8	he or she has a dangerous weapon <u>, is guilty of a Class I felony</u> .
9	SECTION 3. 946.415 (2) (a) of the statutes is repealed.
10	(END)

- 2 -