



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1440/2
PJH:eev/amn/jld

2015 SENATE BILL 204

June 26, 2015 – Introduced by Senators TIFFANY, LASSA and OLSEN, cosponsored by Representatives RODRIGUEZ, BALLWEG, E. BROOKS, HORLACHER, JOHNSON, KAHL, KITCHENS, T. LARSON, MURPHY, SUBECK and BERNIER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to create** 940.20 (2r) of the statutes; **relating to:** causing or threatening
2 bodily harm to certain child welfare and juvenile justice workers, and providing
3 a criminal penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery, the penalties for which increase depending on the severity of the injury the person causes his or her victim. A person convicted of ordinary battery is subject to fines and periods of imprisonment. Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees, and agents.

Among those covered under these "special circumstances battery" provisions are law enforcement officers, fire fighters, and probation, parole, and aftercare agents. If a person intentionally causes bodily harm to one of these employees, the person is guilty of a Class H felony and may be fined not more than \$10,000 or sentenced to a term of imprisonment of not more than six years, or both, if the person knows or has reason to know that the victim is an employee of the pertinent department, the victim is acting in his or her official capacity, and the victim does not consent to the harm.

This bill extends the special circumstances battery provisions to a person who is employed by, or under contract with, a court, a county department of human or social services, a tribal child welfare agency, or the department of children and

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families, to provide intake, dispositional, or other services relating to child welfare or juvenile justice (child welfare or juvenile justice worker). Under the bill, if a person intentionally causes bodily harm or threatens to cause bodily harm to a child welfare or juvenile justice worker, the person is guilty of a Class H felony if the person knows or has reason to know that the victim is a child welfare or juvenile justice worker, the victim is acting in his or her official capacity, and the victim does not consent to the harm.

For further information see the *state and local* 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:

1 **SECTION 1.** 940.20 (2r) of the statutes is created to read:

2 940.20 **(2r)** BATTERY TO CHILD WELFARE OR JUVENILE JUSTICE WORKERS. (a) In this
3 subsection, “child welfare or juvenile justice worker” means an individual who is any
4 of the following:

5 1. Employed by a court assigned to exercise jurisdiction under ch. 48 or 938, by
6 a county department of human services or social services under ch. 48, or by the
7 department of children and families, and who provides intake, dispositional, or other
8 child welfare or juvenile justice services under ch. 48 or 938.

9 2. Employed by a child welfare agency licensed under s. 48.60 that is under
10 contract with a court assigned to exercise jurisdiction under ch. 48 or 938, with a
11 county department of human services or social services under ch. 48, or with the
12 department of children and families, to provide intake, dispositional, or other child
13 welfare or juvenile justice services under ch. 48 or 938 and who provides those
14 services.

15 3. Employed by a child welfare agency operated by a federally recognized
16 American Indian tribe or band who provides intake, dispositional, or other child

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1 welfare or juvenile justice services under tribal law or participates in Indian child
2 custody proceedings under ch. 48 or 938.

3 (b) Whoever intentionally causes bodily harm to a child welfare or juvenile
4 justice worker acting in an official capacity, and the person knows or has reason to
5 know that the victim is a child welfare or juvenile justice worker, by an act done
6 without the consent of the person so injured, is guilty of a Class H felony.

7 (END)