



STATE REPRESENTATIVE

JESSE JAMES

Chairman Spiros and committee members,

Thank you for hearing Assembly Bill 744, and giving me the opportunity to testify today.

Currently in Wisconsin, if a prisoner throws or expels any bodily substances at or toward an officer or other person in a prison facility, a court may order the prisoner to undergo testing for communicable diseases if there is probable cause to believe there was potential for transmitting a communicable disease to the victim.

This bill will allow a court to require such testing for any criminal defendant who throws or expels any bodily substance at or toward a public safety worker or prosecutor. Being familiar with exposure incidents, it is frustrating for the officer. When they are dealing with someone who may be a needle-user, and are exposed to a bodily fluid, usually blood, or spit, it is stressful. Usually they get exposed to the fluid via eyes, nose, and/or mouth, and it is bad. What would go through your minds if you swallowed someone's spit, or blood? It isn't good.

This becomes a workman's compensation claim, and you go to the hospital. An initial test is done, then you go back, and could be exposed to a handful of tests through a year's time. The officer who is off will be covered under the city's insurance for the cost of the tests, and paid for attending the tests.

The agency's insurance would be at risk for higher rates, which brings increased costs. If the public safety worker tested positive for a communicable disease this would complicate things even more.

This bill will give public safety workers and prosecutors the peace of mind that if an offender expels or throws a bodily substance at them, testing will occur, and it will occur in a timely manner. We need to make sure public safety workers return home to their families after such an exposure, knowing testing will be done, and results will be coming. Our public safety workers protect and serve us on a daily basis, and I look forward to this legislation passing so we can protect and serve them. It is the common sense thing to do.

I want to thank Senator Bernier for working on this with me.

STATE SENATOR KATHY BERNIER
TWENTY-THIRD SENATE DISTRICT



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From: Senator Kathy Bernier
To: The Assembly Committee on Criminal Justice and Public Safety
Re: Testimony on Assembly Bill 744

Relating to: throwing or expelling a bodily substance at a public safety worker or prosecutor.

Date: January 23, 2020

Chairman Sprios and members of the committee, thank you for hearing Assembly Bill 744 today. Law enforcement workers have a difficult job to say the least. They should not have to face the risk of infection from exposure to bodily fluids by people they encounter during their work day. This bill supports our law enforcement workers by making sure they can get the information they need to ensure that they can receive treatment for any infectious diseases they are exposed to in the course of their duties.

Currently, if a prisoner throws or expels a bodily substance at or toward another person in a prison, a judge can order the prisoner to undergo testing for communicable diseases if there is probable cause to believe that there was potential for transmitting a communicable disease to the victim. Assembly Bill 744 allows a judge to require the same testing for a criminal defendant who throws or expels a bodily substance at or toward a public safety worker or a prosecutor.

I hope you will join me and Representative James in supporting this simple change to ensure that our law enforcement personnel can avoid having to worry about the risk of infectious diseases when they are performing their jobs. I would be happy to answer any questions you may have.

LAKE HALLIE POLICE DEPARTMENT

Cal D. Smokowicz, Police Chief
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Chairman Spiros and other members of the Committee on Criminal Justice and Public Safety,

I write this letter to you in support of 2019 Assembly Bill 744, addressing an unfortunately all too real and substantial concern faced by law enforcement officers—that of an intentional exposure to bodily fluids and the subsequent transmission of communicable diseases.

Having served as a sworn law enforcement officer in a wide variety of roles over the past twenty years, I am all too familiar with sacrifices made by the men and women of law enforcement who leave their homes each and every day to serve their communities. Yet, not only is it the officers who sacrifice so much of themselves for this line of work, but their families as well.

A very real concern shared by those in law enforcement is the fear of exposure to disease and the accompanying complications, either minor or debilitating. Regular contact with persons suffering from mental health and drug addiction make this a sad reality, along with many of the unsafe and unsanitary environments in which we ask our officers to function. And yet perhaps even more troubling is the thought of subsequently infecting an innocent family member or loved one.

It was nearly ten years ago, as a patrol officer, I responded to a hospital in the city of Chippewa Falls, at the request of a neighboring law enforcement agency, to help with a blood draw from a combative individual. Here in the Emergency Center, I assisted another officer in the physical restraint of a man who had been arrested for Operating a Motor Vehicle while Under the Influence of an Intoxicant. What I did not know at this time was the fact this man was an intravenous methamphetamine user, and was currently under parole supervision, having just been released from prison only a few days prior.

During the attempt to draw blood from this subject, he became increasingly resistive to the point of assaultive, lashing out with kicks, head-butts, and attempts to bite, all while handcuffed behind his back. While attempting to gain and maintain physical control of this man, he was able to strike my head with his, bleeding his nose in the process.

As the blood ran down his face and into his mouth, in the chaos of this altercation, this man positioned himself as to allow him the opportunity to spit saliva and blood on me, which entered my eyes, nose, and mouth. It was not until the medical staff administered a strong sedative to this man, which allowed us to gain complete physical control of him.

In the aftermath of this intentional exposure, I learned of this man's history and became increasingly concerned about contagious disease transmission. I was relieved of duty early that night, and returned to the police department to change out of my uniform,

Village of Lake Hallie Police Department

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which was discarded in the trash, as well as to shower. After doing so, I took a strong disinfectant to my duty gear and scrubbed every square in with an old toothbrush. I have a very distinct memory of showering the dried blood off my silver badge, which had crept into the small crevasses of the ornate detailing.

At the hospital, I was provided and accepted the opportunity to begin a medical regiment to combat a possible transmission of the HIV virus, suggested and prescribed by the Emergency Room doctor on duty that night. For the next three days, while I remained home and not able to work, I ingested this medication which left me nauseous and weak, much worse than any cold or flu virus I have ever encountered. Yet the alternative was would be far worse.

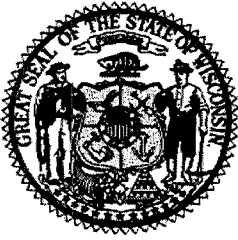
It was not until the following Tuesday I received notification of the man's medical history, reassuring me he had tested negative for what I had feared the most. Those three long days were spent at home, suffering the side effects of this strong medication, yet what was worse with the constant gnawing thought of what might be, due to the expose I had suffered.

Your endorsement of this legislation provides a show of support for the men and women of law enforcement who serve our communities in the state of Wisconsin, all too often making sacrifices in their personal lives and the lives of their families for the sake of this profession. What seems simple and common sense law speaks volumes to the officers who selflessly give of themselves, and their loved ones, that we all may rest easier at night. The timely relief this legislation may offer one who has suffered an intentional exposure, may seem insignificant to some. Be assured, from someone who has experience this traumatic ordeal, it is not.

Thank you for your effort and time put toward this important matter.

Respectfully submitted,

Officer Robert N. Teuteberg #297
Lake Hallie Police Department



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Date: January 21, 2019

To: **Chairman Spiros and Other Members of the Committee on Criminal Justice and Public Safety**

From: Wade C. Newell, District Attorney

RE: **2019 Assembly Bill 744**

In November, I was contacted about a situation where an offender spit a large amount of saliva in an officer's eyes, mouth and nose. The officer was concerned because the offender was a known IV drug user, and she wanted to know if anything could be done to get the offender tested for communicable diseases. Unfortunately, this situation is currently not covered by the statute that allows a court to order an offender to undergo testing for communicable diseases, and provide the results to the officer involved.

Unfortunately this is not an isolated incident. I am aware of other incidents where offenders have spit blood in an officer's mouth and incidents where offenders have flung blood at officers. I firmly believe it is my duty and obligation as Chippewa County District Attorney to protect and ensure the safety of the law enforcement officers that serve our various communities. I see this bill as an important officer safety bill, as it will reduce an officer's anxiety over potential health concerns related to being exposed to an offender's bodily fluids.

Officers put their health and lives on the line every day, to protect and serve their communities. Officers should not have to worry about potentially contracting a communicable disease because they were intentional exposed to an offender's bodily fluids. While I can hold an offender accountable for intentionally throwing or expelling a bodily fluid at an officer, I am currently not able to reassure the officer about the potential health concerns due to the unwanted exposure.

This bill will allow a judge to require that an offender who intentionally throws or expels a bodily fluid on an officer to undergo testing for a communicable disease. The results of that testing would then be turned over to the officer involved. These results can be used to alleviate the fears of the officers, or to allow for more targeted treatment if necessary.

I view 2019 Assembly Bill 744 as an important officer safety bill, and would like to thank Representative James for advancing this bill, and all the other Representatives and Senators who have co-sponsored this bill. I would like to thank Chairman Spiros and the other members of the Committee on Criminal Justice and Public Safety for holding a hearing, and allowing me the opportunity to testify on this important officer safety bill.

CHIPPEWA FALLS

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To Whom It May Concern:

Few things are as frightening to a police officer than an exposure to a communicable disease. When an offender discharges bodily fluids onto an officer, that officer takes that potential exposure home with them to their families at the end of their shift. Their families then face the fear of exposure themselves. Just the thought our loved ones, especially our children, contracting a communicable disease is horrifying to us.

To leave that officer and their family sitting and wondering if that fear of contracting a communicable disease is justified or not is unfair to say the least.

Our officers have more than enough to worry about already. An offender discharging bodily fluids on a public safety worker exposes not just that officer to this danger, but their family as well. The exposure can also result in the officer having to take preventative steps including strong medications with significant side effects.

Our officers protect us and our community out there every day. The law must in turn protect them.

Respectfully,



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