

**STATE SENATOR KATHY BERNIER**  
TWENTY-THIRD SENATE DISTRICT



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**From: Senator Kathy Bernier**  
**To: The Senate Committee on Judiciary & Public Safety**  
**Re: Testimony on Senate Bill 99**

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

**Date: February 25, 2021**

Chairman Wanggaard and members of the committee, thank you for hearing Senate Bill 99 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. Senate Bill 99 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. Thank you for allowing me to testify today.



STATE REPRESENTATIVE

# JESSE JAMES

Chairman Wanggaard and committee members,

Thank you for hearing Senate Bill 99, and giving me the opportunity to testify today.

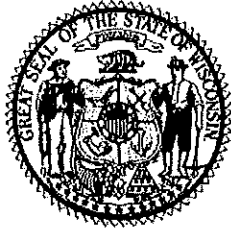
Currently in Wisconsin, if a prisoner throws or expels any bodily substances at or toward an officer or other person in a prison facility, a court may order the prisoner to undergo testing for communicable diseases if there is probable cause to believe there was potential for transmitting a communicable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



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**Date:** February 24, 2021  
**To:** **Chairman Wanggaard and Other Members of the Committee on Judiciary and Public Safety**  
**From:** Wade C. Newell, District Attorney  
**RE:** **2021 Senate Bill 99 and Assembly Bill 91**

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First, I would like to thank the Committee for holding a public hearing on 2021 SB 99, along with the companion bill, 2021 AB 91. Officer safety is very important to me, and I would have preferred to appear at the hearing to give live testimony. Unfortunately, I will be in trial prosecuting a child sexual assault matter on the day of the hearing. Please accept this letter as my testimony on the above bills.

Officers put their health and lives on the line every day, to protect and serve their communities. Because of this 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. In November of 2019, I became aware of 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. I reviewed that statutes to see if there was any mechanism to get the offender tested for communicable diseases. Unfortunately, this situation is not currently covered by the statute that allows a court to order an offender to undergo testing for communicable diseases. The current law only deals with exposure in a prison or detention facility setting.