

2007 ASSEMBLY BILL 269

April 13, 2007 – Introduced by Representatives MUSSER, HRAYCHUCK, LOTHIAN, ZEPNICK, HIXSON, ALBERS, BERCEAU, TOWNSEND, A. OTT, GUNDERSON and KAUFERT, cosponsored by Senators LEHMAN and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 940.208 of the statutes; **relating to:** threats to social service
2 workers, juvenile intake workers, or child support workers and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits certain threats to cause bodily harm to the person or family member of a judge, a witness, or an official, employee, or agent of the Department of Revenue, Department of Commerce, or Department of Workforce Development. A person who violates this prohibition is guilty of a felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to six years, which if the sentence is for more than one year includes a term of extended supervision, or both.

This bill prohibits certain threats to cause bodily harm to a social service worker employed by or working under contract with a government agency, a juvenile intake worker, or a child support worker. A threat is covered by this prohibition if: 1) the person making the threat knows or should have known that the victim is a social service worker, juvenile intake worker, or child support worker; 2) at the time of the threat, the victim is acting in his or her official capacity or the threat is made in response to any action taken in an official capacity; and 3) the victim did not consent to the threat. A person who violates this prohibition is guilty of a Class A misdemeanor and may be fined not more than \$10,000 or sentenced to the county jail for up to nine months or both.

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

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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 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.** 940.208 of the statutes is created to read:

2 **940.208 Threat to social service worker, juvenile intake worker, or**
3 **child support worker. (1)** In this section:

4 (a) “Child support worker” means an employee of a county child support agency
5 under s. 59.53 (5), including the attorney responsible for child support enforcement
6 under s. 59.53 (6) (a).

7 (b) “Contracted social service worker” means a person who is providing social
8 services under a contract between the person or his or her employer and the
9 department of health and family services, a county department of human services,
10 a county department of social services, a county department of community programs,
11 or a county department of developmental disability services.

12 (c) “Juvenile intake worker” means a person employed to provide services
13 under s. 48.067 or 938.067.

14 (d) “Social service worker” means a person who is licensed or certified as a social
15 worker under ch. 457 and who is an official or employee of the department of health
16 and family services, a county department of human services, a county department
17 of social services, a county department of community programs, or a county
18 department of developmental disabilities services.

19 **(2)** Whoever intentionally threatens to cause bodily harm to a social service
20 worker, a contracted social service worker, a juvenile intake worker, or a child

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1 support worker under all of the following circumstances is guilty of a Class A
2 misdemeanor:

3 (a) At the time of the threat, the actor knows or should have known that the
4 victim is a social service worker, a contracted social service worker, a juvenile intake
5 worker, or a child support worker.

6 (b) The social service worker, the contracted social service worker, the juvenile
7 intake worker, or the child support worker is acting in an official capacity at the time
8 of the threat or the threat is in response to any action taken in an official capacity.

9 (c) There is no consent by the person threatened.

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(END)