

RESOLUTION NO.: 33—2015-16

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Under current law, a person who intentionally causes bodily harm to another without the
2 other person’s consent commits the crime of ordinary battery, the penalties for which
3 increase depending on the severity of the injury the person causes his or her victim. A
4 person convicted of ordinary battery is subject to fines and periods of imprisonment. Current
5 law provides more severe penalties for battery committed under certain circumstances
6 against certain government officials, employees, and agents.
7

8 Among those covered under these “special circumstances battery” provisions are law
9 enforcement officers, fire fighters, and probation, parole, and aftercare agents. A person
10 convicted of intentionally causing bodily harm to these employees is guilty of a Class H
11 felony and may be fined not more than \$10,000 or sentenced to a term of imprisonment of
12 not more than six years, or both.
13

14 Proposed legislation extends the special circumstances battery provisions to a person who is
15 employed by, or under contract with, a court, a county department of human or social
16 services, a tribal child welfare agency, or the department of children and families, to provide
17 intake, dispositional, or other services relating to child welfare or juvenile justice workers.
18

19 NOW THEREFORE, the undersigned members of the Health and Human Services Committee
20 recommend adoption of the following resolution.

21 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support proposed
22 legislation extending the special circumstances battery provisions to a person who is employed by, or
23 under contract with, a court, a county department of human or social services, a tribal child welfare
24 agency, or the department of children and families, to provide intake, dispositional, or other services
25 relating to child welfare or juvenile justice workers, and

26 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
27 of this resolution to the Outagamie County Health and Human Services Director, the Outagamie County
28 Executive, all Wisconsin counties, and the Outagamie County Lobbyist who will distribute to the
29 Legislature and Governor.

30 Dated this _____ day of July 2015

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Respectfully Submitted,
HEALTH & HUMAN SERVICES COMMITTEE

Jerry Iverson

Barney Lemanski

Kevin Behnke

Patrick Meyer

Cathy Spears

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive

To: Legislative Colleagues

From: Representative Jessie Rodriguez
Senator Tom Tiffany

Date: June 12, 2015

Re: Co-Sponsorship of LRB 0773/2 & 1440/2: relating to: causing or threatening bodily harm to certain child welfare and juvenile justice workers, and providing a penalty.

Deadline: Noon on Monday, June 22, 2015

This bill was brought to us by the Wisconsin Department of Children and Families.

Child welfare workers are responsible for public health and safety functions. As a part of their job responsibilities, they may be in hostile or dangerous situations and face similar safety risks as those in other professions carrying out public health and safety functions. For this reason, battery to a child welfare worker should be treated in a similar manner as battery to other public employees charged with public health and safety functions, such as law enforcement officers, probation and parole officers, and emergency medical providers, under Wisconsin statutes 940.20, 940.203, 940.205, and 940.207.

Wisconsin Statutes provide more serious Class H felony penalties for battery of certain public officials and employees under certain circumstances than for battery of other individuals. Public officials and employees currently protected through these statutes include judges, law enforcement officers, fire fighters, probation, extended supervision and parole officers, juvenile delinquency aftercare agents, emergency medical care providers, Department of Revenue employees, and Department of Workforce Development employees. Child welfare workers are currently not covered under these provisions.

The proposed statutory change would add child welfare and juvenile justice workers to the categories of public employees against whom battery is a Class H felony. This should include child welfare and delinquency intake staff under §§ 48.067 and 938.067, disposition staff under §§48.069 and 938.069, child welfare and delinquency staff performing court services under §§48.07, 938.07, 48.08 and 938.08, child abuse and neglect staff under § 48.981 or similar tribal laws and other agency child welfare and juvenile justice staff performing child welfare and delinquency services under contract with DCF, a county department or a tribe.

If you would like to co-sponsor this legislation, please contact Vince in Rep. Rodriguez's office (266-0610) or Tim in Sen. Tiffany's office (266-2509) by Noon on Monday, June 22, 2015.