



## 2011 ASSEMBLY BILL 246

September 7, 2011 - Introduced by Representatives KRUG, JACQUE, BERNARD SCHABER, BROOKS, ENDSLEY, KERKMAN, RIPP, SPANBAUER and ZEPNICK. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to repeal** 946.415 (2) (a); **to consolidate, renumber and amend**  
2             946.415 (2) (intro.), (b) and (c); and **to amend** 946.415 (title) of the statutes;  
3             **relating to:** resisting officer while armed with or threatening to use a  
4             dangerous weapon.

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***Analysis by the Legislative Reference Bureau***

Under current law, an individual is guilty of a Class I felony if he or she, through action or threat, resists arrest while armed with or threatening to use a weapon and while retreating or remaining in a building or place. Under this bill, an individual is guilty of a Class I felony if he or she, through action or threat, resists arrest while armed with or threatening to use a weapon. A person who is convicted of a Class I felony may be fined not more than \$10,000, sentenced to a term of imprisonment of up to three years and six months, or both.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5             **SECTION 1.** 946.415 (title) of the statutes is amended to read:  
6             **946.415 (title) ~~Failure to comply with Preventing~~ officer's attempt to**  
7             **take person into custody while armed with or threatening to use a weapon.**

**ASSEMBLY BILL 246**

1           **SECTION 2.** 946.415 (2) (intro.), (b) and (c) of the statutes are consolidated,  
2 renumbered 946.415 (2) and amended to read:

3           946.415 **(2)** Whoever intentionally ~~does all of the following is guilty of a Class~~  
4 ~~I felony: (b) Retreats or remains in a building or place and, through action or threat,~~  
5 ~~attempts to prevent the an officer from lawfully taking him or her into custody. (e)~~  
6 ~~While acting under pars. (a) and (b), if he or she remains or becomes armed with a~~  
7 ~~dangerous weapon, or threatens to use a dangerous weapon regardless of whether~~  
8 ~~he or she has a dangerous weapon, is guilty of a Class I felony.~~

9           **SECTION 3.** 946.415 (2) (a) of the statutes is repealed.

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**(END)**