State of Wisconsin
2015 – 2016 LEGISLATURE

LRB–0947/1
PJH:eev:jm

2015 BILL

1 AN ACT *to amend* 940.44 (2) of the statutes; **relating to:** intimidating a witness.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to intimidate a witness. Current law sets forth three statutory categories of intimidation: one, preventing or dissuading a victim or a person acting on the victim's behalf from making a report of the crime; two, preventing or dissuading the victim or a person acting on the victim's behalf from causing a complaint, indictment, or information to be sought and prosecuted and assisting in the prosecution, and three, preventing or dissuading the victim or a person acting on the victim's behalf from arresting, or causing or seeking the arrest of, a person in connection with the criminal act.

In *State of Wisconsin v. Freer*, 2010 WI App 9, the court of appeals held that the statutory language for the second category, causing a complaint, indictment, or information to be sought and prosecuted and assisting in the prosecution thereof, should be read so that a person who prevents or dissuades a victim from doing any one or more of the following is guilty of intimidating a witness: causing a complaint, indictment, or information to be sought, causing a complaint to be prosecuted, or assisting in the prosecution.

This bill amends the statutory language to comply with the interpretation set forth in the *Freer* case.

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

1 **SECTION 1.** 940.44 (2) of the statutes is amended to read:

2 940.44 **(2)** Causing a complaint, indictment, or information to be sought ~~and~~
3 or prosecuted ~~and~~, or assisting in the prosecution thereof.

4 **(END)**