



PROTECT THE FRONTLINE

TO: All Legislators

FROM: Senators LeMahieu and Wanggaard; Representatives Vos and Magnafici

DATE: Thursday, February 3, 2022

RE: [LRB-5873/1](#): **PROTECT THE FRONTLINE**: Battery or threat to a health care provider or staff member of a health care facility and providing a penalty

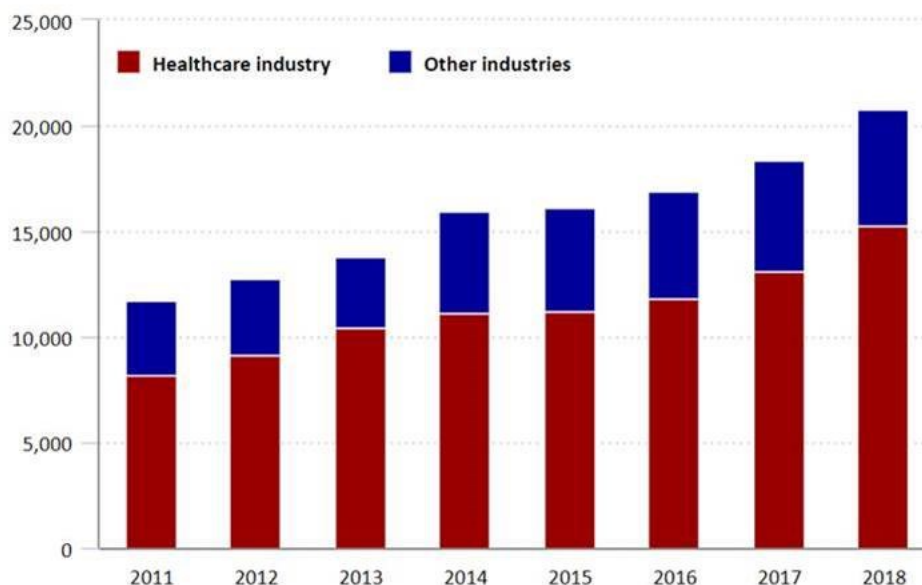
SHORT DEADLINE: Monday, February 7th at Noon

We are introducing LRB-5873/1 to align criminal penalties for battery and threats of violence against healthcare workers with battery and threats of violence committed against other critical public safety personnel like law enforcement officers, officers of the court, and certain state employees.

Over the past decade, health care providers across the nation and in Wisconsin have experienced a higher prevalence of violence in the workplace from patients and others. While healthcare providers are trained to deescalate situations that arise from emotional tension, being threatened with bodily harm by anyone should not be a job expectation for our healthcare workers in Wisconsin.

According to US Bureau of Labor Statistics (BLS) data, violence-related health care worker injuries has increased by 63%, from 6.4 per 10,000 full-time workers in 2011 to 10.4 per 10,000 in 2018. BLS states that a worker in the health care/social services industry experience “the highest rates of injuries caused by workplace violence and are five times as likely to suffer a workplace violence injury than workers overall.”

Chart 2. Number of nonfatal workplace violence injuries and illnesses with days away from work, 2011-18



Source: [Workplace Violence in Healthcare, 2018 \(bls.gov\)](#)

Last session, 2019 Wisconsin Act 97 was signed into law expanding the current Class H felony for battery to certain healthcare workers, but the legislation did not explicitly make a threat of violence to a healthcare worker a crime. Threats of violence may precipitate actual acts of violence. The public policy goal of LRB-5873/1 is to both prevent further threats of violence against healthcare workers but also provide additional tools that will hopefully stop threats from becoming acts of violence.

We believe threats of violence to healthcare workers have become a workforce barrier to some of our most critical healthcare staffing positions. The purpose of this legislation is to reinforce to the public that threatening a healthcare worker is not acceptable, a serious offense and is clearly punishable by law.

If you would like to co-sponsor this legislation, please respond to this email or contact Sen. LeMahieu's office at 6-2056 or Rep. Vos's office at 6-9171 **by Monday, February 7th at Noon.** Anyone who signs on to the Senate version will automatically be added to the Assembly version unless indicated otherwise.

Analysis by the Legislative Reference Bureau

Under current law, the crime of battery is defined as intentionally causing another person bodily harm and is a Class A misdemeanor. Under current law, if the battery is a special circumstance battery – for example, the battery is committed by a prisoner or against certain individuals because of the individual's professional status – the penalty is increased. Under current law, it is a Class H felony to commit a battery against a nurse, an emergency medical care provider, or a person who is working in an emergency department.

Under this bill, it is a Class H felony to commit a battery against a person who is a health care provider, a staff member of a health care facility, or a family member of a health care provider or staff member, or to threaten such a person, if the battery or threat is in response to an action taken by the health care provider in his or her official capacity, or in response to something that happened at the health care facility.