



WYOMING LEGISLATIVE SERVICE OFFICE

## Research Memorandum

### OTHER STATES' LAWS PROHIBITING VIOLENCE AGAINST MEDICAL PROFESSIONALS

May 2022

by

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This memorandum provides an overview of statutes addressing violence against healthcare workers in seven states (Alaska, Colorado, Idaho, Nebraska, Oklahoma, Utah, and Wisconsin) and the penalties offenders may receive upon assaulting or harassing healthcare professionals. The seven states surveyed in this memorandum vary in: (1) whether the criminal provision specific to healthcare workers provides a sentence enhancement if the victim is a healthcare provider; and (2) whether the state considers violence against healthcare workers a separate misdemeanor or felony offense and the severity of punishment. Alaska and Colorado classify violence against medical professionals as a misdemeanor, while Nebraska, Oklahoma, and Wisconsin consider assault of a medical professional a felony. Nebraska provides the harshest potential penalty with a minimum of five years in prison for an assault in the first degree, while Alaska has the least severe potential punishment with a minimum prison sentence of 60 days if the defendant causes bodily injury. In Utah, violence against medical professionals may be a misdemeanor or a felony, depending upon the gravity of the offense. The text of laws for each state is provided in the appendices.

**ALASKA:** Alaska Statutes provide that an individual who knowingly assaults or harasses a medical professional<sup>1</sup> or an emergency medical technician, paramedic, ambulance attendant, or other emergency responder conducting his professional duties is guilty of an assault in the fourth degree or harassment in the first degree,<sup>2</sup> both Class A misdemeanors.<sup>3</sup> Alaska law establishes a minimum prison term of 30 days if the defendant placed the victim in fear of imminent physical

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<sup>1</sup> Alaska Stat. §12.55.135 defines a medical professional as a person who is an advanced practice registered nurse, anesthesiologist, chiropractor, dental hygienist, dentist, nurse, nurse aide, mental health counselor, osteopath, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, surgeon, or X-ray technician, or who holds a substantially similar position.

<sup>2</sup> Alaska Stat. § 12.55.135(d)(1).

<sup>3</sup> Alaska Stat. § 11.41.230 & Alaska Stat. § 11.61.118.

injury by words or other conduct, and a minimum sentence of 60 days if the defendant recklessly caused physical injury or engaged in offensive physical contact.<sup>4</sup>

**COLORADO:** Colorado law provides both a sentence enhancement if the victim is a particular type of medical provider and a specific assault offense where the victim is a particular type of medical provider. If a person commits an assault in the third degree on an emergency medical service provider<sup>5</sup> or an emergency medical care provider<sup>6</sup> performing his duties, the offender shall be sentenced to a term of imprisonment greater than the maximum sentence for other assaults in the third degree, but not more than twice the maximum sentence authorized for the crime.<sup>7</sup> Under Colorado law, assault in the third degree is a Class 1 misdemeanor, punishable by a maximum imprisonment sentence of 364 days, not more than a \$1,000 fine, or both.<sup>8</sup> A person commits assault in the third degree in Colorado when: (1) the offender knowingly or recklessly causes bodily injury to another person<sup>9</sup> (the general assault offense) or (2) the offender causes a person that the offender knows or reasonably should know is an emergency medical service provider or emergency medical care provider to come into contact with blood or other bodily fluids with the intent to harass, annoy, alarm, or threaten the provider.<sup>10</sup>

**IDAHO:** Idaho specifies the offense of battery against healthcare workers.<sup>11</sup> Idaho law provides that any person who commits battery against any person licensed, certified, or registered by the State of Idaho to provide healthcare or an employee of a hospital, medical clinic, or medical practice while the person is engaged in performing medical duties is subject to imprisonment not to exceed three years.<sup>12</sup> Idaho defines battery as willful and unlawful use of force or violence upon a person; actual, intentional, and unlawful touching or striking of another person; or unlawfully and intentionally causing bodily harm to an individual.<sup>13</sup>

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<sup>4</sup> Alaska Stat. § 12.55.135(d)(1)(A) & Alaska Stat. § 11.41.230(a)(1).

<sup>5</sup> While the Colorado Statutes do not provide a definition of emergency medical service providers, Colorado Regulations defines an emergency medical service provider as an individual who holds a valid emergency medical service provider certificate issued by the Department of Health and includes emergency medical technicians, emergency medical technician intermediate and paramedic. Colo Reg. § 6-1015-3.

<sup>6</sup> C.R.S. 18-3-201 defines an emergency medical care provider as a doctor, intern, nurse, nurse's aide, physician assistant, ambulance attendant or operator, air ambulance pilot, paramedic, or any other member of a hospital or health care facility staff or security force who is involved in providing emergency medical care at a hospital or health care facility, or in an air ambulance or ambulance.

<sup>7</sup> C.R.S. 18-1.3-501(1.5) (a).

<sup>8</sup> C.R.S. 18-1.3-501(a.5).

<sup>9</sup> C.R.S. 18-3-204(1)(a).

<sup>10</sup> C.R.S. 18-3-204(1)(b).

<sup>11</sup> The Idaho Code does not provide a statutory definition of healthcare workers.

<sup>12</sup> Idaho Code § 18-915C.

<sup>13</sup> Idaho Code § 18-903.

**NEBRASKA:** Under Nebraska law, assaulting a healthcare professional may be an assault in the first, second, or third degree.<sup>14</sup> Nebraska Statutes establish that a person is committing an assault in the first degree if that person intentionally or knowingly causes serious bodily injury to an emergency care provider<sup>15</sup> or a healthcare professional<sup>16</sup> while the victim is on duty.<sup>17</sup> The assault in the first degree against a healthcare provider is considered a Class ID felony, punishable by a maximum of fifty years in prison and a mandatory minimum of three years' imprisonment.<sup>18</sup> Generally, first-degree assault is between one and fifty years' imprisonment. A person commits an assault in the second degree against a healthcare provider if the person causes intentional or reckless bodily injury to an emergency care provider or healthcare professional with a dangerous instrument.<sup>19</sup> A second-degree assault on an emergency responder or healthcare professional is considered a Class II felony, punishable by a maximum of fifty years in prison and a mandatory minimum of one year imprisonment.<sup>20</sup> A person commits an assault in the third degree against a healthcare provider if the person intentionally or recklessly causes bodily injury to an emergency responder or healthcare professional.<sup>21</sup> An assault in the third degree is considered a Class IIIA felony, punishable by a maximum of three years in prison or a \$10,000 fine, or both.<sup>22</sup> Nebraska laws require hospitals and other medical facilities to post a sign at their facilities stating that assaulting a medical professional is a serious crime that may be punishable as a felony.<sup>23</sup>

**OKLAHOMA:** The 2020 Medical Care Provider Protection Act provides that any person committing an assault or battery upon a medical provider<sup>24</sup> performing medical care is guilty of a felony subject to imprisonment not to exceed two years, a fine not to exceed \$1,000, or both.<sup>25</sup> A person who commits aggravated assault and battery, or assault with a firearm or deadly weapon, against a medical care provider without justification and with intent to do bodily harm is guilty of

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<sup>14</sup> R.R.S. Neb. § 28-929.01(1) defines an emergency care provider as an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, a community paramedic, a critical care paramedic, or a paramedic.

<sup>15</sup> R.R.S. Neb. § 28-929.01(2) defines healthcare professionals as a physician or other healthcare practitioners who are licensed, certified, or registered to perform specified health services consistent with state law who practice at a hospital or a health clinic.

<sup>16</sup> R.R.S. Neb. § 28-929, R.R.S. Neb. § 28-930, & R.R.S. Neb. § 28-931.

<sup>17</sup> R.R.S. Neb. § 28-929.

<sup>18</sup> R.R.S. Neb. § 28-308 & R.R.S. Neb. § 28-105.

<sup>19</sup> R.R.S. Neb. § 28-930.

<sup>20</sup> R.R.S. Neb. § 28-930 & R.R.S. Neb. § 28-105.

<sup>21</sup> R.R.S. Neb. § 28-931.

<sup>22</sup> R.R.S. Neb. § 28-931 & R.R.S. Neb. § 28-105.

<sup>23</sup> R.R.S. Neb. § 28-929.02.

<sup>24</sup> 21 Okl. St. § 650.4(B) provides a list of healthcare providers, which includes doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, pharmacists, and nursing students.

<sup>25</sup> 21 Okl. St. § 650.4(A).

a felony punishable by a prison term of two-to-five years, a fine up to \$1,000, or both.<sup>26</sup> The Act also requires all hospitals, clinics, and ambulance services to display signs at their facilities stating that assaulting a medical professional on duty is a serious crime.<sup>27</sup> Further, the Act requires each hospital, health clinic, and ambulance service to report all assaults against medical professionals to the state's department of health.<sup>28</sup>

**UTAH:** The Utah Criminal Code provides that a person assaulting or threatening with violence a healthcare provider<sup>29</sup> or emergency medical service worker<sup>30</sup> is guilty of a Class A misdemeanor if the person committing the assault or threat of violence knew the victim was a healthcare provider or a medical service worker and the provider or worker was performing emergency or lifesaving duties.<sup>31</sup> A Class A misdemeanor may be punished with a jail term of up to 364 days, a fine up to \$2,500, or both.<sup>32</sup> But if the victim sustains substantial bodily injuries and the person committing the assault or threat of violence acts intentionally or knowingly, the assault is considered a third-degree felony,<sup>33</sup> punishable by a jail sentence of up to five years, a fine up to \$5,000, or both.<sup>34</sup>

**WISCONSIN:** Recently enacted Wisconsin law provides that a person intentionally causing bodily harm or the threatening of violence against a person working in a healthcare facility,<sup>35</sup> or a healthcare provider<sup>36</sup> of violence is guilty of a Class H felony if the person committing the offense knew the victim was a healthcare provider or worked at a healthcare facility, or that the victim was acting in his official capacity.<sup>37</sup> Wisconsin law specifies that committing the offense against a

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<sup>26</sup> 21 Okl. St. § 650.5(A).

<sup>27</sup> 63 Okl. St. § 1-114.3.

<sup>28</sup> *Ibid.*

<sup>29</sup> Utah Code Ann. § 78B-3-403 provides a list of healthcare providers, which includes registered nurses, physicians, physician assistants, pharmacists, social workers, and physical therapist assistants.

<sup>30</sup> Utah Code Ann §26-8a-302 provides a list of emergency medical service workers, which includes paramedics, medical directors, emergency medical service instructors, behavioral emergency services technicians, and advanced behavioral emergency services technicians.

<sup>31</sup> Utah Code Ann. § 76-5-102.7(1).

<sup>32</sup> Utah Code Ann. §§ 76-3-204 & 76-3-301.

<sup>33</sup> Utah Code Ann. § 76-5-102.7(2).

<sup>34</sup> Utah Code Ann. §§ 76-3-203 & 76-3-301.

<sup>35</sup> Wis. Stat. §940.204 defines a healthcare facility as a hospital, clinic, pharmacy, an adult day care center, an adult family home, a community-based residential facility, a residential care apartment complex, a nursing home, a mental health or substance use disorder facility, or an ambulatory surgical center.

<sup>36</sup> Wis. Stat. §146.81 provides a list of healthcare providers, which includes nurses, physician assistants, social workers, psychologists, pharmacists, and physicians. Wisconsin §940.204 specifies that healthcare providers also include a radiographer, a limited X-ray machine operator, or a driver of an ambulance.

<sup>37</sup> Wis. Stat. § 940.204(2) & (3).

family member of a healthcare provider or a person who works at a healthcare facility is also a Class H felony.<sup>38</sup> In Wisconsin, a Class H felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.<sup>39</sup> The Wisconsin law became effective in March 2022.

If you have any further questions, please do not hesitate to contact LSO Research and Evaluation at 777-7881.

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<sup>38</sup> Wis. Stat. § 940.204(2) & (3).

<sup>39</sup> Wis. Stat. § 939.50(3)(h).

# Appendix A: Alaska

## [Alaska Stat. § 12.55.135](#)

Current through all 2021 regular and special session legislation.

***Alaska Statutes > Title 12. Code of Criminal Procedure. (Chs. 05 — 85) > Chapter 55. Sentencing and Probation. (§§ 12.55.005 — 12.55.185)***

### **Sec. 12.55.135. Sentences of imprisonment for misdemeanors.**

- (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.
- (b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.
- (c) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence committed in violation of the provisions of an order issued or filed under [AS 12.30.027](#) or [AS 18.66.100 — 18.66.180](#) and not subject to sentencing under (g) of this section shall be sentenced to a minimum term of imprisonment of 20 days.
- (d) A defendant convicted of assault in the fourth degree or harassment in the first degree who knowingly directed the conduct constituting the offense at
- (1) a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder or medical professional who was engaged in the performance of official duties at the time of the assault or harassment shall be sentenced to a minimum term of imprisonment of
    - (A) 60 days if the defendant violated [AS 11.41.230\(a\)\(1\)](#) or (2) or [AS 11.61.118](#);
    - (B) 30 days if the defendant violated [AS 11.41.230\(a\)\(3\)](#);
  - (2) a person who was on school grounds during school hours or during a school function or a school-sponsored event, on a school bus, at a school-sponsored event, or in the administrative offices of a school district, if students are educated at that office, shall be sentenced to a minimum term of imprisonment of 60 days if the defendant violated [AS 11.41.230\(a\)\(1\)](#) or (2); in this paragraph,
    - (A) “school bus” has the meaning given in [AS 11.71.900](#);
    - (B) “school district” has the meaning given in [AS 47.07.063](#);
    - (C) “school grounds” has the meaning given in [AS 11.71.900](#).
- (e) If a defendant is sentenced under (c), (d), or (h) of this section,
- (1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;
  - (2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and
  - (3) the minimum term of imprisonment may not otherwise be reduced.
- (f) A defendant convicted of vehicle theft in the second degree in violation of [AS 11.46.365\(a\)\(1\)](#) shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.
- (g) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence shall be sentenced to a minimum term of imprisonment of

## Alaska Stat. § 12.55.135

- (1) 30 days if the defendant has been previously convicted of a crime against a person or a crime involving domestic violence;
- (2) 60 days if the defendant has been previously convicted two or more times of a crime against a person or a crime involving domestic violence, or a combination of those crimes.
- (h) A defendant convicted of failure to register as a sex offender or child kidnapper in the second degree under [AS 11.56.840](#) shall be sentenced to a minimum term of imprisonment of 35 days.
- (i) If a defendant is sentenced under (g) of this section,
- (1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;
- (2) imposition of sentence may not be suspended;
- (3) the minimum term of imprisonment may not otherwise be reduced.
- (j) *[Repealed, § 179 ch. 36 SLA 2016.]*
- (k) In this section,
- (1) “crime against a person” means a crime under AS 11.41, or a crime in this or another jurisdiction having elements similar to those of a crime under AS 11.41;
- (2) “crime involving domestic violence” has the meaning given in [AS 18.66.990](#);
- (3) “medical professional” means a person who is an advanced practice registered nurse, anesthesiologist, chiropractor, dental hygienist, dentist, health aide, nurse, nurse aide, mental health counselor, osteopath, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.
- (l) *[Repealed, § 138 ch 4 FSSLA 2019.]*
- (m) *[Repealed, § 138 ch 4 FSSLA 2019.]*
- (n) *[Repealed, § 138 ch 4 FSSLA 2019.]*
- (o) *[Repealed, § 138 ch 4 FSSLA 2019.]*
- (p) *[Repealed, § 138 ch 4 FSSLA 2019.]*

## History

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(§ 12 ch 166 SLA 1978; am § 2 ch 139 SLA 1980; am § 22 ch 59 SLA 1982; am § 13 ch 61 SLA 1982; am § 31 ch 143 SLA 1982; am §§ 4, 5 ch 92 SLA 1983; am §§ 5, 6 [ch 53 SLA 1991](#); am § 3 [ch 6 SLA 1996](#); am § 14 [ch 64 SLA 1996](#); am §§ 5, 6 [ch 71 SLA 1996](#); am §§ 8, 9 [ch 86 SLA 1998](#); am §§ 3, 4 [ch 106 SLA 1998](#); am § 16 [ch 53 SLA 2006](#); am § 1 [ch 86 SLA 2006](#); am §§ 4, 5 [ch 87 SLA 2006](#); am § 27 [ch 33 SLA 2016](#); am §§ 91 — 93, 179 [ch 36 SLA 2016](#); am §§ 35 — 37 [ch 1 4SSLA 2017](#); am §§ 75, 76, 138 [ch 4 FSSLA 2019](#))

Annotations

## Notes

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### Revisor's notes. —

Subsection (h) was enacted as (g). Relettered in 1998, at which time the cross-reference in subsection (e) was conformed.

# Appendix B: Colorado

## C.R.S. 18-3-204

Statutes current through Chapter 121 of the 2022 Regular Session and effective on or before April 22, 2022. The inclusion of the 2022 legislation is not final. It will be final later in 2022 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

**Colorado Revised Statutes Annotated > Title 18. Criminal Code (Arts. 1 — 26) > Article 3. Offenses Against the Person (Pts. 1 — 6) > Part 2. Assaults (§§ 18-3-201 — 18-3-209)**

### **18-3-204. Assault in the third degree.**

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- (1) A person commits the crime of assault in the third degree if:
  - (a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon; or
  - (b) The person, with intent to harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.
- (2) Repealed.
- (3) Assault in the third degree is a class 1 misdemeanor.
- (4) Repealed.

### **History**

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#### **SOURCE:**

**Source:** L. 71:R&RE, p. 421, § 1. **C.R.S. 1963:**§ 40-3-204. **L. 77:**Entire section amended, p. 961, § 10, effective July 1. **L. 2004:**Entire section amended, p. 635, § 4, effective August 4. **L. 2009:**Entire section amended, ([HB 09-1120](#)), [ch. 305](#), [p. 1649](#), [§ 1](#), effective July 1. **L. 2011:**(1)(b) amended and (4) added, ([HB 11-1105](#)), [ch. 250](#), [p. 1088](#), [§ 2](#), effective August 10. **L. 2012:**(1)(b) amended, ([HB 12-1059](#)), [ch. 271](#), [p. 1435](#), [§ 13](#), effective July 1. **L. 2015:**(2) R&RE and (4) repealed, ([SB 15-126](#)), [ch. 109](#), [p. 317](#), [§ 2](#), effective July 1; (1)(b) amended and (4) repealed, ([SB 15-067](#)), [ch. 337](#), [p. 1367](#), [§ 3](#), effective September 1. **L. 2016:**(2) repealed, ([HB 16-1393](#)), [ch. 304](#), [p. 1226](#), [§ 5](#), effective July 1.; **L. 2022:** ([HB1229](#)), [ch. 68](#), [§ 20](#), effective March 1, 2022.

Annotations

### **Research References & Practice Aids**

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Hierarchy Notes:

[C.R.S. Title 18](#)

[C.R.S. Title 18, Art. 3](#)

# Appendix C: Idaho



# Idaho Statutes

TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 9  
ASSAULT AND BATTERY

18-915C. BATTERY AGAINST HEALTH CARE WORKERS. Any person who commits battery as defined in section 18-903, Idaho Code, against or upon any person licensed, certified or registered by the state of Idaho to provide health care, or an employee of a hospital, medical clinic or medical practice, when the victim is in the course of performing his or her duties or because of the victim's professional or employment status under this statute, shall be subject to imprisonment in the state prison not to exceed three (3) years.

History:

[18-915C, added 2014, ch. 288, sec. 1, p. 729.]

How current is this law?

**Search the Idaho Statutes and Constitution**

# Appendix D: Nebraska

**28-929. Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree; penalty.**

(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree if:

(a) He or she intentionally or knowingly causes serious bodily injury:

(i) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;

(ii) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or

(iii) To a health care professional; and

(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.

(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree shall be a Class ID felony.

**Source:** Laws 1982, LB 465, § 3; Laws 2005, LB 538, § 1; Laws 2009, LB63, § 7; Laws 2010, LB771, § 4; Laws 2012, LB677, § 1; Laws 2014, LB811, § 17; Laws 2020, LB1002, § 5.

**Cross References**

**Sex Offender Commitment Act**, see section 71-1201.

**28-930. Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree; penalty.**

(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree if:

(a) He or she:

(i) Intentionally or knowingly causes bodily injury with a dangerous instrument:

(A) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;

(B) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or

(C) To a health care professional; or

(ii) Recklessly causes bodily injury with a dangerous instrument:

(A) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;

(B) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or

(C) To a health care professional; and

(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.

(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree shall be a Class II felony.

**Source:** Laws 1982, LB 465, § 4; Laws 2005, LB 538, § 2; Laws 2009, LB63, § 8; Laws 2010, LB771, § 5; Laws 2012, LB677, § 2; Laws 2014, LB811, § 19; Laws 2020, LB1002, § 7.

**Cross References**

**Sex Offender Commitment Act**, see section 71-1201.

## **Annotations**

Pepper spray is a dangerous instrument, as it is an object which, because of its nature and the manner and intention of its use, is capable of inflicting bodily injury. *State v. Simmons*, 23 Neb. App. 462, 872 N.W.2d 293 (2015).

In determining whether an off-duty officer working in a secondary employment capacity is performing official duties within the meaning of this section, one should examine the nature of the acts the officer is performing at the time of the incident as well as the circumstances surrounding those acts and the secondary employment. *State v. Wilen*, 4 Neb. App. 132, 539 N.W.2d 650 (1995).

There is no crime in this state for attempted reckless assault on a peace officer in the second degree. *State v. Hemmer*, 3 Neb. App. 769, 531 N.W.2d 559 (1995).

## **28-931. Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree; penalty.**

(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree if:

(a) He or she intentionally, knowingly, or recklessly causes bodily injury:

(i) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;

(ii) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or

(iii) To a health care professional; and

(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.

(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree shall be a Class IIIA felony.

**Source:** Laws 1982, LB 465, § 5; Laws 1997, LB 364, § 11; Laws 2005, LB 538, § 3; Laws 2010, LB771, § 6; Laws 2012, LB677, § 3; Laws 2014, LB811, § 20; Laws 2020, LB1002, § 8.

### **Cross References**

**Sex Offender Commitment Act**, see section 71-1201.

### **Annotations**

The status of the victim under this section is an element of the crime and is not a subsequent offense penalty enhancement. *State v. Taylor*, 262 Neb. 639, 634 N.W.2d 744 (2001).

In prosecutions for assaulting a peace officer, obstructing a peace officer, or resisting arrest, a trial court must instruct the jury on the issue of self-defense when there is any evidence adduced which raises a legally cognizable claim that the peace officer used unreasonable force in making the arrest. *State v. Yeutter*, 252 Neb. 857, 566 N.W.2d 387 (1997).

For purposes of this section, the State must prove that the victim assaulted was a peace officer engaged in the performance of his or her official duties, but is not

required to prove that the defendant was so aware. *State v. Cebuhar*, 252 Neb. 796, 567 N.W.2d 129 (1997).

Evidence that defendant hit a police officer with his right forearm and poked the officer in the eye when the officer attempted to prevent defendant from leaving an interviewing room while under arrest was sufficient to sustain the jury's guilty verdicts. Proof that the officer sustained bruises or other visible injuries is not required to prove third degree assault on an officer under this section. *State v. Green*, 240 Neb. 639, 483 N.W.2d 748 (1992).

A deputy sheriff is a peace officer. Assault on a peace officer in the third degree is committed when an on-duty deputy sheriff is slapped, and the deputy sheriff suffers physical pain. *State v. Melton*, 239 Neb. 576, 477 N.W.2d 154 (1991).

A police officer is a peace officer for purposes of this section. *State v. Fly*, 236 Neb. 408, 461 N.W.2d 421 (1990).

Jury properly advised that only reasonably necessary force may be used when making an arrest and that a person attacked so as to cause fear of bodily injury may use reasonable necessary force in defense. *State v. Wallace*, 223 Neb. 465, 390 N.W.2d 530 (1986).

An employee of the Douglas County Board of Corrections is considered a jailer and, therefore, a peace officer for the purposes of this section. *State v. Parks*, 8 Neb. App. 491, 596 N.W.2d 712 (1999).

# Appendix E: Oklahoma

# An Act

ENROLLED SENATE  
BILL NO. 1290

By: Weaver, Pemberton, Hall,  
Coleman, Sharp, McCortney,  
Bergstrom, Stanley and Bice  
of the Senate

and

Roe and Taylor of the House

An Act relating to medical care providers; providing for the Medical Care Provider Protection Act; amending 21 O.S. 2011, Section 650.4, which relates to assault and battery upon medical care providers; modifying penalty; modifying definition; amending 21 O.S. 2011, Section 650.5, which relates to aggravated assault and battery upon medical care providers; modifying penalty; providing for certain signage; providing for certain reporting; providing for noncodification; providing for codification; and providing an effective date.

SUBJECT: Medical care providers

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Medical Care Provider Protection Act".

SECTION 2. AMENDATORY 21 O.S. 2011, Section 650.4, is amended to read as follows:

Section 650.4. A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of ~~an emergency~~ a medical care provider who is performing medical care duties, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. As used in this section, "~~emergency~~ medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students and members of a hospital security force.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 650.5, is amended to read as follows:

Section 650.5. A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of ~~an emergency medical technician or other emergency~~ a medical care provider, upon conviction, is guilty of a felony punishable by imprisonment in ~~a state correctional institution~~ the custody of the Department of Corrections for a term not less than two (2) years nor more than ~~one~~ (1) year five (5) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. As used in this section, "medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, physician assistants, chaplains, volunteers, pharmacists, nursing students, medical students and members of a hospital security force.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-114.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Every hospital, health clinic and ambulance service shall display at all times in a prominent place a printed sign with a minimum height of twenty (20) inches and a minimum width of fourteen (14) inches, with each letter to be a minimum of one-fourth (1/4) inch in height, which shall read as follows:

WARNING: ASSAULTING A MEDICAL PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A SERIOUS CRIME.  
Section 650.4 of Title 21 of the Oklahoma Statutes.

B. Every hospital, health clinic and ambulance service shall report all assaults on medical care providers to the State Department of Health on an annual basis. The State Department of Health shall have rulemaking authority to implement the provisions of this section.

C. The Department of Health shall not make public any identifiable information in regard to facility, individual or location of assaults.

SECTION 5. This act shall become effective November 1, 2020.

Passed the Senate the 5th day of March, 2020.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 13th day of May, 2020.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

# Appendix F: Utah

**Effective 5/4/2022**

**76-5-102.7 Assault or threat of violence against health care provider, emergency medical service worker, or health facility employee, owner, or contractor -- Penalty.**

- (1)
  - (a) As used in this section:
    - (i) "Assault" means an offense under Section 76-5-102.
    - (ii) "Emergency medical service worker" means an individual licensed under Section 26-8a-302.
    - (iii) "Health care provider" means the same as that term is defined in Section 78B-3-403.
    - (iv) "Health facility" means:
      - (A) a health care facility as defined in Section 26-21-2; and
      - (B) the office of a private health care provider, whether for individual or group practice.
    - (v) "Health facility employee" means an employee, owner, or contractor of a health facility.
    - (vi) "Threat of violence" means an offense under Section 76-5-107.
  - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2)
  - (a) An actor commits assault or threat of violence against a health care provider or emergency medical service worker if:
    - (i) the actor is not a prisoner or a detained individual;
    - (ii) the actor commits an assault or threat of violence;
    - (iii) the actor knew that the victim was a health care provider or emergency medical service worker; and
    - (iv) the health care provider or emergency medical service worker was performing emergency or life saving duties within the scope of his or her authority at the time of the assault or threat of violence.
  - (b) An actor commits assault or threat of violence against a health facility employee if:
    - (i) the actor is not a prisoner or a detained individual;
    - (ii) the actor commits an assault or threat of violence;
    - (iii) the actor knew that the victim was a health facility employee; and
    - (iv) the health facility employee was acting within the scope of the health facility employee's duties for the health facility.
- (3)
  - (a) A violation of Subsection (2) is a class A misdemeanor.
  - (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
    - (i) causes substantial bodily injury; and
    - (ii) acts intentionally or knowingly.

Amended by Chapter 117, 2022 General Session

Amended by Chapter 181, 2022 General Session

# Appendix G: Wisconsin

# State of Wisconsin



2021 Assembly Bill 960

Date of enactment: **March 23, 2022**

Date of publication\*: **March 24, 2022**

## 2021 WISCONSIN ACT 209

**AN ACT to repeal** 940.20 (2r) and 940.20 (7); **to amend** 48.685 (2) (bb), 48.685 (5) (bm) 4., 48.686 (1) (c) 9., 48.686 (1) (c) 12., 48.686 (2) (bb), 50.065 (2) (bb), 103.88 (1) (d), 165.84 (7) (ab) 2., 301.048 (2) (bm) 1. a., 767.461 (4), 940.03, 941.29 (1g) (a), 941.291 (1) (b), 949.03 (2), 968.26 (1b) (a) 2. a., 969.08 (10) (b) and 973.123 (1); and **to create** 103.88 (1) (bd) and 940.204 of the statutes; **relating to**: battery or threat to a health care provider or staff member of a health care facility and providing a penalty.

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

**SECTION 1.** 48.685 (2) (bb) of the statutes is amended to read:

48.685 (2) (bb) If information obtained under par. (am), (b), or (ba) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6) (a) or (am) indicates a charge or a conviction of a serious crime, but information obtained under par. (am), (b), or (ba) does not indicate such a charge or conviction, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am), (b), or (ba), a background information form under sub. (6) (a) or (am), or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 940.204, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date on which that information

was obtained, the department, county department, child welfare agency, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

**SECTION 2.** 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.204, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 4. to 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

**SECTION 3.** 48.686 (1) (c) 9. of the statutes is amended to read:

48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.204, 940.205, 940.207, 940.25, or 943.23 (1g), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 4.** 48.686 (1) (c) 12. of the statutes is amended to read:

48.686 (1) (c) 12. A violation of the laws of another state or United States jurisdiction that if committed in this state would constitute felony battery under s. 940.19 (2), (4), (5), or (6) ~~or~~, 940.20, or 940.204, a felony offense of domestic abuse, as defined in s. 813.12 (1) (am), a sex offense or a violent crime under ch. 948, or a violation of s. 940.225 if the victim was a child.

**SECTION 5.** 48.686 (2) (bb) of the statutes is amended to read:

48.686 (2) (bb) If information obtained under par. (am) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If information submitted to the department under par. (ag) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) does not indicate such a charge or conviction, the department shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am), information submitted under par. (ag), or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 940.204, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

**SECTION 6.** 50.065 (2) (bb) of the statutes is amended to read:

50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6) (a) or (am), or any disclosure made pursuant to a disclosure policy described under sub. (6) (am), indicates a charge or a conviction of a serious crime, but information obtained under par. (am) or (b) does not indicate such a charge or conviction, the department or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am) or (b), a background information form under sub. (6) (a) or (am), any disclosure made pursuant to a disclosure policy described under sub. (6) (am), or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 940.204, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department or entity

shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

**SECTION 7.** 103.88 (1) (bd) of the statutes is created to read:

103.88 (1) (bd) “Emergency department” means a room or area in a hospital that is primarily used to provide emergency care, diagnosis, or radiological treatment.

**SECTION 8.** 103.88 (1) (d) of the statutes is amended to read:

103.88 (1) (d) “Employee” means an individual employed in this state by an employer, but does not include an individual employed to provide direct patient care at a hospital intensive care unit or emergency department, ~~as defined in s. 940.20 (7) (a) 1g.~~

**SECTION 9.** 165.84 (7) (ab) 2. of the statutes is amended to read:

165.84 (7) (ab) 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08, 940.09 (1c), 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20, 940.201 (2), 940.203 (2), 940.204, 940.205 (2), 940.207 (2), 940.208, 940.23, 941.30, or 948.03 (3) or (5) (a) 4.

**SECTION 10.** 301.048 (2) (bm) 1. a. of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4) or (5), 940.198 (2), 940.20, 940.201, 940.203, 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

**SECTION 11.** 767.461 (4) of the statutes, as created by 2021 Wisconsin Act 20, is amended to read:

767.461 (4) A term of incarceration, extended supervision, parole, or probation for a violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201 (2), 940.203 (2), 940.204, 940.225 (1), (2), or (3), 940.23, 940.235, 940.24 (1), 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or (2m), 940.42, 940.43, 940.44, 940.45, 941.20, 941.29, 941.30, 941.39, 943.011 (2), 947.012, 947.013, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.095, 948.30, 948.55, or 951.02 or any felony to which the penalty enhancer under s. 939.621 could be imposed, for a violation of a 72-hour no contact order under s. 968.075 (5), for a violation of a domestic abuse restraining order, child abuse restraining order, or harass-

ment restraining order, or for a violation to which a penalty enhancer for the use of a dangerous weapon is applied.

**SECTION 12.** 940.03 of the statutes is amended to read:

**940.03 Felony murder.** Whoever causes the death of another human being while committing or attempting to commit a crime specified in s. 940.19, 940.195, 940.20, 940.201, 940.203, 940.204, 940.225 (1) or (2) (a), 940.30, 940.31, 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than 15 years in excess of the maximum term of imprisonment provided by law for that crime or attempt.

**SECTION 13.** 940.20 (2r) of the statutes is repealed.

**SECTION 14.** 940.20 (7) of the statutes is repealed.

**SECTION 15.** 940.204 of the statutes is created to read:

**940.204 Battery or threat to health care providers and staff.** (1) In this section:

(a) “Family member” means a parent, spouse, sibling, child, stepchild, or foster child.

(b) “Health care facility” means any of the following:

1. A hospital, as defined in s. 50.33 (2).
2. A clinic, which is a location with the primary purpose of providing outpatient diagnosis, treatment, or management of health conditions.
3. A pharmacy that is licensed under s. 450.06.
4. An adult day care center, as defined in s. 49.45 (47).
5. An adult family home, as defined in s. 50.01 (1).
6. A community-based residential facility, as defined in s. 50.01 (1g).
7. A residential care apartment complex, as defined in s. 50.01 (6d).
8. A nursing home, as defined in s. 50.01 (3).
9. A mental health or substance use disorder facility, which is a location that provides diagnosis, treatment, or management of mental health or substance use disorders.
10. An ambulatory surgical center, as defined in 42 CFR 416.2.

(c) “Health care provider” means any of the following:

1. A health care provider as defined in s. 146.81 (1) (a) to (hp), (q), (r), or (s).
2. A radiographer or limited X-ray machine operator licensed or permitted under ch. 462.
3. A driver of an ambulance, as defined in s. 256.01 (1t).

(2) Whoever intentionally causes bodily harm or threatens to cause bodily harm to a person who works in a health care facility or to a family member of a person who works in a health care facility under all of the following circumstances is guilty of a Class H felony:

(a) At the time of the act or threat, the actor knows or should have known that the victim works or formerly worked in a health care facility or is a family member of

the person who works or formerly worked in a health care facility.

(b) The act or threat is in response to an action occurring at the health care facility or an action by an official, employee, or agent of the health care facility acting in his or her official capacity.

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

(3) Whoever intentionally causes bodily harm or threatens to cause bodily harm to a health care provider or to a family member of a health care provider under all of the following circumstances is guilty of a Class H felony:

(a) At the time of the act or threat, the actor knows or should have known that the victim is a health care provider or is a family member of a health care provider.

(b) The act or threat is in response to an action by the health care provider acting in his or her capacity as a health care provider.

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

(4) The department of justice shall post on its website model language that health care facilities may post at its entrances alerting persons to the penalties under this section.

**SECTION 16.** 941.29 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

941.29 (1g) (a) “Violent felony” means any felony under s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.2905, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

**SECTION 17.** 941.291 (1) (b) of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial

institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

**SECTION 18.** 949.03 (2) of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

949.03 (2) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.198, 940.20, 940.201, 940.204, 940.21, 940.22 (2), 940.225, 940.23, 940.235, 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32, 941.327, 942.09, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075, 948.08, 948.085, 948.09, 948.095, 948.20, 948.21 (1), 948.30 or 948.51.

**SECTION 19.** 968.26 (1b) (a) 2. a. of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

968.26 (1b) (a) 2. a. Section 940.04, 940.11, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, 940.201, 940.203, 940.204, 940.205, 940.207, 940.208, 940.22 (2), 940.225 (3), 940.29, 940.302 (2) (c), 940.32, 941.32, 941.38 (2), 942.09 (2), 943.10, 943.205, 943.32 (1), 946.43, 946.44, 946.47, 946.48, 948.02 (3), 948.03 (2) (b) or (c), (3), or (4), 948.04, 948.055, 948.095, 948.10 (1) (a), 948.11, 948.13 (2) (a), 948.14, 948.20, 948.23 (1), (2), or (3) (c) 2. or 3., or 948.30 (1).

**SECTION 20.** 969.08 (10) (b) of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.198 (2) (a) or (c), 940.20, 940.201, 940.203, 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

**SECTION 21.** 973.123 (1) of the statutes, as affected by 2021 Wisconsin Act 76, is amended to read:

973.123 (1) In this section, “violent felony” means any felony under s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.203, 940.204, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.