



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1442/1
PJH:jld

2015 ASSEMBLY BILL 1022

April 7, 2016 - Introduced by Representative BARNES, cosponsored by Senator C. LARSON. Referred to Committee on Rules.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to repeal** 895.62 and 939.48 (1m) of the statutes; **relating to:** the
2 presumption of reasonableness in a criminal or civil case involving
3 self-defense.

Analysis by the Legislative Reference Bureau

Under current law, in general, a person who uses force in self-defense or in the defense of another person may not be convicted of a crime stemming from that use of force. This law applies only when: 1) the amount of force used is reasonable; and 2) the person uses that force to prevent or stop what he or she reasonably believes is an unlawful interference with himself or herself or another person, such as the crime of battery.

Under current law, a factfinder in a criminal case involving a person's use of force intended to or likely to cause death or great bodily harm must presume that the person reasonably believed the force was necessary to prevent death or great bodily harm to himself or herself or to another person if: 1) the individual against whom the force was used was in the process of unlawfully and forcibly entering, or had already unlawfully and forcefully entered, the dwelling, motor vehicle, or, in the case of a business owner or operator, place of business of the person who used the force; 2) the person was present in that dwelling, motor vehicle, or place of business; and 3) the person knew or reasonably believed that an unlawful and forcible entry was occurring or had occurred. Current law prohibits a court from considering whether the person had an opportunity to flee or retreat before he or she used the force.

Under current law, the presumption does not apply if: 1) the person who used the force was engaged in a criminal activity or was using his or her dwelling, motor

