

**1232A BATTERY TO A JUROR OR A JUROR'S FAMILY MEMBER — §
940.62(2)(a)****Statutory Definition of the Crime**

Section 940.62(2)(a) of the Criminal Code of Wisconsin is violated by one who intentionally causes bodily harm to (the person) (the family member) of a current or former juror¹ where at the time of the act the defendant knows or had reason to know that the victim is a (current or former juror) (family member of a current or former juror), the act is in response to any action taken (in the juror's official capacity) (by the juror in a legal proceeding), and there is no consent by the person harmed.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence that satisfies you beyond a reasonable doubt that the following six elements were present.

Elements of the Crime That the State Must Prove

1. The defendant caused bodily harm to (name of victim).

“Cause” means that the defendant's conduct was a substantial factor in producing bodily harm.²

“Bodily harm” means physical pain or injury, illness, or any impairment of physical condition.³

2. (Name of victim) was a (current or former juror) (family member of a current or former juror).

[For the purpose of this offense, a (e.g., child) is a family member.]⁴

3. At the time of the act, the defendant (knew)⁵ (had reason to know) that (name of victim) was a (current or former juror) (family member of a current or former juror).
4. The defendant caused bodily harm to (name of victim) in response to an action taken in (an official capacity) (a legal proceeding) by (name of juror) as a juror.⁶
5. The defendant caused bodily harm without the consent of (name of victim).
6. The defendant acted intentionally.

“Intentionally” means that the defendant had the mental purpose to cause bodily harm to another human being or was aware that his or her conduct was practically certain to cause bodily harm.⁷

Deciding About Intent and Knowledge

You cannot look into a person’s mind to find intent or knowledge. Intent and knowledge must be found, if found at all, from the defendant’s acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.⁸

Jury's Decision

If you are satisfied beyond a reasonable doubt that all six elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI–Criminal 1232A was approved by the Committee in February 2026.

This instruction is for violations of § 940.62(2)(a) limited to allegations involving a juror or the juror's family member. For violations based on threats to a juror, see Wis JI–Criminal 1232B.

2025 Wisconsin Act 24 recodified special-circumstance batteries based on the status of the victim and placed “battery to certain individuals involved with a court or legal system” in § 940.62(2)(a). Before 2025 Wisconsin Act 24 took effect on August 10, 2025, battery against a juror was addressed by Wis JI–Criminal 1232 Battery to Juror [Juror Has Assented to Verdict] — § 940.20(3). Act 24 repealed that provision and relocated the offense to § 940.62(2)(a), “Battery to certain individuals involved with a court or legal system,” which now encompasses battery against prosecutors, law enforcement officers, grand and petit jurors (and their family members), among others.

1. The Committee believes it is clearer for jurors to be instructed simply that, for example, the victim “was a juror.” If the facts of a particular case require reference to a “grand” or “petit” juror, the Committee recommends including those terms in the instruction as needed. For additional context on grand juries, see Wis. Stat. § 968.40; for petit juries, see Wis. Stat. § 756.001.

2. The Committee concluded that the simple “substantial factor” definition of cause should be sufficient for most cases. Where there is evidence of more than one possible cause, something like the following might be added:

There may be more than one cause of bodily harm. The act of one person alone might produce it, or the acts of two or more persons might jointly produce it.

Also, see Wis JI–Criminal 901 Cause.

3. This is the definition provided in § 939.22(4).

4. Section 940.51(10) provides a definition of “family member” for the purpose of this offense:

“Family member” means a spouse, child, stepchild, foster child, parent, legal guardian, sibling, grandparent, or grandchild.”

The applicable term should be inserted in the blank.

5. The knowledge element is expressly required by § 940.62(2)(a)1, which requires proof that, at the time of the act, the defendant knew or had reason to know that the victim was a current or former juror or a family member of a current or former juror.”

6. Section 940.62(2)(a)2. provides that the battery must be “in response to any action taken in an official capacity or in a legal proceeding.” Although both phrases appear in the statute (because the subsection applies to a broad list of protected persons), in juror cases the “legal proceeding” alternative will ordinarily describe the relevant conduct.

7. See § 939.23(4) and Wis JI–Criminal 923A and 923B.

8. This instruction on finding intent is a shorter version of a longer statement commonly used in the standard instructions. The Committee has concluded that this shorter version is appropriate for most cases. The complete traditional statement is found at Wis JI–Criminal 923A.