

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-2156/1 CMH:kms

2023 ASSEMBLY BILL 70

February 27, 2023 - Introduced by Representatives Spiros, Behnke, Callahan, Dittrich, Donovan, Edming, Green, Kitchens, Moses, Murphy, Mursau, Neylon, Penterman, Plumer, Rettinger and Rozar, cosponsored by Senators Wanggaard, Ballweg, Cabral-Guevara, James and Marklein. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

- AN ACT *to create* 947.065 of the statutes; **relating to:** participation in a riot and
- 2 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it a Class I felony to urge, promote, organize, encourage, or instigate others to commit a riot and a Class H felony to intentionally commit an act of violence while participating in a riot.

The bill defines a "riot" as a public disturbance that involves an act of violence, as part of an assembly of at least three persons, that constitutes a clear and present danger of property damage or personal injury or a threat of an act of violence, as part of an assembly of at least three persons having the ability of immediate execution of the threat, if the threatened action constitutes a clear and present danger of property damage or personal injury.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

- 3 **Section 1.** 947.065 of the statutes is created to read:
- 4 **947.065 Rioting.** (1) In this section:

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- (a) "Incite" means to urge, promote, organize, encourage, or instigate other persons. "Incite" does not mean to advocate, orally or in writing, ideas or expressions of belief that do not involve urging, promoting, organizing, encouraging, or instigating or to assert, orally or in writing, the rightness of, or the right to commit, an act.
 - (b) "Riot" means a public disturbance involving at least one of the following:
- 1. An act of violence by one or more persons that are part of an assembly of at least 3 persons, that results in or constitutes a clear and present danger of damage to the property of any other person or injury to another person.
- 2. A threat of the commission of an act of violence by one or more persons that are part of an assembly of at least 3 persons having, individually or collectively, the ability to immediately execute the threat, if the performance of the threatened act of violence constitutes a clear and present danger of damage to the property of any other person or injury to another person.
- (2) Whoever intentionally incites another to commit a riot is guilty of a Class I Felony.
- (3) Whoever intentionally commits an act of violence while participating in a riot is guilty of a Class H Felony.

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