

State of Wisconsin



2021 Senate Bill 296

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT to renumber 947.06 (4); to renumber and amend 947.06 (5); to consolidate, renumber and amend 947.06 (1) and (2); to amend 940.20 (2) and 941.375 (1) (b); and to create 947.06 (1m) (intro.) and (a) and 947.06 (6) of the statutes; relating to: participation in a riot and providing a penalty.

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

SECTION 1. 940.20 (2) of the statutes is amended to read:

940.20 (2) BATTERY TO FIRE FIGHTERS, NATIONAL GUARD MEMBERS, AND COMMISSION WARDENS. Whoever intentionally causes bodily harm to a fire fighter, as defined in s. 102.475 (8) (b), to a member of the national guard, or to a commission warden, acting in an official capacity and the person knows or has reason to know that the victim is a fire fighter, member of the national guard, or commission warden, by an act done without the consent of the person so injured, is guilty of a Class H felony.

SECTION 2. 941.375 (1) (b) of the statutes is amended to read:

941.375 (1) (b) "Public safety worker" means an emergency medical services practitioner licensed under s. 256.15, an emergency medical responder certified under s. 256.15 (8), a peace officer, a fire fighter, or a person operating or staffing an ambulance, or a member of the national guard.

SECTION 3. 947.06 (1) and (2) of the statutes are consolidated, renumbered 947.06 (2m) and amended to read:

947.06 (2m) Sheriffs, their undersheriffs and deputies, constables, marshals, and police officers have a duty to suppress unlawful assemblies within their juris-

diction. For that reason they may order all persons who are part of an assembly to disperse. An "unlawful

(1m) (b) "Unlawful assembly" is means an assembly which consists of 3 or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to identifiable persons or damage to specific property unless it is immediately dispersed. (2) An "unlawful assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing, by force or threat of force, the lawful use by any other person, or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct, by force or threat of force, the lawful use by any other person, or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

SECTION 4. 947.06 (1m) (intro.) and (a) of the statutes are created to read:

947.06 (1m) (intro.) In this section:

(a) "Riot" means a public disturbance involving an unlawful assembly and one of the following:

1. An act of violence by one or more persons who are part of the unlawful assembly that constitutes a clear and

* 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."

present danger of, or would result in, damage to the property of any other person or injury to another person, if the person is identifiable.

2. A threat to commit an act of violence made by one or more persons who are part of the unlawful assembly that has, individually or collectively, the ability to immediately execute the threat, if the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage to the property of any other person or injury to another person, if the person is identifiable.

3. An act of violence by one or more persons who are part of the unlawful assembly that substantially obstructs law enforcement or another governmental function.

SECTION 5. 947.06 (4) of the statutes is renumbered 947.06 (4) (a).

SECTION 6. 947.06 (5) of the statutes is renumbered 947.06 (4) (b) and amended to read:

947.06 (4) (b) Whoever, being employed in any capacity by or enrolled as a student in the institution, is convicted under ~~subs. (1) to (4)~~ sub. (3) or (6) may be sentenced additionally or alternatively to not to exceed 6 months suspension without pay from his or her employment by the institution if an employee, or suspension from enrollment in the institution if a student, or both if both an employee and a student. If the suspension is thus imposed, the institution shall not thereafter impose any other discipline upon the person for his or her connection

with the unlawful assembly. Any period of suspension from employment by or enrollment in the institution already served shall be deducted by the court in imposing this sentence. Any period of imprisonment, whether or not the person is authorized under s. 303.08 to continue as an employee or student while imprisoned, shall count as a period of suspension from employment or enrollment or both hereunder.

SECTION 7. 947.06 (6) of the statutes is created to read:

947.06 (6) (a) A person who intentionally participates in a riot or who intentionally refuses an order to disperse a riot is guilty of a Class A misdemeanor.

(b) A person who intentionally incites 3 or more persons to create or engage in a riot is guilty of a Class B misdemeanor.

(c) A person who, while intentionally participating in a riot, blocks or obstructs, by force or threat of force, the lawful use by any other person of any private or public thoroughfare, or blocks or obstructs, by force or threat of force, any positions of access or exit to any private or public building or dwelling, is guilty of a Class A misdemeanor.

(d) A person who intentionally participates in a riot that results in substantial damage to the property of another person or bodily injury to another person is guilty of a Class I felony.
