



2019 ASSEMBLY BILL 617

November 19, 2019 - Introduced by Representatives TAUCHEN, SPIROS, TUSLER, STEFFEN, BALLWEG, RAMTHUN, SCHRAA, WITTKE, KULP, BRANDTJEN, DITTRICH, DUCHOW and TITTL, cosponsored by Senator NASS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 947.01 (1); and *to create* 947.01 (1) (b) of the statutes;
2 **relating to:** committing disorderly conduct while wearing a mask and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance commits the crime of disorderly conduct and is guilty of a Class B misdemeanor.

This bill increases the penalty to a Class A misdemeanor if the person commits the crime of disorderly conduct while wearing a mask to conceal his or her identity. The bill provides specific exceptions to the increased penalty such as excepting masks worn for religious beliefs, masks worn as holiday costumes, masks worn for protection from the weather, or masks worn for employment purposes.

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:

4 **SECTION 1.** 947.01 (1) of the statutes is renumbered 947.01 (1) (a).

ASSEMBLY BILL 617**SECTION 2**

1 **SECTION 2.** 947.01 (1) (b) of the statutes is created to read:

2 947.01 (1) (b) 1. In this paragraph:

3 a. “Highway” has the meaning given in s. 340.01 (22).

4 b. “Mask” means an item or material that covers the face or part of the face and
5 disguises the wearer.

6 2. Whoever, while violating par. (a), wears a mask with the intent to conceal his
7 or her identity is guilty of a Class A misdemeanor if any of the following applies:

8 a. The actor uses, enters, or remains on a highway, sidewalk, walkway, or bike
9 path.

10 b. The actor enters or remains on property owned, occupied, or controlled by
11 the state or a local governmental unit.

12 c. The actors holds or participates in a meeting or demonstration on property
13 owned, occupied, or controlled by another person unless that person has provided
14 written permission to the actor.

15 3. Subdivision 2. does not apply if any of the following applies:

16 a. The mask is worn because of religious practices or beliefs.

17 b. The mask is worn as part of a holiday costume during a holiday season.

18 c. The mask is worn to provide protection from the elements.

19 d. The actor is engaged in a trade, employment, or a sporting activity and the
20 mask is worn for physical safety of the actor or because of the nature of the trade,
21 employment task, or activity.

22 e. The mask is worn as part of a theatrical production, masquerade ball,
23 parade, ceremony, or celebration.

