

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.

1 AN ACT to create 947.065 of the statutes; relating to: participation in a riot and

providing a penalty.

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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:

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.

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(b) "Riot" means a public disturbance involving at least one of the following:

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.

10 2. A threat of the commission of an act of violence by one or more persons that 11 are part of an assembly of at least 3 persons having, individually or collectively, the 12 ability to immediately execute the threat, if the performance of the threatened act 13 of violence constitutes a clear and present danger of damage to the property of any 14 other person or injury to another person.

15 (2) Whoever intentionally incites another to commit a riot is guilty of a Class16 I Felony.

17 (3) Whoever intentionally commits an act of violence while participating in a18 riot is guilty of a Class H Felony.

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(END)