



2005 ASSEMBLY BILL 238

March 16, 2005 - Introduced by Representatives LOEFFELHOLZ, GRONEMUS, AINSWORTH, JESKEWITZ, NASS, KRAWCZYK, VAN ROY, BALLWEG, HINES, OTT, PETROWSKI and STONE, cosponsored by Senators SCHULTZ and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

- 1 **AN ACT to amend** 86.192 (1) and 86.192 (2) of the statutes; **relating to:**
2 damaging or removing certain highway signs and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits damaging or removing certain highway signs and markers. A person who violates this prohibition must be fined \$25 for the first violation and \$100 for a subsequent violation, or imprisoned for 30 days for a first violation and 60 days for a subsequent violation, or both. In addition, the court may order the person to restore or replace any damaged sign or marker or to pay the cost of restoring or replacing the damaged sign or marker.

This bill increases the penalty for a violation of this prohibition to \$250 for each violation and requires a person who violates this prohibition to pay the total cost of repair or replacement of any damaged or removed sign or marker.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 238**SECTION 1**

1 **SECTION 1.** 86.192 (1) of the statutes is amended to read:

2 86.192 (1) No person may injure, deface, or remove any sign, guide board, mile
3 post, signal, or marker erected by the state or by any municipality thereof for the
4 warning, instruction, or information of the public. The following warning shall be
5 affixed to the front of each such sign, guide board, mile post, signal, or marker:
6 “WARNING: ~~\$25 to \$100~~ \$250 fine or imprisonment for removing or tampering with
7 this sign.”

8 **SECTION 2.** 86.192 (2) of the statutes is amended to read:

9 86.192 (2) Any person who violates this section shall be fined ~~\$25 for the first~~
10 ~~violation, \$100 for a subsequent~~ \$250 for each violation, or imprisoned not exceeding
11 30 days for the first violation, ~~or~~ and 60 days for a subsequent violation, or both fined
12 and imprisoned in the discretion of the court. The court ~~may~~ shall, in addition, order
13 any such person ~~either to restore or replace~~ to pay the total cost of repair or
14 replacement of any such damaged or removed sign, mile post, signal, or marker, ~~or~~
15 ~~to pay the cost thereof.~~

16 **SECTION 3. Initial applicability.**

17 (1) The treatment of section 86.192 (1) of the statutes first applies to warnings
18 affixed on signs, guide boards, mile posts, signals, or markers erected on the effective
19 date of this subsection.

20 (2) The treatment of section 86.192 (2) of the statutes first applies to violations
21 committed on the effective date of this subsection, but does not preclude the counting
22 of other violations as prior violations for sentencing a person.

23 **SECTION 4. Effective date.**

