



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 525	Senate Substitute Amendment 1
<i>Memo published:</i> February 2, 2006	<i>Contact:</i> Mary Offerdahl, Staff Attorney (266-2230) Pam Shannon, Senior Staff Attorney (266-2680)

Under *current law*, it is a Class B misdemeanor to engage in disorderly conduct, described in s. 947.01, Stats., as violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A person who commits disorderly conduct is guilty of a Class B misdemeanor and may be fined up to \$1,000, imprisoned in the county jail for up to 90 days, or both.

Senate Bill 525 (and companion *Assembly Bill 944*), and *Senate Substitute Amendment 1* described below, pertain to conduct that occurs in the vicinity of a funeral or memorial service or a funeral procession. Under the substitute amendment, “funeral or memorial service” includes a wake or burial, but not a memorial service paying tribute to a broad group of people. The substitute amendment makes it a Class A misdemeanor to do any of the following during a funeral or memorial service, during the 60 minutes immediately preceding the scheduled starting time of the service (if one has been set), or during the 60 minutes immediately following a service:

- Engage in disorderly conduct within 500 feet of any entrance to a facility being used for the service, with or without the intent to disrupt the service.
- Block access to a facility (including a cemetery) being used for the service, with or without intent.

The substitute amendment also makes it a Class A misdemeanor to impede vehicles that the person knows are part of a funeral procession with intent to disrupt the procession, or to impede vehicles that are part of a funeral procession if the person’s conduct violates the disorderly conduct statute. The penalty for a Class A misdemeanor is a fine of up to \$10,000, imprisonment in the county jail for up to nine months, or both.

Under the substitute amendment, if a person commits any of the offenses described above *with intent*, after having been convicted of a prior violation of any of the offenses described above, the

person is guilty of a Class I felony (the lowest) and may be fined up to \$10,000, sentenced to a term of imprisonment of up to 3 ½ years, or both.

Legislative History

Senate Substitute Amendment 1 was offered by Senator Brown. On February 1, 2006, the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform recommended adoption of Senate Substitute Amendment 1, and passage of Senate Bill 525 as amended, both on votes of Ayes, 5; Noes, 0.

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