



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 92**

January 3, 2008 – Offered by Representative ALBERS.

1     **AN ACT to create** 940.198 of the statutes; **relating to:** participation in a riot  
2             while in a correctional facility and providing penalties.

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Under this substitute amendment, anyone who participates in a riot while imprisoned, committed to a mental health institution as a sexually violent person, or in the custody of a law enforcement agency is guilty of a Class F felony and may be fined up to \$25,000, imprisoned for up to 12 years and 6 months, or both. A person who causes injury while participating in a riot is subject to heavier fines and longer terms of imprisonment, depending on the severity of the injury.

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

3             **SECTION 1.** 940.198 of the statutes is created to read:  
4             **940.198 Participation in a riot. (1)** In this section, “riot” means a disruption  
5             that creates a risk of injury or death to any person or damage to property and that  
6             is committed by 2 or more persons who are confined to a state prison or other state,  
7             county, or municipal detention facility, who are otherwise in the custody of any law

1 enforcement agency in the state, or who are committed to the custody of the  
2 department of health and family services under chapter 980.

3 (2) Whoever participates in a riot is guilty of a Class F felony.

4 (3) Whoever, while participating in a riot, causes bodily harm to another by an  
5 act done with intent to cause bodily harm to that person or another without the  
6 consent of the person so harmed is guilty of a Class E felony.

7 (4) Whoever, while participating in a riot, causes substantial bodily harm to  
8 another by an act done with intent to cause bodily harm to that person or another  
9 is guilty of a Class D felony.

10 (5) Whoever, while participating in a riot, causes great bodily harm to another  
11 by an act done with intent to cause bodily harm to that person or another is guilty  
12 of a Class C felony.

13 (END)