



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 303

Senate Substitute Amendment 1

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2017 SENATE BILL 303

Senate Bill 303 provides that whoever participates in a riot is guilty of a Class I felony.¹ The bill defines “riot” as 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 three persons, that constitutes a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person.
- A threat of the commission of an act of violence by one or more persons that are part of an assembly of at least three persons having, individually or collectively, the ability of immediate execution of the threat, if the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 to Senate Bill 303: (1) requires that a person intentionally² commit an act of violence, or threaten violence, in order to be guilty of the offense

¹ The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. [s. 939.50 (3) (i), Stats.]

² “Intentionally” means that the actor: (1) either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result; and (2) has knowledge of those facts which are necessary to make his or her conduct criminal and which are set forth after the word “intentionally.” [s. 939.23 (3), Stats.]

created by the substitute amendment; and (2) incorporates the content of the “riot” definition into the prohibited conduct.

Specifically, under the substitute amendment, whoever, as part of an assembly of at least three persons engaging in a public disturbance, does any of the following is guilty of a Class I felony:

- Intentionally commits an act of violence that constitutes a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person.
- Intentionally threatens to commit an act of violence that, if committed, would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person, if the actor individually, or the assembly collectively, has the ability to immediately execute the threat.

BILL HISTORY

Senator Wanggaard offered Senate Substitute Amendment 1 on October 25, 2017. On January 11, 2018, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of the substitute amendment and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

MQ:JKR:ty