



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2017 Senate Bill 304

Senate Substitute Amendment 1

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2017 SENATE BILL 304

Senate Bill 304 provides that whoever does any of the following while participating in a riot is guilty of a Class A misdemeanor:¹ (1) blocks or obstructs the lawful use by any other person of any private or public thoroughfare; or (2) blocks or obstructs any positions of access or exit to any private or public building or dwelling. 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 304: (1) requires that a person intentionally commit an act of violence, or threaten violence, in order to be guilty of the offense created by the

¹ The penalty for a Class A misdemeanor is a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both. [s. 939.51 (3) (a), Stats.]

substitute amendment; (2) changes the penalty from a Class A misdemeanor to a Class H felony; and (3) 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, blocks or obstructs the lawful use by any other person of any private or public thoroughfare, or blocks or obstructs any positions of access or exit to any private or public building or dwelling, and does any of the following is guilty of a Class H felony:²

- 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.

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² The penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both. [s. 939.50 (3) (h), Stats.]