

State of Wisconsin



2003 Assembly Bill 157

Date of enactment: April 13, 2004
Date of publication*: April 27, 2004

2003 WISCONSIN ACT 243

AN ACT *to repeal* 946.05; *to amend* 895.75 (1) and 946.06 (3); and *to create* 947.07 of the statutes; **relating to:** crimes affecting the U.S. flag and providing a penalty.

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

SECTION 1. 895.75 (1) of the statutes is amended to read:

895.75 (1) Any ~~If~~ a person who suffers physical injury to his or her person or emotional distress or damage to or loss of his or her property by reason of conduct ~~which that~~ is prohibited under s. 943.012 ~~and that causes damage to any property specified in s. 943.012 (1) to (4) or which by reason of conduct that~~ is grounds for a penalty increase under s. 939.645 (1), the person has a civil cause of action against the person who caused the physical injury, emotional distress, damage or loss.

SECTION 2. 946.05 of the statutes, as affected by 2001 Wisconsin Act 109, is repealed.

SECTION 3. 946.06 (3) of the statutes is amended to read:

946.06 (3) In this section "flag" ~~has the meaning designated in s. 946.05~~ means anything that is or purports to

be the Stars and Stripes, the United States shield, the United States coat of arms, the Wisconsin state flag, or a copy, picture, or representation of any of them.

SECTION 4. 947.07 of the statutes is created to read:

947.07 Causing violence or breach of the peace by damaging or destroying a U.S. flag. (1) In this section, "flag" means a flag of the United States consisting of horizontal stripes, alternately colored red and white, and a union of any number of white stars on a blue field.

(2) Whoever destroys, damages, or mutilates a flag, or causes a flag to come into contact with urine, feces, or expectoration, with the intent to cause imminent violence or a breach of the peace under circumstances in which the actor knows that his or her conduct is likely to cause violence or a breach of the peace is guilty of a Class A misdemeanor.

SECTION 5. Initial applicability.

(1) This act first applies to offenses occurring on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].