

CHAPTER 947

CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

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947.01 Disorderly conduct. Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.

History: 1977 c. 173; 1979 c. 131.

Defendant was properly convicted of disorderly conduct where he appeared on a stage wearing a minimum of clothing intending to and succeeding in causing a loud reaction in the audience. *State v. Maker*, 48 W (2d) 612, 180 NW (2d) 707.

An attorney may be convicted under this section for refusing to leave a ward in a mental hospital until he had seen a client after having made statements in the presence of patients which caused some to become agitated. *State v. Elson*, 60 W (2d) 54, 208 NW (2d) 363.

It is not disorderly conduct for 4 people to enter an office with other members of the public for the purpose of protesting the draft and to refuse to leave on orders of the police, when their conduct is not otherwise disturbing. *State v. Werstein*, 60 W (2d) 668, 211 NW (2d) 437.

See note to 939.47, citing *State v. Olsen*, 99 W (2d) 572, 299 NW (2d) 632 (Ct. App. 1980).

See note to Art. I, sec. 1, citing *Pederson v. Breier*, 327 F Supp. 1382.

947.012 Unlawful use of telephone. Whoever does any of the following is guilty of a Class B misdemeanor:

(1) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(2) With intent to frighten, intimidate, threaten, abuse, harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(4) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(5) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten or harass any person at the called number.

(6) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

History: 1979 c. 131.

947.015 Bomb scares. Whoever intentionally conveys or causes to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives is guilty of a Class E felony.

History: 1977 c. 173.

This section is not an included crime in 941.30. *State v. Van Ark*, 62 W (2d) 155, 215 NW (2d) 41.

947.02 Vagrancy. Any of the following are vagrants and are guilty of a Class C misdemeanor:

(1) A person, with the physical ability to work, who is without lawful means of support and does not seek employment; or

(3) A prostitute who loiters on the streets or in a place where intoxicating liquors are sold, or a person who, in public, solicits another to commit a crime against sexual morality; or

(4) A person known to be a professional gambler or known as a frequenter of gambling places or who derives part of his support from begging or as a fortune teller or similar imposter.

History: 1977 c. 173.

947.04 Drinking in common carriers. (1) Whoever while a passenger in a common carrier, publicly drinks intoxicants as a beverage or gives any other person intoxicants for that purpose under circumstances tending to provoke a disturbance, except in those portions of the common carrier in which intoxicants are specifically authorized by law to be sold or consumed, is guilty of a Class C misdemeanor.

(2) The person in charge of a common carrier may take from any passenger found violating this section any intoxicant then in the

possession of such passenger, giving him a receipt therefor, and shall keep the intoxicant until the passenger's point of destination is reached. Thereupon, he shall either return the intoxicant to the passenger or turn it over to the station agent. At any time within 10 days after the intoxicant is turned over to the station agent, the passenger may recover the intoxicant by surrendering the receipt given him at the time the intoxicant was taken from him.

History: 1973 c. 198; 1977 c. 173.

947.047 Metal or glass debris in or on the shore of any body of water. Whoever throws or deposits any metal cans or glass bottles or any other debris made in whole or in part of metal or glass in or on the shores of any lake or body of water is subject to a Class C forfeiture, for each offense.

History: 1977 c. 173.

947.06 Unlawful assemblies and their suppression. (1) Sheriffs, their undersheriffs and deputies, constables, marshals and policemen have a duty to suppress unlawful assemblies within their jurisdiction. For that reason they may order all persons who are part of an assembly to disperse. An "unlawful assembly" is an assembly which consists of 3 or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(2) An "unlawful assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person, or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

(3) Whoever intentionally fails or refuses to withdraw from an unlawful assembly which the person knows has been ordered to disperse is guilty of a Class A misdemeanor.

(4) Whoever causes, attempts to cause, or participates in an unlawful assembly upon any property of a public institution of higher education or upon any highway abutting on such property, is punishable under sub. (3) if he fails to withdraw from the assembly promptly upon issuance of an order to disperse, if such order is given in such manner that such person can reasonably be expected to hear or read such order.

(5) Whoever, being employed in any capacity by or enrolled as a student in such institution, is convicted under subs. (1) to (4) may be sentenced additionally or alternatively to not to exceed 6 months suspension without pay from his employment by such institution if he is an employe, or suspension from enrollment in such institution if he is a student, or both if he is both. If such suspension is thus imposed, the institution shall not thereafter impose any other discipline upon him for his connection with the unlawful assembly. Any period of suspension from employment by or enrollment in the institution already served shall be deducted by the court in imposing this sentence. Any period of imprisonment, whether or not he is authorized under s. 56.08 to continue as an employe or student while imprisoned, shall count as a period of suspension from employment or enrollment or both hereunder.

History: 1977 c. 173.

This section is constitutional. *Cassidy v. Ceci*, 320 F Supp. 223.

947.08 Crime comics. (1) LEGISLATIVE FINDING AND DECLARATION. It is declared as a legislative finding of fact that exercise of this state's police power to minimize all incentives to crime, particularly in the field of sanguinary or salacious publications with their stimulation of juvenile delinquency is important; and that the publication, sale and distribution to minors or possession by minors of books, magazines, or other printed matter consisting of narrative material in pictorial form, commonly known as comic books and which depict, in substantial part, acts of indecency, horror, terror, physical torture or brutality, have the effect of inciting, encouraging, or advocating the commission of crime, and are a source of crime, particularly among minors, and a contributing factor in impairing the moral and ethical development of our youth and a danger to the health, safety, morals and well-being of the people of the state. Therefore, the provisions hereinafter prescribed are enacted and their necessity in the public interest is hereby declared as a matter of legislative determination.

(2) Whoever does any of the following is guilty of a Class B misdemeanor:

(a) Sells or distributes commercially a crime comic to a minor; or

(b) Has a crime comic in his possession with intent to sell or distribute it commercially to a minor; or

(c) Distributes a crime comic commercially to a retailer with knowledge that such retailer intends to distribute it to a minor.

(3) In this section "crime comic" means any book, magazine or other printed matter consist-

ing of narrative material in pictorial form, commonly known as a comic book and which depicts, in substantial part, acts of indecency, horror, terror, physical torture or brutality.

(4) This section does not apply to the portrayal of historical or current events or of literary works of recognized merit unless acts are so depicted as to demonstrate a purpose to incite, advocate or encourage the commission of crime or to exploit minors' interest in the commission of acts of indecency, horror, terror, physical torture or brutality.

History: 1977 c. 173.

947.15 Contributing to the delinquency of children; neglect; neglect contributing to death. (1) The following persons are guilty of a Class A misdemeanor, and if death is a consequence are guilty of a Class D felony:

(a) Any person 18 or older who intentionally encourages or contributes to the delinquency of any child as defined in s. 48.02 (3m) or the neglect of any child. This subsection includes intentionally encouraging or contributing to an act by a child under the age of 12 which would

be a delinquent act if committed by a child 12 years of age or older; or

(b) Any parent, guardian or legal custodian who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This subsection includes neglect or disregard on the part of the parents which results in the commission or probable commission by a child under the age of 12 of an act which would be a delinquent act if committed by a child 12 years of age or older.

(2) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

History: 1977 c. 173; 1979 c. 135.

A complaint alleging that defendant allowed a runaway minor girl to stay in his apartment with him for 30 days is sufficient. Lack of knowledge of her age is no defense. *Jung v. State*, 55 W (2d) 714, 201 NW (2d) 58.

Adult who furnishes beer or liquor to minor may not be charged under (1) (a) if based on minor's possession of such items. 70 Atty. Gen. 276.