

2003 ASSEMBLY BILL 157

1 AN ACT *to repeal* 946.05; *to amend* 895.75 (1) and 946.06 (3); and *to create*
2 947.07 of the statutes; **relating to:** crimes affecting the U.S. flag and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

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

4 SECTION 1. 895.75 (1) of the statutes is amended to read:
5 895.75 (1) ~~Any~~ If a person who suffers physical injury to his or her person or
6 emotional distress or damage to or loss of his or her property by reason of conduct
7 ~~which that~~ is prohibited under s. 943.012 and that causes damage to any property
8 specified in s. 943.012 (1) to (4) or which by reason of conduct that is grounds for a
9 penalty increase under s. 939.645 (1), the person has a civil cause of action against
10 the person who caused the physical injury, emotional distress, damage or loss.

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SECTION 2

SECTION 2. 946.05 of the statutes, as affected by 2001 Wisconsin Act 109, is repealed.

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

12 946.06 (3) In this section “flag” ~~has the meaning designated in s. 946.05~~ means
13 anything that is or purports to be the Stars and Stripes, the United States shield, the
14 United States coat of arms, the Wisconsin state flag, or a copy, picture, or
15 representation of any of them.

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

17 **947.07 Causing violence or breach of the peace by damaging or**
18 **destroying a U.S. flag. (1)** In this section, “flag” means a flag of the United States
19 consisting of horizontal stripes, alternately colored red and white, and a union of any
20 number of white stars on a blue field.

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

26 **SECTION 5. Initial applicability.**

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

29 (END)