

2003 DRAFTING REQUEST

Bill

Received: 01/07/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Don

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pettis@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Damaging or destroying a flag

Instructions:

Redraft 2001 AB 477

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/31/2003	jdyer 02/19/2003		_____			S&L Crime
/1			jfrantze 02/19/2003	_____	lemery 02/19/2003	lemery 02/24/2003	

FE Sent For:

↳ At
Intro.

<END>

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1?	mdsida	1 2/19 jld	2/19	2/19			

FE Sent For:

<END>

P/c to Rep. Pottis

Asked abt repeal of 946.05

He said if I should do so.

1340/1
LRB-~~1340/1~~
MGD:ldjkm
Stays

3
2001 ASSEMBLY BILL 477

August 15, 2001 - Introduced by Representatives PETTIS, SUDER, MUSSER, TOWNSEND, OTT, KRAWCZYK, LADWIG, STARZYK, JESKEWITZ, SYKORA, HAHN, M. LEHMAN, URBAN, LEIBHAM, OWENS, KREIBICH, KEDZIE, LIPPERT, FREESE, GUNDERSON, ALBERS, HOVEN, NASS, VRAKAS, AINSWORTH, HUNDERTMARK and PETROWSKI, cosponsored by Senators ZIEN, DARLING, HUELSMAN and ROESSLER. Referred to Committee on Criminal Justice.

Regen

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

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally and publicly mutilating, defiling, or casting contempt upon the flag, which is defined to include the U.S. flag, the U.S. shield, the U.S. coat of arms, the Wisconsin state flag, or a copy, picture, or representation of any of these things. However, this law was held to be unconstitutional by the Wisconsin supreme court in *State v. Janssen*, 218 Wis. 2d 362 (1998).

This bill prohibits a person from destroying, damaging, or mutilating a U.S. flag, or causing a U.S. flag to come into contact with urine, feces, or excretion, with the intent to cause imminent violence or a breach of the peace in circumstances in which the actor knows that his or her conduct is likely to cause violence or a breach of the peace. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than ~~five years~~ or both.

CRIME TAG
FE-S+L

ANALYSIS

9
nine months

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

DWF
3
4
5

ASSEMBLY BILL 477

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

INS
2/4
POF

5 SECTION 2. 947.07^x of the statutes is created to read:

6 **947.07 Causing violence or breach of the peace by damaging or**
 7 **destroying a U.S. flag.** (1) In this^x section, "flag" means a flag of the^x United States
 8 consisting of horizontal stripes, alternately colored red and white, and a union of any
 9 number of white stars on a blue field.

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

15 **SECTION 3. Initial applicability.**

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

18 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1340/lins
MCD:.....

1 **analysis INSERT**

2 (NO) The bill also repeals the law held unconstitutional in *State v. Johnson*.

(I)
Janssen

3 **INSERT 2/4**

4 SECTION 1. 946.05 of the statutes, as affected by 2001 Wisconsin Act 109, is
5 repealed.

6 SECTION 2. 946.06 (3) of the statutes is amended to read:

7 946.06 (3) In this section "flag" has the meaning designated in s. 946.05 means
8 anything ^{that} ~~which~~ is or purports to be the Stars and Stripes, the United States shield,
9 the United States coat of arms, the Wisconsin state flag, or a copy, picture, or
10 representation of any of them.

History: 1977 c. 173.

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, February 19, 2003 2:18 PM
To: Colvin, Alan
Subject: LRB -1340/1 (attached)



03-1340/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Emery, Lynn

From: Colvin, Alan
Sent: Monday, February 24, 2003 2:17 PM
To: LRB.Legal

The Office of Rep. Pettis needs jackets for the following LRBs.

1340

1557

1402

1597

1512

1545

Alan Colvin