

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 944**

January 31, 2006 – Offered by Representative MUSSER.

1 **AN ACT** *to create* 947.011 of the statutes; **relating to:** disrupting a funeral or
2 memorial service or a funeral procession and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct, which is defined as engaging 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. A person who commits disorderly conduct is guilty of a Class B misdemeanor and may be fined up to \$1,000 or imprisoned in the county jail for up to 90 days or both.

This bill creates new crimes relating to disorderly conduct that occurs in the vicinity of a funeral or memorial service (which, under the bill, includes a wake or a burial but does not include a memorial service paying tribute to a broad group of people). The bill also creates new crimes related to blocking access to a facility (including a cemetery) being used for a funeral or memorial service.

Conduct that is intended to disrupt a funeral or memorial service

Under the bill, no person may do any of the following during a funeral or memorial service, during the 60 minutes immediately before the scheduled starting time of a funeral or memorial service (if one has been set), or during the 60 minutes immediately following a funeral or memorial service: 1) engage in disorderly conduct within 500 feet of any entrance to a facility being used for the service with the intent

to disrupt the service; or 2) intentionally block access to a facility being used for the service. In addition, under the bill, no person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession.

Other disruptive conduct in the vicinity of a funeral or memorial service

In addition to covering intentional conduct, the bill also prohibits a person from doing any of the following, without regard to the person's intent, during any of the time periods described above: 1) engaging in disorderly conduct within 500 feet of any entrance to a facility being used for a funeral or memorial service; or 2) blocking access to a facility being used for a funeral or memorial service. The bill also prohibits a person from impeding vehicles that are part of a funeral procession if the person's conduct violates the disorderly conduct statute.

Penalties

In general, a person who violates any of these prohibitions is guilty of a Class A misdemeanor and may be fined up to \$10,000 or imprisoned in the county jail for up to nine months or both. But, if a person commits one of the offenses described under "***Conduct that is intended to disrupt a funeral or memorial service***" after being convicted of a prior violation of any of the offenses described above, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

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

1 **SECTION 1.** 947.011 of the statutes is created to read:

2 **947.011 Disrupting a funeral or memorial service. (1)** In this section:

3 (a) "Facility" includes a cemetery in which a funeral or memorial service takes
4 place.

5 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
6 157.061 (1), but does not include a service that is not intended to honor or
7 commemorate one or more specific decedents.

8 **(2)** (a) No person may do any of the following during a funeral or memorial
9 service, during the 60 minutes immediately preceding the scheduled starting time

1 of a funeral or memorial service if a starting time has been scheduled, or during the
2 60 minutes immediately following a funeral or memorial service:

3 1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any
4 entrance to a facility being used for the service with the intent to disrupt the service.

5 2. Intentionally block access to a facility being used for the service.

6 (b) No person, with the intent to disrupt a funeral procession, may impede
7 vehicles that he or she knows are part of the procession.

8 (c) No person may do any of the following during a funeral or memorial service,
9 during the 60 minutes immediately preceding the scheduled starting time of a
10 funeral or memorial service if a starting time has been scheduled, or during the 60
11 minutes immediately following a funeral or memorial service:

12 1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any
13 entrance to a facility being used for the service.

14 2. Block access to a facility being used for the service.

15 (d) No person may impede vehicles that are part of a funeral procession if the
16 person's conduct violates s. 947.01.

17 **(3)** (a) Except as provided in par. (b), any person who violates this section is
18 guilty of a Class A misdemeanor.

19 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
20 violation of this section is guilty of a Class I felony.

21 (END)