

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB944)

Received: **01/26/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing:

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.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **pam.shannon@legis.state.wi.us**
robert.nelson@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Disrupting a funeral or memorial service or a funeral procession

Instructions:

See Attached

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 01/27/2006	jdyer 01/27/2006		_____			
/1			chaugen 01/27/2006 rschluet 01/31/2006	_____	mbarman 01/27/2006	mbarman 01/27/2006	
/2	mdsida	jdyer		_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/31/2006	01/31/2006		_____	01/31/2006	01/31/2006	

FE Sent For:

<END>

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/?	mdsida 01/27/2006	jdye 01/27/2006		_____			
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316

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FE Sent For:

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0490/1

Assembly

Stays

SENATE SUBSTITUTE AMENDMENT ,
TO 2005 SENATE BILL 525

AB-944

Mon PM
1/30

Regen

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.

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

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

4 **947.011 Disrupting a funeral or memorial service. (1)** In this section:

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

7 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
8 157.061 (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents.

10 (2) (a) No person may do any of the following during a funeral or memorial
11 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 a loud protest that involves singing, chanting, whistling, yelling,
4 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
5 used for the service if the protest is intended to disrupt the service. ✓ This subdivision
6 applies regardless of whether an electric sound amplification device is used during
7 the protest.

8 2. Intentionally display any visual image that conveys fighting words or actual
9 or veiled threats against any other person within 500 feet of any entrance to a facility
10 being used for the service.

11 3. Intentionally block access to a facility being used for the service.

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

14 (c) No person may do any of the following during a funeral or memorial service,
15 during the 60 minutes immediately preceding the scheduled starting time of a
16 funeral or memorial service if a starting time has been scheduled, or during the 60
17 minutes immediately following a funeral or memorial service if the person's conduct
18 violates s. 947.01:

19 1. Engage in a loud protest that involves singing, chanting, whistling, yelling,
20 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
21 used for the service. ✓ This subdivision applies regardless of whether an electric sound
22 amplification device is used during the protest.

23 2. Display any visual image that conveys fighting words or actual or veiled
24 threats against any other person within 500 feet of any entrance to a facility being
25 used for the service.



ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 944

TUES

Replace
w/ 50499/1
(attached)
(w/ change to
~~name~~)

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.

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

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

4 **947.011 Disrupting a funeral or memorial service.** (1) In this section:

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

7 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
8 157.061 (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents.

10 (2) (a) No person may do any of the following during a funeral or memorial
11 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 a loud protest that involves singing, chanting, whistling, yelling,
4 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
5 used for the service if the protest is intended to disrupt the service. This subdivision
6 applies regardless of whether an electric sound amplification device is used during
7 the protest.

8 2. Intentionally display any visual image that conveys fighting words or actual
9 or veiled threats against any other person within 500 feet of any entrance to a facility
10 being used for the service.

11 3. Intentionally block access to a facility being used for the service.

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

14 (c) No person may do any of the following during a funeral or memorial service,
15 during the 60 minutes immediately preceding the scheduled starting time of a
16 funeral or memorial service if a starting time has been scheduled, or during the 60
17 minutes immediately following a funeral or memorial service if the person's conduct
18 violates s. 947.01:

19 1. Engage in a loud protest that involves singing, chanting, whistling, yelling,
20 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
21 used for the service. This subdivision applies regardless of whether an electric sound
22 amplification device is used during the protest.

23 2. Display any visual image that conveys fighting words or actual or veiled
24 threats against any other person within 500 feet of any entrance to a facility being
25 used for the service.

2005 - 2006 LEGISLATURE

TUES

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2005 ~~SENATE BILL 525~~

AB 944

LRBs0499/D
MGD/jld/rs

stays

04901
LRS-
not

Regen

- 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

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)