



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 92

**Assembly Substitute
Amendment 1**

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Assembly Substitute Amendment 1 creates, in the Criminal Code, new felony crimes relating to participation in a riot, with heavier fines and longer terms of imprisonment if an injury occurs, depending on the severity of the injury and the intent of the violator. “Riot” is defined to mean a disruption that creates a risk of injury or death to any person or damage to property and that is committed by two or more persons who are confined to a state prison or other state, county, or municipal detention facility, who are otherwise in the custody of any law enforcement agency in the state, or who are committed to the custody of the Department of Health and Family Services under ch. 980 (Civil Commitment of Sexually Violent Persons).

Under the Substitute Amendment:

1. **Basic Offense; Participation.** Whoever participates in a riot is guilty of a ***Class F felony*** (punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both).
2. **Causing Bodily Harm.** Whoever, while participating in a riot, causes ***bodily harm*** to another by an act done ***with intent to cause bodily harm*** to that person or another without the consent of the person so harmed is guilty of a ***Class E felony*** (punishable by a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both). The Criminal Code defines “bodily harm” to mean physical pain or injury, illness, or any impairment of physical condition. [s. 938.22 (4), Stats.]
3. **Causing Substantial Bodily Harm.** Whoever, while participating in a riot, causes ***substantial bodily harm*** to another by an act done ***with intent to cause bodily harm*** to that person or another is guilty of a ***Class D felony*** (punishable by a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both). The Criminal Code defines “substantial bodily harm” to mean bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a

temporary loss of consciousness, sight or hearing; or a loss or fracture of a tooth. [s. 939.22 (38), Stats.]

4. **Causing Great Bodily Harm**. Whoever, while participating in a riot, causes **great bodily harm** to another by an act done **with intent to cause bodily harm** to that person or another is guilty of a **Class C felony** (punishable by a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both). The Criminal Code defines “great bodily harm” to mean bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. [s. 939.22 (14), Stats.]

Legislative History

In executive session on January 15, 2008, the Assembly Committee on Corrections and Courts voted to adopt Assembly Substitute Amendment 1, and to recommend passage of the bill as amended, on votes of Ayes, 11; Noes, 0.

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