

2017 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB395)

For: **John Spiros (608) 266-1182** Drafter: **chanaman**
 By: **Erin** Secondary Drafters:
 Date: **10/18/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Spiros@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Riots and penalties

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 10/18/2017	aernstr 10/18/2017			
/P1			lparisi 10/18/2017		
/1				lparisi 10/23/2017	

FE Sent For: **<END>**

Hanaman, Cathlene

From: Mellon, Erin
Sent: Wednesday, October 18, 2017 12:44 PM
To: Hanaman, Cathlene
Subject: Riot Bills

Hi Cathlene,

We'd like to make another change to our riot bills (Abs 395, 396, 397). I've been working with the committee's leg council attorney on language, so I will just share what she sent me. The idea would be to remove the definition section of the bill and just move that to the penalty section.

As we discussed, below is potential language for an amendment that would: (1) incorporate the content of the "riot" definition into the prohibited conduct section; and (2) require that a person commit an act of violence, or threaten violence, in order to be guilty of an offense. Under this language, the definition of "riot" is deleted and the word "riot" is not used. If you want to continue to use the word "riot," we can discuss other options. In addition, I put the language relating to "public disturbance" in brackets – the phrase "public disturbance" appears in the "riot" definition. I was not sure whether you want to continue to use the phrase "public disturbance," but if you do, it could be placed after "3 persons" or in another location in the introductory text.

Replace SECTIONS 2 and 3 of Assembly Bill 395 with:

SECTION __. 947.06 (6) of the statutes is created to read:

947.06 (6) Whoever, as part of an assembly of at least 3 persons [engaging in a public disturbance], does any of the following is guilty of a Class I felony:

(a) Intentionally commits an act of violence that constitutes a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person.

(b) Intentionally threatens to commit an act of violence that, if committed, would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person, if the person individually, or the assembly collectively, has the ability of immediate execution of the threat.

This would be the language for AB 395. Then for 396 and 397 we would just add a section (c) with the third element (obstructing a thoroughfare or using a dangerous weapon).

At this point I think it makes sense to do these as substitute amendments. I don't mean to be a pain but the bills are up for a public hearing in the Senate tomorrow and it would be great to have language to share with committee members at that time.

Let me know if you have any questions or issues.

Thanks!

Erin Mellon
Research Assistant
Office of Rep. John Spiros
86th Assembly District
(608) 266-1182



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0138/7
CMH:...

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 395

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AN ACT ...; relating to: participation in a riot and providing a criminal penalty.

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

✓ **SECTION 1.** 947.06 (6) of the statutes is created to read:

947.06 (6) Whoever, as part of an assembly of at least 3 persons engaging in a public disturbance, does any of the following is guilty of a Class I felony:

(a) Intentionally commits an act of violence that constitutes a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person.

(b) Intentionally threatens to commit an act of violence that, if committed, would constitute a clear and present danger of, or would result in, damage or injury

1 to the property of any other person or to another person, if the actor individually, or
2 the assembly collectively, has the ability to immediately execute the threat.

3 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 395

No
changes

1 **AN ACT to create** 947.06 (6) of the statutes; **relating to:** participation in a riot
2 and providing a criminal penalty.

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5 a public disturbance, does any of the following is guilty of a Class I felony:

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7 danger of, or would result in, damage or injury to the property of any other person
8 or to another person.

9 (b) Intentionally threatens to commit an act of violence that, if committed,
10 would constitute a clear and present danger of, or would result in, damage or injury

1 ~~to the property of any other person or to another person, if the actor individually, or~~
2 the assembly collectively, has the ability to immediately execute the threat.

3 (END)