



2017 ASSEMBLY BILL 396

June 19, 2017 - Introduced by Representatives SPIROS, BRANDTJEN, JAGLER, KLEEFISCH, KREMER, QUINN and RIPP, cosponsored by Senators WANGGAARD, KAPENGA and NASS. Referred to Committee on Judiciary.

1 **AN ACT to consolidate, renumber and amend** 947.06 (1) and (2); and **to create**
2 947.06 (1m) (intro.) and (a) and 947.06 (3m) of the statutes; **relating to:**
3 blocking a thoroughfare as part of a riot and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits blocking or obstructing the lawful use of a thoroughfare while participating in a riot. A person who violates the prohibition is guilty of a Class A misdemeanor. The bill defines a “riot” as a public disturbance that involves an act of violence, as part of an assembly of at least three persons, that constitutes a clear and present danger of property damage or personal injury or a threat of an act of violence, as part of an assembly of at least three persons having the ability of immediate execution of the threat, if the threatened action would constitute a clear and present danger of property damage or personal injury.

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

4 **SECTION 1.** 947.06 (1) and (2) of the statutes are consolidated, renumbered
5 947.06 (2m) and amended to read:
6 947.06 (**2m**) Sheriffs, their undersheriffs and deputies, constables, marshals,
7 and police officers have a duty to suppress unlawful assemblies within their

ASSEMBLY BILL 396**SECTION 1**

1 jurisdiction. For that reason they may order all persons who are part of an assembly
2 to disperse. An “unlawful

3 **(1m)** (b) “Unlawful assembly” is means an assembly which consists of 3 or more
4 persons and which causes such a disturbance of public order that it is reasonable to
5 believe that the assembly will cause injury to persons or damage to property unless
6 it is immediately dispersed. ~~(2)~~ An “unlawful assembly” includes an assembly of
7 persons who assemble for the purpose of blocking or obstructing the lawful use by any
8 other person, or persons of any private or public thoroughfares, property or of any
9 positions of access or exit to or from any private or public building, or dwelling place,
10 or any portion thereof and which assembly does in fact so block or obstruct the lawful
11 use by any other person, or persons of any such private or public thoroughfares,
12 property or any position of access or exit to or from any private or public building, or
13 dwelling place, or any portion thereof.

14 **SECTION 2.** 947.06 (1m) (intro.) and (a) of the statutes are created to read:

15 947.06 **(1m)** (intro.) In this section:

16 (a) “Riot” means a public disturbance involving at least one of the following:

17 1. An act of violence by one or more persons that are part of an assembly of at
18 least 3 persons, that constitutes a clear and present danger of, or would result in,
19 damage or injury to the property of any other person or to another person.

20 2. A threat of the commission of an act of violence by one or more persons that
21 are part of an assembly of at least 3 persons having, individually or collectively, the
22 ability of immediate execution of the threat, if the performance of the threatened act
23 of violence would constitute a clear and present danger of, or would result in, damage
24 or injury to the property of any other person or to another person.

25 **SECTION 3.** 947.06 (3m) of the statutes is created to read:

ASSEMBLY BILL 396

1 947.06 **(3m)** Whoever blocks or obstructs the lawful use by any other person
2 of any private or public thoroughfare, or blocks or obstructs any positions of access
3 or exit to any private or public building or dwelling, while participating in a riot is
4 guilty of a Class A misdemeanor.

5

(END)