



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 243 [2003 Assembly Bill 157]	Crimes Affecting the U.S. Flag
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 243 repeals a crime affecting the U.S. flag that has been found to be unconstitutional and creates a new offense relating to the U.S. flag.

Act 243 repeals a statute under which it was a crime to intentionally and publicly mutilate, defile, or cast contempt upon the U.S. flag, the U.S. shield, the U.S. coat of arms, the Wisconsin state flag, or a copy, picture, or representation of any of these things. This statute was held to be unconstitutional by the Wisconsin Supreme Court in *State v. Janssen*, 219 Wis. 2d 362 (1998).

Act 243 creates the crime of causing violence or breach of the peace by damaging or destroying a U.S. flag. Under the Act, whoever destroys, damages, or mutilates a flag, or causes a flag to come into contact with urine, feces, or excretion, with the intent to cause imminent violence or a breach of the peace under circumstances in which the actor knows that his or her conduct is likely to cause violence or a breach of the peace is guilty of a Class A misdemeanor. A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

The act defines “flag” as a flag of the United States consisting of horizontal stripes, alternately colored red and white, and a union of any number of white stars on a blue field.

Effective Date: Act 243 takes effect on April 28, 2004, and first applies to offenses occurring on that date.

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April 21, 2004

AS:ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.