



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 395

Assembly Amendment 1

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2017 ASSEMBLY BILL 395

Assembly Bill 395 provides that whoever participates in a riot is guilty of a Class I felony. The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

The bill defines “riot” as a public disturbance involving at least one of the following:

- An act of violence by one or more persons that are part of an assembly of at least three persons, 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.
- A threat of the commission of an act of violence by one or more persons that are part of an assembly of at least three persons having, individually or collectively, the ability of immediate execution of the threat, if the performance of the threatened act of violence 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.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 adds intent elements to the bill. First, the amendment provides that whoever **intentionally**¹ participates in a riot is guilty of a Class I felony.

¹ Under state criminal law, “intentionally” means that the actor: (1) either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result; and (2) has knowledge of those facts which are necessary to make his or her conduct criminal and which are set forth after the word “intentionally.” [s. 939.23 (3), Stats.]

Second, the amendment amends the definition of “riot” to require an **intentional** act of violence or an **intentional** threat of the commission of an act of violence. Specifically, under the amendment, “riot” means a public disturbance involving at least one of the following:

- An intentional act of violence by one or more persons that are part of an assembly of at least three persons, 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.
- An intentional threat of the commission of an act of violence by one or more persons that are part of an assembly of at least three persons having, individually or collectively, the ability of immediate execution of the threat, if the performance of the threatened act of violence 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.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Spiros on October 11, 2017. On October 12, 2017, the Assembly Committee on Judiciary recommended: (1) adoption of the amendment on a vote of Ayes, 8; Noes, 0; and (2) passage of the bill, as amended, on a vote of Ayes, 6; Noes, 2.

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