

## CHAPTER 941

## CRIMES AGAINST PUBLIC HEALTH AND SAFETY

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## VEHICLES.

**941.01 Negligent operation of vehicle.** (1) Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in s. 340.01, may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) A high degree of negligence is conduct which demonstrates ordinary negligence to a high degree, consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of death or great bodily harm to another.

(3) Upon conviction hereunder, no revocation or suspension of operator's license shall follow.

**941.03 Highway obstruction.** (1) Whoever creates an unreasonable risk and high probability of causing death or great bodily harm to another by intentionally placing an obstacle in or upon a highway, damaging a highway, removing or tampering with a sign or signal used for the guidance of vehicles, giving a false traffic signal, or otherwise interfering with the orderly flow of traffic and realizes that he thereby creates such risk and probability may be fined not more than \$2,000 or imprisoned not more than 10 years or both.

(2) In this section, "highway" means any public way or thoroughfare, including bridges thereon, any roadways commonly used for vehicular traffic, whether public or private, any railroad, including street and interurban railways, and any navigable waterway or airport.

**941.04 Mooring watercraft to railroad tracks or fixtures.** (1) Whoever does either of the following may be fined not more than \$1,000 or imprisoned not more than 30 days:

(a) Moors a navigation craft to a railroad track, bridge, signal, switch or other railroad structure; or

(b) Moors or anchors a navigation craft against a railroad embankment or structure so as to obstruct or interfere with the operation of vehicles on the railroad.

(2) Whoever violates sub. (1) under circumstances endangering human life may be fined not more than \$10,000 or imprisoned not more than 5 years or both.

## FIRE.

**941.10 Negligent handling of burning material.** (1) Whoever handles burning material in a highly negligent manner may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) Burning material is handled in a highly negligent manner if, under the circumstances, the person should realize that he creates an unreasonable risk and high probability of death or great bodily harm to another or serious damage to another's property.

**941.11 Unsafe burning of buildings.** Whoever does either of the following may be imprisoned not more than 5 years:

(1) Intentionally burns his own building under circumstances in which he should realize he is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or

(2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he should realize he is creating an unreasonable risk of death or great bodily harm to another or serious damage to a third person's property.

**941.12 Interfering with or failing to assist in fire fighting.** Whoever does any of the following may be fined not more than \$50 or imprisoned not more than 30 days or both:

(1) Without reasonable excuse, fails or refuses to render assistance when lawfully called upon to do so by a person known by him to be an officer of an organization established for the purpose of extinguishing fires or preventing fire hazards or refuses to obey a lawful order of anyone whom he knows to be connected with such organization; or

(2) Interferes with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority. Every day during which such interference continues constitutes a separate offense.

**941.13 False alarms and interference with fire fighting.** Whoever intentionally does any of the following may be fined not more than \$500 or imprisoned not more than one year in county jail or both:

(1) Gives a false alarm to any public officer or employe, whether by means of a fire alarm system or otherwise; or

(2) Interferes with the proper functioning of a fire alarm system; or

(3) Interferes with the lawful efforts of firemen to extinguish a fire.

(4) Interferes with, tampers with or removes, without authorization, any fire extinguisher, fire hose or any other fire fighting equipment.

#### WEAPONS.

**941.20 Reckless use of weapons.** (1) Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(a) Endangers another's safety by reckless conduct in the operation or handling of a firearm, airgun, knife or bow and arrow; or

(b) Operates or goes armed with a firearm while he is under the influence of an intoxicant; or

(c) Intentionally points a firearm at or toward another.

(d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

(2) Whoever does any of the following may be fined not more than \$1,000 or imprisoned not more than 3 years or both:

(a) Intentionally discharges a firearm into vehicle or building under circumstances in which he should realize there might be a human being present therein; or

(b) Sets a spring gun.

(3) Reckless conduct consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take known chances of perpetrating an injury. It is intended that this definition embraces all of the elements of what was heretofore known as gross negligence in the criminal law of Wisconsin.

Pointing a firearm is not a lesser included offense of armed robbery and a defendant can be convicted of both. State v. Smith, 55 W (2d) 304, 198 NW (2d) 630.

**941.22 Possession of pistol by minor.** (1)

Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

(2) This section does not apply to a minor who is armed with a pistol when such pistol is being used in target practice under the supervision of an adult nor does it apply to an adult who transfers a pistol to a minor for use only in target practice under his supervision.

(3) All sheriffs, their undersheriffs and deputies, constables, and policemen shall take from a minor any pistol found in his possession in violation of this section.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

**941.23 Carrying concealed weapon.** (1)

Any person except a peace officer who goes armed with a concealed and dangerous weapon shall be imprisoned not more than one year in the county jail.

(2) Any weapon involved in an offense under sub. (1) may be seized and shall be forwarded, within 48 hours of seizure, to the crime laboratory division of the department of justice for examination. If the weapon is owned by a person convicted under sub. (1), it shall be confiscated and destroyed by the division after such referral. If it is owned by a person other than the person convicted under sub. (1), the trial judge may decide whether such weapon shall be returned to its rightful owner or destroyed by the crime laboratory division.

The burden is on the defendant to prove that he is a peace officer so as to come within the exception in (1). State v. Williamson, 58 W (2d) 514, 206 NW (2d) 613

**941.24 Possession of switchblade knife.**

(1) Whoever manufactures, sells or offers to sell, transports, purchases, possesses or goes armed with any knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

(2) Within 30 days after April 16, 1959, such knives shall be surrendered to any peace officer.

**OTHER DANGEROUS  
INSTRUMENTALITIES AND  
PRACTICES.**

**941.30 Endangering safety by conduct regardless of life.** Whoever endangers another's safety by conduct imminently dangerous to another and evincing a depraved mind, regardless of human life, may be fined not more than \$1,000 or imprisoned not more than 5 years or both.

Proof that defendant entered a home, pointed a gun at a person, and stated that he intended to kill him is sufficient to establish a depraved mind. *Kwosek v. State*, 60 W (2d) 276, 208 NW (2d) 308

The offense created by this section is a lesser included offense of the crime created under 941.23. What constitutes a "depraved mind" discussed *State v. Weso*, 60 W (2d) 404, 210 NW (2d) 442

**941.31 Possession of explosives for unlawful purpose.** Whoever makes, buys, transports, possesses, or transfers any explosive compound or offers to do the same, either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime, may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

**941.32 Administering dangerous or stupefying drug.** Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the commission of a crime may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

**941.325 Placing foreign objects in edibles.** Whoever places objects, drugs or other substances in candy or other edibles with the intent to cause bodily harm to another person may be fined not more than \$500 or imprisoned not more than one year in the county jail or both.

History: 1971 c. 72

**941.33 Hazing.** Whoever engages in or incites hazing which results in or is likely to result in bodily harm to another in any school may be fined not more than \$200 or imprisoned not more than 60 days or both.

**941.34 Fluoroscopic shoe-fitting machines.** Whoever uses, or possesses or controls with intent to so use, any fluoroscopic or X-ray machine for the purpose of shoe-fitting or attempting to fit shoes, or who knowingly permits such machine, whether in use or not, to remain on his premises, shall be fined not more than \$200 or imprisoned not more than 60 days or both. Each day of such use, possession or control shall constitute a separate violation of this section.

**941.35 Emergency telephone calls.** (1) As used in this section:

(a) "Party line" means a subscriber's line telephone circuit, consisting of 2 or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

(b) "Emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(2) Whoever intentionally refuses to yield or surrender the use of a party line to another person immediately upon being informed by such other person that he wants to report a fire or summon police, medical or other aid in case of emergency, shall be fined not less than \$50 nor more than \$500.

(3) Whoever intentionally asks for or requests the use of a party line on the pretext that an emergency exists, knowing that no emergency in fact exists, shall be fined not less than \$50 nor more than \$500.

(4) Every telephone directory printed and distributed to the members of the general public after September 1, 1965, shall contain a notice to be prominently printed and displayed in bold-faced type, stating in substance the conduct prohibited by this statute, and to be preceded by the word "Warning". This subsection shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories.