

No. 100, A.]

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CHAPTER 623

AN ACT to revise Title XXXII of the statutes relating to crimes, penalties and defenses to crime; incident thereto, to make necessary changes in other chapters of the statutes; all for the purpose of enacting a new criminal code.

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

SECTION 1. The title to title XXXII of the statutes, the titles to chapters 340, 343, 346, 347, 348, 351, 352 and 353 of the statutes, and the following sections of the statutes are repealed: 340.01 to 340.48, 340.49 to 340.605, 340.61, 340.62, 340.66, 340.69, 340.72 to 340.77, 340.80, 340.85, 343.01 to 343.07, 343.09 to 343.25, 343.252, 343.253, 343.27 to 343.321, 343.341 to 343.406, 343.41, 343.42, 343.422 to 343.44, 343.443 to 343.452, 343.454, 343.455, 343.463 to 343.472, 343.474, 343.49 to 343.65, 343.655, 343.661 to 343.68, 343.69, 343.71, 343.72, 346.01 to 346.08, 346.15, 346.18, 346.33 to 346.41, 346.44 to 346.46, 346.48 to 346.51, 346.60 to 346.64, 347.01 to 347.18, 348.01 to 348.092, 348.11 to 348.14, 348.171 to 348.177, 348.219, 348.222, 348.232, 348.261 to 348.263, 348.28 to 348.313, 348.325 to 348.353, 348.355, 348.386 (1), (1a), and (2), 348.387, 348.40, 348.402 to 348.412, 348.43 to 348.47, 348.477 to 348.485, 348.52, 348.57 to 348.61, 351.01 to 351.19, 351.21 to 351.23, 351.24 to 351.29, 351.32 to 351.35, 351.37, 351.38, 351.40, 351.41, 351.52 to 351.56, 351.58 to 351.66, 352.20 to 352.22, 352.67, 353.01 to 353.15, 353.20 to 353.23, 353.27 (1) and 353.28 to 353.33. The remaining sections in title XXXII and chapter 353 of the statutes are either renumbered, amended and renumbered, consolidated, revised and renumbered, or repealed, recreated and renumbered as indicated in section 3 and the following sections of this bill.

SECTION 2. Title XXXII of the statutes is created to read:

TITLE XXXII
CRIMINAL CODE
CHAPTER 339

GENERAL PROVISIONS

PRELIMINARY PROVISIONS

339.01 NAME AND EFFECTIVE DATE OF CODE. Title XXXII may be cited as the criminal code and shall take effect on July 1, 1955, except as otherwise provided in section 282. Crimes committed prior to July 1, 1955 shall not be affected by the criminal code.

339.03 JURISDICTION OF STATE OVER CRIME. (1) A person is subject to prosecution and punishment under the laws of this state if:

(a) He commits a crime, any of the constituent elements of which takes place in this state; or

(b) While out of this state, he aids and abets, conspires with, or advises, incites, commands, or solicits another to commit a crime in this state; or

(c) While out of this state, he does an act with intent that it cause in this state a consequence set forth in a section defining a crime; or

(d) While out of this state, he steals and subsequently brings any of the stolen property into this state.

(2) In this section "state" includes area within the boundaries of the state, and area over which the state exercises concurrent jurisdiction under Article IX, section 1, Wisconsin constitution.

339.05 PARTIES TO CRIME. (1) Whoever is concerned in the commission of a crime is a principal and may be charged with and convicted of the commission of the crime although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other degree of the crime or of some other crime based on the same act.

(2) A person is concerned in the commission of the crime if he:

(a) Directly commits the crime; or

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with or a solicitation of another to commit it. Such a party is also concerned in the commission of any other crime which is committed in pursuance of the intended crime and which under the circumstances is a natural and probable consequence of the intended crime. This paragraph does not apply to a party to a conspiracy or solicitation who voluntarily changes his mind and no longer desires that the crime be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the crime so as to allow the others also to withdraw.

339.07 CRIMINAL RESPONSIBILITY OF CORPORATIONS. A corporation is criminally responsible for acts committed by its agents when acting within the scope of their authority.

339.09 WHEN CRIMINAL LIABILITY MAY BE BASED ON OMISSIONS. Criminal liability may be based upon an omission to act only if under the circumstances the actor has a legal duty to act and he is physically capable of performing that act and the crime charged is specifically prohibited by statute.

339.11 COMMON-LAW CRIMES ABOLISHED; CRIME DEFINED. Common-law crimes are abolished. A crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both, whether such conduct is an act of commission or omission.

339.13 CRIMINAL CONDUCT OR CONTRIBUTORY NEGLIGENCE OF VICTIM NO DEFENSE. It is no defense to a prosecution for a crime that the victim also was guilty of a crime or was contributorily negligent.

339.15 YEAR AND A DAY RULE ABOLISHED. In a prosecution for homicide the state must prove beyond a reasonable doubt the causal relation between the homicidal act and death, but shall not be required to prove that death occurred within a year and a day of such act.

339.17 CIVIL REMEDIES NOT AFFECTED. The fact that an act forms the basis for a crime does not bar or suspend any civil right or remedy based on that act.

RULES OF CONSTRUCTION

339.20 PROVISIONS WHICH APPLY ONLY TO THE CRIMINAL CODE. Sections 339.21 to 339.25 apply only to crimes defined in the criminal code. Other sections in chapter 339 apply to crimes defined in other chapters of the statutes as well as to those defined in the criminal code.

339.22 WORDS AND PHRASES DEFINED. In this code, the following words and phrases have the designated meanings:

(2) "Bodily harm" means physical pain, illness, or any impairment of physical condition.

(4) "Crime" has the meaning designated in section 339.11.

(6) "Criminal intent" has the meaning designated in section 339.23.

(8) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(10) "Felony" has the meaning designated in section 339.60.

(12) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ.

(14) "High degree of negligence" has the meaning designated in section 339.25.

(16) "Human being" when used in the homicide sections means one who has been born alive.

(18) "Intentionally" has the meaning designated in section 339.23.

(20) "Misdemeanor" has the meaning designated in section 339.60.

(22) "Peace officer" means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

(24) "Place of prostitution" means any place where a woman habitually engages in non-marital acts of sexual intercourse or of sexual perversion for money.

(28) "Property of another" means property in which a person other than the actor has a legal interest which the actor has no right to defeat or impair, even though the actor may also have a legal interest in the property.

(30) "Public officer"; "public employe". A "public officer" is any person appointed or elected according to law to discharge a public duty for the state or one of its subordinate governmental units. A "public employe" is any person, not an officer, who performs any official function on behalf of the state or one of its subordinate govern-

mental units and who is paid from the public treasury of the state or subordinate governmental unit.

(32) "Reasonably believes" means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even though erroneous.

(34) "Reckless conduct" has the meaning designated in section 339.24.

(36) "Sexual intercourse" requires only vulvar penetration and does not require emission.

(38) "Structure" means any inclosed building or tent, any inclosed vehicle (whether self-propelled or not) or any room within any of them.

(40) "Transfer" means any transaction involving a change in possession of any property, or a change of right, title, or interest to or in any property.

(42) "Under the influence of an intoxicant" means that the actor's ability to operate a vehicle or handle a firearm is materially impaired because of his consumption of an alcoholic beverage, a narcotic drug or other intoxicating substance.

(44) "Vehicle" means any self-propelled (except as used in subsection (38)) device for moving persons or property or pulling implements from one place to another, whether such device is operated on land, rails, water, or in the air.

(46) "With intent" has the meaning designated in section 339.23.

(48) "Without consent" means no consent in fact or that consent is given for one of the following reasons:

(a) Because the actor uses or threatens the imminent use of physical violence on the victim, or on a person in his presence, or on a member of his immediate family; or

(b) Because the actor purports to be acting under legal authority; or

(c) Because the victim does not understand the nature of the thing to which he consents, either by reason of ignorance or mistake of fact or of law other than criminal law or by reason of youth or defective mental condition, whether permanent or temporary.

339.23 CRIMINAL INTENT. (1) When criminal intent is an element of a crime in the criminal code, such intent is indicated by the term "intentionally", the phrase "with intent to", the phrase "with intent that", or some form of the verbs "know" or "believe". Unless a requirement of criminal intent is thus set forth, no criminal intent need be proved.

(2) "Know" or "believe" requires only that the actor believes in the existence of the fact specified.

(3) "Intentionally" means that the actor either desires to do the thing or cause the result specified or believes that his act, if successful, will cause that result. In addition, except as provided in subsection (6), the actor must have knowledge of those facts which are necessary to make his conduct criminal and which are set forth after the word "intentionally".

(4) "With intent to" or "with intent that" means that the actor either desires to do the thing or cause the result specified or believes that his act, if successful, will cause that result.

(5) Criminal intent does not require proof of knowledge of the existence or constitutionality of the section under which he is prosecuted or the scope or meaning of the terms used in that section.

(6) Criminal intent does not require proof of knowledge of the age of a minor even though age is a material element in the crime in question.

339.24 RECKLESS CONDUCT DEFINED. 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.

339.25 HIGH DEGREE OF NEGLIGENCE DEFINED. A high degree of negligence consists of an act which the actor should realize creates a situation of unreasonable risk and high probability of death or great bodily harm to another. It is conduct which demonstrates ordinary negligence magnified to a higher degree.

INCHOATE CRIMES

339.30 SOLICITATION. Whoever, with intent that a crime be committed, advises, incites, commands or solicits another to commit that crime under circumstances which indicate unequivocally that he has such intent may be fined or imprisoned or both not to exceed the maximum provided for the completed crime; except that for a solicitation to commit a crime for which the penalty is life imprisonment the actor may be imprisoned not more than 30 years.

339.31 CONSPIRACY. Whoever, with intent that a crime be committed, agrees or combines with another for the purpose of committing that crime may, if one or more of the parties to the conspiracy does an act to effect its object, be fined or imprisoned or both not to exceed the maximum provided for the completed crime; except that for a

conspiracy to commit a crime for which the penalty is life imprisonment, the actor may be imprisoned not more than 30 years.

339.32 ATTEMPT. (1) Whoever attempts to commit a crime may be fined or imprisoned or both not to exceed the maximum penalty for the completed crime; except that for an attempt to commit a crime for which the penalty is life imprisonment, the actor may be imprisoned not more than 30 years.

(2) An attempt to commit a crime requires that the actor have an intent to commit that crime and that he either:

(a) Does all the acts which he believes necessary to commit the crime; or

(b) Does acts which go far enough toward the commission of the crime to demonstrate unequivocally, under all the circumstances, that a person having formed that intent and having gone that far would normally commit the crime except for the intervention of another person or some other extraneous factor. This paragraph does not apply if the actor voluntarily changes his intent and decides not to commit the crime.

(3) It is not a defense to a prosecution under this section that, because of a mistake of fact or law other than criminal law, which does not negative the actor's intent to commit the crime, it would have been impossible for him to commit the crime attempted.

339.33 MITIGATION OF PENALTY. (1) The statutory maximum penalty for attempt, solicitation or conspiracy shall be reduced by one-half if it appears that the actor voluntarily changed his intent to commit a crime or to have a crime committed and took steps which prevented the completion of the crime.

(2) This issue shall be submitted to the jury by a special question in the verdict.

DEFENSES TO CRIMINAL LIABILITY

339.40 CHILDHOOD. Criminal jurisdiction of courts does not extend to the trial of a case in which the actor at the time he was taken into custody was under 16 years of age and subject to the jurisdiction of a juvenile court.

339.41 INSANITY AND FEEBLEMINDEDNESS. Mental disease or mental deficiency is a defense only if such condition renders the actor incapable of distinguishing between right and wrong in regard to the alleged criminal act at the time the act is committed.

339.42 INTOXICATION. An intoxicated or a drugged condition of the actor is a defense only if such condition:

(1) Is involuntarily produced and renders the actor incapable of distinguishing between right and wrong in regard to the alleged criminal act at the time the act is committed; or

(2) Negatives the existence of a state of mind essential to the crime.

339.43 MISTAKE. (1) An honest error, whether of fact or of law other than criminal law, is a defense if it negatives the existence of a state of mind essential to the crime.

(2) A mistake as to the age of a minor or as to the existence or constitutionality of the section under which the actor is prosecuted or the scope or meaning of the terms used in that section is not a defense.

339.44 ENTRAPMENT. The fact that the actor was induced or solicited to commit a crime for the purpose of obtaining evidence with which to prosecute him is a defense unless:

(1) The idea of committing the crime originated with the actor or a co-conspirator and not with the person so soliciting or inducing its commission; or

(2) The crime was of a type which is likely to occur and recur in the course of the actor's business or activity, and the person doing the inducing or soliciting did not mislead the actor into believing his conduct to be lawful and did not use undue inducement or encouragement to procure the commission of the crime.

339.45 PRIVILEGE. The fact that the actor's conduct is privileged, although otherwise criminal, is a defense to prosecution for any crime based on that conduct. The defense of privilege can be claimed under any of the following circumstances:

(1) When the actor's conduct occurs under circumstances of coercion or necessity so as to be privileged under section 339.46 or 339.47;

(2) When the actor's conduct is in defense of persons or property under any of the circumstances described in section 339.48 or 339.49;

(3) When the actor's conduct is an apparently authorized and reasonable fulfillment of any duties of a public office;

(4) When the actor's conduct is a reasonable accomplishment of a lawful arrest;

(5) When the actor's conduct is reasonable discipline of a minor by his parent or a person in loco parentis;

(6) When for any other reason the actor's conduct is privileged by the statutory or common law of this state.

339.46 COERCION. (1) A threat by a person other than the actor's co-conspirator which causes the actor reasonably to believe that his act is the only means of preventing

imminent death or great bodily harm to himself or another is a defense to a prosecution for any crime based on that act except murder.

(2) It is no defense to a prosecution of a married woman that the alleged crime was committed by command of her husband nor is there any presumption of coercion when a crime is committed by a married woman in the presence of her husband. Married women shall be judged according to the standard set out in subsection (1).

339.47 NECESSITY. Pressure of natural physical forces which causes the actor reasonably to believe that his act is the only means of preventing imminent public disaster, or imminent death or great bodily harm to himself or another, is a defense to a prosecution for any crime based on that act except murder.

339.48 SELF-DEFENSE AND DEFENSE OF OTHERS. (1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what he reasonably believes to be an unlawful interference with his person by such other person. The actor may intentionally use only such force or threat thereof as he reasonably believes is necessary to prevent or terminate the interference. He may not intentionally use force which is intended or likely to cause death or great bodily harm unless he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself.

(2) Provocation affects the privilege of self-defense as follows:

(a) A person who engages in unlawful conduct of a type likely to provoke others to attack him and thereby does provoke an attack is not entitled to claim the privilege of self-defense against such attack, except when the attack which ensues is of a type causing him to reasonably believe that he is in imminent danger of death or great bodily harm. In such a case, he is privileged to act in self-defense, but he is not privileged to resort to the use of force intended or likely to cause death to his assailant unless he reasonably believes he has exhausted every other reasonable means to escape from or otherwise avoid death or great bodily harm at the hands of his assailant.

(b) The privilege lost by provocation may be regained if the actor in good faith withdraws from the fight and gives adequate notice thereof to his assailant.

(c) A person who provokes an attack, whether by lawful or unlawful conduct, with intent to use such an attack as an excuse to cause death or great bodily harm to his assailant is not entitled to claim the privilege of self-defense.

(3) The privilege of self-defense extends not only to the intentional infliction of harm upon a real or apparent wrongdoer, but also to the unintended infliction of harm upon a third person, except that if such intended infliction of harm amounts to the crime of injury by reckless conduct, homicide by reckless conduct or homicide by negligent use of vehicle or weapon, the actor is liable for whichever one of those crimes is committed.

(4) A person is privileged to defend a third person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which he is privileged to defend himself from real or apparent unlawful interference, provided that he reasonably believes that the facts are such that the third person would be privileged to act in self-defense and that his intervention is necessary for the protection of the third person.

(5) A person is privileged to use force against another if he reasonably believes that to use such force is necessary to prevent such person from committing suicide, but this privilege does not extend to the intentional use of force intended or likely to cause death.

(6) In this section "unlawful" means either tortious or expressly prohibited by criminal law or both.

339.49 DEFENSE OF PROPERTY. (1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what he reasonably believes to be an unlawful interference with his property. Only such degree of force or threat thereof may intentionally be used as the actor reasonably believes is necessary to prevent or terminate the interference. It is not reasonable to intentionally use force intended or likely to cause death or great bodily harm for the sole purpose of defense of one's property.

(2) A person is privileged to defend a third person's property from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which he is privileged to defend his own property from real or apparent unlawful interference, provided that he reasonably believes that the facts are such as would give the third person the privilege to defend his own property, that his intervention is necessary for the protection of the third person's property, and that the third person whose property he is protecting is a member of his immediate family or household or a person whose property he has a legal duty to protect.

(3) In this section "unlawful" means either tortious or expressly prohibited by criminal law or both.

PENALTIES

339.60 FELONY AND MISDEMEANOR DEFINED. A crime punishable by imprisonment in the state prison is a felony. Every other crime is a misdemeanor.

339.61 PENALTY WHEN NONE EXPRESSED. Common-law penalties are abolished. Whenever a person is convicted of a crime for which no penalty is expressed, he may be fined not more than \$250 or imprisoned not more than one year in county jail.

339.62 INCREASED PENALTY FOR HABITUAL CRIMINALITY. (1) If the actor is a repeater, as that term is defined in subsection (2), and the present conviction is for any crime for which imprisonment may be imposed (except for an escape under section 346.42) the maximum term of imprisonment prescribed by law for that crime may be increased as follows:

- (a) A maximum term of one year or less may be increased to not more than 3 years.
- (b) A maximum term of more than one year but not more than 10 years may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.
- (c) A maximum term of more than 10 years may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 10 years if the prior conviction was for a felony.

(2) The actor is a repeater if he was convicted of a felony during the 5-year period immediately preceding the commission of the crime for which he presently is being sentenced, or if he was convicted of a misdemeanor on 3 separate occasions during that same period. Such convictions must remain of record and unreversed, but it is immaterial that sentence was stayed, withheld, or suspended, or that he was pardoned, unless such pardon was granted on the ground of innocence. In computing the preceding 5-year period, time which the actor spent in actual confinement serving a criminal sentence shall be excluded.

(3) In this section "felony" and "misdemeanor" have the following meanings:

(a) In case of crimes committed in this state the terms do not include motor vehicle offenses under chapter 85 and offenses handled through juvenile court proceedings under chapter 48, but otherwise have the meanings designated in section 339.60.

(b) In case of crimes committed in other jurisdictions, the terms do not include those crimes which are equivalent to motor vehicle offenses under chapter 85 or to offenses handled through juvenile court proceedings under chapter 48. Otherwise, felony means a crime which under the laws of that jurisdiction carries a prescribed maximum penalty of imprisonment in a prison or penitentiary for one year or more. Misdemeanor means a crime which does not carry a prescribed maximum penalty sufficient to constitute it a felony and includes crimes punishable only by a fine.

RIGHTS OF THE PROSECUTION

339.65 PROSECUTION UNDER MORE THAN ONE SECTION PERMITTED. If an act forms the basis for a crime punishable under more than one statutory provision, prosecution may proceed under any or all such provisions.

339.66 CONVICTION OF INCLUDED CRIME PERMITTED. Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included crime, but not both. An included crime may be any of the following:

- (1) A crime which does not require proof of any fact in addition to those which must be proved for the crime charged; or
- (2) A crime which is a less serious type of criminal homicide than the one charged; or
- (3) A crime which is the same as the crime charged except that it requires recklessness or negligence while the crime charged requires a criminal intent; or
- (4) An attempt to commit the crime charged; or
- (5) The crime of attempted battery when the crime charged is rape, robbery, or aggravated battery or an attempt to commit any of them.

RIGHTS OF THE ACCUSED

339.70 PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF. (1) Every defendant in a criminal action is presumed innocent, and the state has the burden of establishing beyond a reasonable doubt every essential element of the crime charged.

(2) The state does not have the burden of raising probable affirmative defenses for the purpose of rebutting them, but if an affirmative defense is raised, whether by the defendant or by the state's evidence, the defendant must be found not guilty unless the trier of fact finds beyond a reasonable doubt that the defense does not exist.

(3) The following defenses in this code are affirmative defenses:

- (a) Defenses defined in sections 339.40 to 339.49;
- (b) Defenses introduced by words to the effect that the actor "has a defense" or to the effect that the section, subsection or paragraph "does not apply."

339.71 LIMITATION ON THE NUMBER OF CONVICTIONS. If an act forms the basis for a crime punishable under more than one statutory provision of this state or under a statutory provision of this state and the laws of another jurisdiction, a conviction or acquittal on the merits under one provision bars a subsequent prosecution under the other provision unless each provision requires proof of a fact for conviction which the other does not require.

339.72 NO CONVICTION OF BOTH INCHOATE AND COMPLETED CRIME.

A person shall not be convicted under both:

- (1) Section 339.30 for solicitation and section 339.05 as a party to a crime which is the objective of the solicitation; or
- (2) Section 339.31 for conspiracy and section 339.05 as a party to a crime which is the objective of the conspiracy; or
- (3) Section 339.32 for attempt and the section defining the completed crime.

339.73 CRIMINAL PENALTY PERMITTED ONLY ON CONVICTION. A penalty for the commission of a crime may be imposed only after the actor has been duly convicted in a court of competent jurisdiction.

339.74 TIME LIMITATIONS ON PROSECUTIONS. (1) Except as provided in subsection (2), prosecution for a felony must be commenced within 6 years and prosecution for a misdemeanor or for adultery within 3 years after the commission thereof. Within the meaning of this section, a prosecution has commenced when a warrant or summons is issued, an indictment is found, or an information is filed.

(2) Notwithstanding that the time limitation under subsection (1) has expired:

- (a) A prosecution for murder may be commenced at any time;
- (b) A prosecution for stealing against one who obtained possession of the property lawfully and subsequently misappropriated it may be commenced within one year after discovery of the loss by the aggrieved party, but in no case shall this provision extend the time limitation provided in subsection (1) by more than 5 years.

(3) In computing the time limited by this section, the time during which the actor was not publicly a resident within this state or during which a prosecution against him for the same act was pending shall not be included. A prosecution is pending when a warrant or summons has been issued, an indictment has been found, or an information has been filed.

CHAPTER 340

CRIMES AGAINST LIFE AND BODILY SECURITY

Life

340.01 FIRST-DEGREE MURDER. Whoever causes the death of another human being by an act done with intent to kill that person or another shall be sentenced to life imprisonment.

340.02 SECOND-DEGREE MURDER. Whoever causes the death of another human being by an act which is obviously, inherently and highly dangerous to the life of another and which, under the circumstances, demonstrates a vicious disregard for human life may be imprisoned not less than 5 nor more than 25 years.

340.03 MANSLAUGHTER. Whoever commits what would otherwise constitute first-degree murder or second-degree murder under any of the following mitigating circumstances may be imprisoned not more than 10 years:

(1) The crime is committed because the actor is under a mental disturbance caused by adequate provocation. Adequate provocation means provocation such as would be likely to cause a man ordinarily constituted to act instantly, rashly and without deliberation or reflection, from extreme rage or terror rather than from judgment. Such provocation must proceed from the victim or be reasonably believed by the actor to proceed from the victim, and the crime must be committed not only before the actor regains his self-control but before a man ordinarily constituted would, under similar circumstances, be likely to regain his self-control; or

(2) The crime is committed because the actor believes that his act is necessary for the exercise of his privilege of self-defense or defense of others, the privilege to prevent or terminate the commission of a crime, or his privilege to arrest for crime, but such belief is unreasonable under the circumstances; or

(3) The crime is committed because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing death or great bodily harm to himself or another; or

(4) The crime is committed because pressure of natural physical forces causes the actor reasonably to believe that his act is the only means of preventing imminent public disaster or imminent death or great bodily harm to himself or another.

340.04 HOMICIDE BY RECKLESS CONDUCT. Whoever causes the death of another human being by reckless conduct may be fined not more than \$2500 or imprisoned not more than 5 years or both.

340.05 HOMICIDE BY NEGLIGENT USE OF VEHICLE OR WEAPON. Whoever causes the death of another human being by a high degree of negligence in the operation or handling of a vehicle, firearm, or bow and arrow may be fined not more than \$1000 or imprisoned not more than one year in county jail or both.

340.06 HOMICIDE BY INTOXICATED USER OF VEHICLE OR FIREARM. (1) Whoever while under the influence of an intoxicant so operates a vehicle or handles a firearm as to cause the death of another human being may be fined not more than \$1000 or imprisoned not more than 2 years or both.

(2) The actor has a defense if it appears by a preponderance of the evidence that the accident causing death would have been unavoidable even if he had not been under the influence of an intoxicant. Proof by a preponderance of evidence means that the trier of the fact must be persuaded that it is more probable than not that the death would have occurred even if the actor had not been under the influence of an intoxicant.

340.07 ASSISTING SUICIDE. Whoever with intent that another take his own life assists such person to commit or attempt to commit suicide may be imprisoned not more than 10 years.

340.08 ABORTION. (1) Any person, other than the mother, who intentionally destroys the life of an unborn child may be fined not more than \$5000 or imprisoned not more than 3 years or both.

(2) Any person, other than the mother, who does either of the following may be imprisoned not more than 15 years:

(a) Intentionally destroys the life of an unborn quick child; or
(b) Causes the death of the mother by an act done with intent to destroy the life of an unborn child.

(3) This section does not apply to a therapeutic abortion which:

(a) Is performed by a physician; and
(b) Is necessary, or is advised by 2 other physicians as necessary, to save the life of the mother; and

(c) Unless an emergency prevents, is performed in a licensed maternity hospital.

(4) In this section "unborn child" means a human being from the time of conception until it is born alive.

340.09 SELF-ABORTION. (1) Any pregnant woman who intentionally destroys the life of her unborn child or who consents to such destruction by another may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) Any pregnant woman who intentionally destroys the life of her unborn quick child or who consents to such destruction by another may be imprisoned not more than 2 years.

(3) This section does not apply to a therapeutic abortion performed under the conditions specified in section 340.08 (3).

(4) In this section "unborn child" means a human being from the time of conception until it is born alive.

BODILY SECURITY

340.20 BATTERY. Whoever does either of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) Causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without consent; or

(2) Intentionally has bodily contact of an indecent nature with another without his consent.

340.21 AGGRAVATED BATTERY. Whoever intentionally causes great bodily harm to another may be imprisoned not more than 15 years.

340.22 INJURY BY RECKLESS CONDUCT. Whoever causes bodily harm to another by reckless conduct may be fined not more than \$2500 or imprisoned not more than 5 years or both.

340.23 ABANDONMENT OF YOUNG CHILD. Whoever, with intent to abandon him, leaves any child under the age of 6 years in a place where he may suffer because of neglect may be imprisoned not more than 3 years.

340.24 ABUSE OF INMATES OF INSTITUTIONS. Any person in charge of or employed in any penal, charitable, curative, reformatory institution who abuses, neglects or ill-treats any person confined in or an inmate of any such institution or knowingly permits another person to do so may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

340.25 FALSE IMPRISONMENT. Whoever intentionally confines or restrains another without his consent may be fined not more than \$500 or imprisoned not more than one year or both.

340.26 KIDNAPING. Whoever does any of the following may be imprisoned not more than 10 years:

- (1) Seizes another by force or threat of imminent force and carries him from one place to another; or
- (2) By deceit induces another to go from one place to another and detains him either by force or by threat of imminent force; or
- (3) Carries another from one place to another while he is unconscious or under the influence of an intoxicant and detains him either by force or threat of imminent force; or
- (4) Carries any child not his own and under the age of 16 from one place to another with intent to commit a crime upon his person; or
- (5) Carries any child not his own and under the age of 16 from one place to another with knowledge that he does so without the consent of the person charged with the child's custody and with intent to confine or detain him.

340.27 KIDNAPING FOR RANSOM. Whoever commits kidnaping with intent to cause another to transfer property in order to obtain the release of the victim shall be sentenced to life imprisonment. But if his victim is released without permanent injury prior to the time of the trial he may be imprisoned not more than 30 years.

340.28 CRIMINAL INTIMIDATION. Whoever threatens to confine or restrain or to cause bodily harm to the threatened person or another or to damage the property of the threatened person or another with intent thereby to induce the threatened person against his will to do an act or refrain from doing a lawful act may be fined not more than \$2000 or imprisoned not more than 2 years or both.

CHAPTER 341

CRIMES AGAINST PUBLIC HEALTH AND SAFETY

VEHICLES

341.01 NEGLIGENT OPERATION OF VEHICLE. Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.02 OPERATION OF VEHICLE BY INTOXICATED PERSON. Whoever operates a vehicle while he is under the influence of an intoxicant may be fined not more than \$200 or imprisoned not more than 6 months or both.

341.03 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 \$2000 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.

FIRE

341.10 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 actor 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.

341.11 UNSAFE BURNING OF BUILDINGS OR STRUCTURES. Whoever does either of the following may be imprisoned not more than 5 years:

(1) Intentionally burns his own building or structure 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 or structure 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.

341.12 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 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 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.

341.13 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 fire alarm, 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.

WEAPONS

341.20 NEGLIGENT USE OF WEAPONS. Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) Endangers another's safety by a high degree of negligence in the operation or handling of a firearm or bow and arrow; or

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

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

341.21 RECKLESS USE OF WEAPONS. Whoever does any of the following may be fined not more than \$1000 or imprisoned not more than 3 years or both:

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

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

(3) Sets a spring gun.

341.22 POSSESSION OF PISTOL BY MINOR. (1) Any minor who is armed with a pistol or any person who intentionally transfers 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, 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.

341.23 CARRYING CONCEALED WEAPON. Any person except a peace officer who is armed with a concealed and dangerous weapon may be fined and not more than \$500 or imprisoned not more than one year in county jail or both.

341.24 UNLAWFUL POSSESSION OF MACHINE GUN OR TEAR GAS. (1) Whoever makes, possesses or is a party to a transfer of tear gas or a machine gun may be imprisoned not more than 3 years. This subsection does not apply to peace officers, national or state guardsmen, or members of the military forces acting in the line of duty, to persons authorized by a city police chief or county sheriff to possess tear gas or machine guns, to the state crime laboratory, to common carriers, or to the manufacture for or transfer of machine guns or tear gas to persons authorized under this subsection to possess them.

(2) Whoever is armed with a machine gun in the perpetration of a crime of violence or possesses a machine gun with intent to use it in the perpetration of a crime of violence may be imprisoned not more than 30 years.

(3) In this section:

(a) "Machine gun" means any firearm capable of discharging more than two bullets in succession by a single manipulation of the trigger;

(b) "Crime of violence" means any crime of which the intentional use of physical violence or threat of physical violence is an essential element or any crime in the perpetration or attempted perpetration of which physical violence or threat of physical violence intentionally is used.

OTHER DANGEROUS INSTRUMENTALITIES AND PRACTICES

341.30 ENDANGERING SAFETY BY RECKLESS CONDUCT. Whoever endangers another's safety by reckless conduct may be fined not more than \$1000 or imprisoned not more than one year in county jail or both.

341.31 POSSESSION OF EXPLOSIVE 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 believing that another intends to use it to commit a crime, may be fined not more than \$1000 or imprisoned not more than 10 years or both.

341.32 ADMINISTERING DANGEROUS OR STUPEFYING DRUG. Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic, or anaesthetic substance with intent thereby to facilitate the commission of a crime may be fined not more than \$1000 or imprisoned not more than 10 years or both.

341.33 HAZING. Whoever engages in or incites hazing in any school may be fined not more than \$200 or imprisoned not more than 60 days or both.

CHAPTER 342

CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES

342.01 DEFAMATION. (1) Whoever intentionally communicates any defamatory matter to a third person without the consent of the person defamed may be fined not more than \$1000 or imprisoned not more than one year or both.

(2) Defamatory matter is anything which tends to expose the other to hatred, contempt, or ridicule, to degrade or disgrace him in society or to injure him in his business or occupation.

(3) This section does not apply if the defamatory matter was true and was communicated with good motives and for justifiable ends or if the communication was otherwise privileged.

342.02 COMMUNICATION OF IDENTITY OF VICTIM OF OFFENSIVE CRIME. (1) Whoever does either of the following may be fined not more than \$500 or imprisoned not more than one year in county jail or both:

(a) Intentionally publishes in any radio or television broadcast, newspaper, magazine, or other similar method of disseminating news to the public, the identity of any living person as a victim of the crime of rape, intercourse without consent, intercourse with a child, sexual perversion, or indecent behavior with a child, which crime is alleged to have occurred in this state; or

(b) With intent that it be so published in this or another state, communicates to another the identity of such person.

(2) This section does not apply to publications or communications necessary in the official investigation, institution, prosecution, or defense of any civil or criminal court proceeding or in the compilation of the records pertaining thereto.

342.03 GIVING FALSE INFORMATION FOR PUBLICATION. Whoever, with intent that it be published, intentionally communicates to a newspaper, magazine, or other publication any false statement concerning any person or any false and unauthorized advertisement may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.04 DENIAL OF RIGHTS. (1) Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(a) Denies to another or charges another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of his race, color, creed, national origin or ancestry; or

(b) Directly or indirectly publishes, circulates, displays or mails any written communication which he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his race, color, creed, national origin, or ancestry or that the patronage of a person is unwelcome, objectionable, or unacceptable for any of those reasons; or

(c) Refuses to furnish or charges another a higher rate for any automobile insurance because of his race, color, creed, national origin or ancestry.

(2) A public place of accommodation or amusement includes inns, restaurants, taverns, barber shops and public conveyances.

(3) The person aggrieved may recover damages of not less than \$25 and costs in a civil action against the actor. But a final judgment in a civil action shall bar any further criminal proceeding under this section or a judgment in a criminal prosecution under this section shall bar any further proceedings in a civil action.

342.05 OPENING LETTERS. Whoever does either of the following may be fined not more than \$100 or imprisoned not more than 3 months or both:

(1) Knowing that he does not have the consent of either the sender or the addressee, intentionally opens any sealed letter or package addressed to another; or

(2) Knowing that a sealed letter or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof.

CHAPTER 343

CRIMES AGAINST PROPERTY

DAMAGE

343.01 CRIMINAL DAMAGE TO PROPERTY. (1) Whoever intentionally causes physical damage to any property of another without his consent may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) If the property damaged in violation of this section is reduced in value by more than \$100, the actor may be fined not more than \$1000 or imprisoned not more than 5 years or both. For the purposes of this subsection, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

343.02 CRIMINAL DAMAGE BY FIRE OR EXPLOSIVES. Whoever does any of the following may be imprisoned not more than 15 years:

(1) By means of fire, intentionally damages any building, structure, or vehicle of another without his consent; or

(2) By means of explosives, intentionally damages any property of another without his consent.

343.03 DAMAGE TO PROPERTY WITH INTENT TO DEFRAUD. Whoever physically damages any property with intent to defraud an insurer of that property may be fined not more than \$1000 or imprisoned not more than 5 years or both.

343.04 PLACING OF COMBUSTIBLE MATERIALS AN ATTEMPT. Whoever places any combustible or explosive material or device in or near any property with intent eventually to set fire to or blow up such property is guilty of an attempt to violate either section 343.01 or 343.02 or 343.03, depending on the facts of the particular case.

TRESPASS

343.10 BURGLARY. (1) Whoever enters any structure without the consent of the person in lawful possession and with intent to steal or commit a felony therein may be imprisoned not more than 10 years.

(2) Entry into a business place or other structure open to the general public is not burglary if the entry takes place during the time when the general public is invited, even though the person in lawful possession of the structure would have objected to the entry had he known the actor's purpose in entering.

343.11 AGGRAVATED BURGLARY. Whoever commits burglary under any of the following circumstances may be imprisoned not more than 20 years:

(1) The actor commits the burglary while armed with a dangerous weapon; or

(2) The actor commits the burglary unarmed, but arms himself with a dangerous weapon while still in the burglarized structure; or

(3) The actor commits a battery upon a person lawfully in the burglarized structure.

343.12 POSSESSION OF BURGLARIOUS TOOLS. Whoever has in his possession any device or instrumentality suitable for use in breaking into any depository designed for the safe-keeping of valuables or into any structure, with intent eventually to use such device or instrumentality to break into a depository or structure and to steal therefrom, may be fined not more than \$1000 or imprisoned not more than 10 years or both.

343.13 CRIMINAL TRESPASS TO LAND. (1) Whoever does any of the following may be fined not more than \$50:

(a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on such land or gather any products of the soil without first obtaining the consent of the owner or occupant to engage in any of those activities; or

(b) Enters or remains on any land of another with intent to catch or kill any birds, animals, or fish on such land or gather any product of the soil after having been notified by the owner or occupant not to engage in any of those activities; or

(c) Hunts or shoots on the premises of another after having been notified by the owner or occupant not to do so.

(2) The actor has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least one foot square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

(3) Whoever erects on the land of another signs which are the same as or similar to those described in subsection (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land may be fined not more than \$100.

343.14 CRIMINAL TRESPASS TO BUILDINGS AND DWELLINGS. Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) Intentionally enters a dwelling without consent of the person in lawful possession; or

(2) Enters any structure through an opening not intended for the general ingress or egress of human beings or by opening a locked door, whether by force or by the use

of keys, knowing that he has not obtained consent to the entry from the person in lawful possession of the structure.

MISAPPROPRIATION

343.20 STEALING. (1) Whoever does any of the following may be penalized as provided in subsection (3):

(a) With intent to appropriate the property to his own use, intentionally takes, uses, transfers, conceals, or retains possession of the property of another without his consent; or

(b) With intent to appropriate the property to his own use, intentionally obtains the property of another by misleading him with a false representation of past or existing fact or with a promise made with an intent not to perform it; or

(c) Having an interest in the property, takes, uses, transfers, conceals, or retains possession of that property with intent to defeat the interest of another therein; or

(d) With intent not to pay for them, obtains the services of a public utility.

(2) In this section:

(a) "Intent to appropriate the property to his own use" means an intent to exercise dominion over the property in a manner which is inconsistent with the rights of the owner. It does not include a case where the property is a chattel if the actor made no further transfer and, at the time, intended merely to use it and to return it promptly. "Chattel" does not include money, securities, negotiable instruments, documents of title, postage and revenue stamps, or other valuable papers.

(b) "Property" is not limited to its usual legal meaning but includes everything of value whether real or personal, tangible or intangible, in possession or in action.

(3) The penalties for stealing shall be as follows:

(a) If the value of the property or services stolen does not exceed \$100, a fine of not more than \$200 or imprisonment for not more than 6 months or both.

(b) If the value of the property or services stolen exceeds \$100 but not \$10,000, imprisonment for not more than 10 years.

(c) If the value of the property or services stolen exceeds \$10,000, imprisonment for not more than 25 years.

(d) If the property is stolen from the person of another; or from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle; or after it has been removed from a building because of physical disaster, riot, bombing or the proximity of battle, imprisonment for not more than 5 years although the value of the property does not exceed \$100.

(4) In subsection (3) "value" means market value at the time of stealing except that in case of property without market value, value means the cost of replacement.

343.21 PRIMA FACIE EVIDENCE OF STEALING. The following conduct is prima facie evidence of stealing:

(1) Obtaining property of another or services of a public utility by depositing anything except lawful money or authorized tokens in any receptacle used for the deposit of such coins or tokens; or

(2) Refusing to deliver any property in the possession or custody of the actor by virtue of his employment or office upon demand of the person entitled to receive it or as required by law; or

(3) Without authority and for his own gain transferring by sale or loan for security purposes the property of another in the possession or custody of the actor by virtue of his employment or office.

343.22 FRAUD ON HOTEL OR RESTAURANT KEEPER. Any person having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house, or restaurant, who intentionally absconds without paying for it may be fined not more than \$500 or imprisoned not more than one year or both.

343.23 OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Whoever intentionally operates any vehicle without the consent of the owner may be fined not more than \$1,000 or imprisoned not more than 5 years or both.

343.24 ISSUE OF WORTHLESS CHECK. (1) Whoever issues any check or other order for the payment of money which, at the time of issuance, he intends shall not be paid is guilty of a misdemeanor and may be fined not more than \$1000 or imprisoned not more than one year or both.

(2) Any of the following is prima facie evidence that the actor, at the time he issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, he did not have an account with the drawee;

or

(b) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

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(c) Proof that, when presentment was made within a reasonable time, the actor did not have sufficient funds or credit with the drawee and he failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) This section does not apply to a check given for a past consideration, except a payroll check, or to postdated checks.

343.25 TRANSFER OF INCUMBERED PROPERTY. (1) Any person in possession of property in which another has a security interest, who, with intent to defraud, conceals, removes or transfers it may be fined not more than \$1000 or imprisoned not more than 5 years or both.

(2) If the security interest was created in personal property, it is prima facie evidence of an intent to defraud if the actor, with knowledge that the security interest exists, removes or transfers the property by sale or gift or for security purposes without the consent of the holder of the security interest or without authorization by law or by the agreement creating the security interest.

(3) In this section "security interest" means an interest in property which secures payment or other performance of an obligation. Examples are mortgages and conditional sales contracts.

343.26 EXTORTION. Whoever makes any of the following threats with intent to induce the threatened person against his will to transfer to the actor or another property to which the actor knows he or such other person is not legally entitled may be fined not more than \$2000 or imprisoned not more than 5 years or both:

(1) A threat to confine or restrain or to cause bodily harm to the threatened person or another or to damage the property of the threatened person or another; or

(2) A threat to communicate to anyone information which tends to excite adverse or derogatory feelings or opinions against the threatened person or another; or

(3) A threat to injure the business, profession, calling or trade of the threatened person or another; or

(4) A threat to cause the threatened person or another to be prosecuted for a crime or to give or withhold information bearing on the probable success of a prosecution.

343.27 ROBBERY. (1) Whoever, with intent to appropriate property of another to his own use, takes such property from the person or presence of the owner by either of the following means may be imprisoned not more than 10 years:

(a) By using force against the person of the owner with intent thereby to overcome his physical resistance or physical power of resistance to the taking of or escaping with the property; or

(b) By threatening the imminent use of force against the person of the owner or another who is present with intent thereby to compel the owner to acquiesce in the taking of or escaping with the property.

(2) In this section "owner" means the person in lawful possession of the property.

343.28 AGGRAVATED ROBBERY. Whoever commits robbery under either of the following aggravating circumstances may be imprisoned not more than 30 years:

(1) The actor commits the robbery while armed with a dangerous weapon; or

(2) The actor, in committing the robbery, accidentally or otherwise causes death or great bodily harm to the owner or another who is present.

343.29 RECEIVING STOLEN PROPERTY. Whoever intentionally receives or conceals stolen property may be penalized as follows:

(1) If the value of the property does not exceed \$100, by a fine of not more than \$200 or by imprisonment for not more than 6 months or both.

(2) If the value of the property exceeds \$100, by imprisonment for not more than 10 years.

343.30 PURCHASES FROM CHILDREN PROHIBITED. Any dealer in second-hand articles or junk or any pawnbroker who purchases or acquires an interest for value in any personal property except old rags or wastepaper from another under 18 years of age without the written consent of his parent or guardian may be fined not more than \$100 or imprisoned not more than 6 months or both.

343.31 ALTERATION OF PROPERTY IDENTIFICATION MARKS. (1) Whoever alters or removes any serial number or other identification mark on personal property with intent to prevent its identification may be fined not more than \$200 or imprisoned not more than 6 months or both. The alteration or removal of the serial number or other identification mark on personal property is prima facie evidence of an intent to prevent identification of the property.

(2) Whoever, knowing that the serial number or other identification mark has been altered or removed, possesses personal property with intent to prevent its identification may be fined not more than \$200 or imprisoned not more than 6 months or both. Possession of 2 or more similar items of personal property with the serial number or the

other identification marks on it altered or removed is prima facie evidence of knowledge of the alteration or removal and of an intent to prevent identification of the property.

343.32 FORGERY. Whoever with intent to defraud does any of the following may be fined not more than \$5,000 or imprisoned not more than 10 years or both:

(1) Makes or alters any writing of a kind having legal efficacy or commonly relied upon in business or commercial transactions so that it purports to have been made by another, or at another time, or with different terms, or by authority of one who did not give such authority; or

(2) Makes or alters any object so that it appears to have value because of antiquity, rarity or authorship which it does not possess; or

(3) Utters as true or possesses with intent to utter (whether as true or false) any writing or other object which the actor knows has been made or altered in the manner described in subsection (1) or (2).

343.33 FRAUDULENT WRITINGS. Any of the following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(1) Whoever with intent to defraud makes any written statement which he knows is false in a claim for insurance benefits; or

(2) Any director, officer or manager of any corporation who with intent to defraud falsifies any record, account or other document belonging to that corporation by alteration, false entry or omission, or with intent to defraud, makes, circulates or publishes any written statement regarding the corporation which he knows is false; or

(3) Whoever by means of deceit and with intent to defraud obtains a signature to a writing purporting to have legal efficacy.

343.34 FRAUDULENT DESTRUCTION OF CERTAIN WRITINGS. Whoever with intent to defraud does either of the following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(1) Destroys or mutilates any corporate books of account or records; or

(2) Completely erases, obliterates or destroys any writing having legal efficacy.

CHAPTER 344

CRIMES AGAINST SEXUAL MORALITY

SEXUAL CRIMES WITHOUT CONSENT

344.01 RAPE. Any man who has sexual intercourse under any of the following circumstances with a woman he knows is not his wife may be imprisoned not more than 30 years:

(1) If her utmost resistance is overcome or prevented by physical violence; or

(2) If her will to resist is overcome by threats of imminent physical violence likely to cause intense pain or great bodily harm.

344.02 SEXUAL INTERCOURSE WITHOUT CONSENT. Any man who has sexual intercourse under any of the following circumstances with a woman he knows is not his wife may be imprisoned not more than 10 years:

(1) If she is incapable of resisting or of consenting because of a stupor or abnormal condition of the mind and the actor knows or should know of her incapacity; or

(2) If she is incapable of understanding the nature of the act because of mental illness or deficiency and the actor knows or should know of her incapacity; or

(3) If she submits because she is deceived as to the nature of the act or because she believes that the intercourse is marital and this deception or belief is intentionally induced by the actor.

SEXUAL CRIMES WHICH AFFECT THE FAMILY

344.05 BIGAMY. (1) Whoever does any of the following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(a) Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or

(b) Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or

(c) Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage had not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.

(2) In this section "cohabit" means to live together under the representation or appearance of being married.

344.06 INCEST. Whoever marries or has nonmarital sexual intercourse with a person he knows is a blood relative and such relative is in fact related in a degree within which the marriage of the parties is prohibited may be imprisoned not more than 10 years.

SEXUAL CRIMES WHICH INVOLVE CHILDREN

344.10 INTERCOURSE WITH A CHILD. Any man who has sexual intercourse with a girl he knows is not his wife may be penalized as follows:

- (1) If the girl is under the age of 18, fined not more than \$1000 or imprisoned not more than 5 years or both; or
- (2) If the girl is under the age of 15, imprisoned not more than 15 years; or
- (3) If the girl is under the age of 12, imprisoned not more than 30 years.

344.11 INDECENT BEHAVIOR WITH A CHILD. Any person, 18 years of age or over, who does either of the following may be fined not more than \$500 or imprisoned not more than 5 years or both:

- (1) Commits an act of sexual perversion with a child under the age of 18; or
- (2) With intent to arouse or gratify the sexual desires of either himself or the child, takes indecent liberties, not amounting to sexual intercourse, with the person of a child under the age of 18 or induces a child under the age of 18 to do so with him.

344.12 ENTICING A CHILD FOR IMMORAL PURPOSES. Any person 18 years of age or over, who, with intent to commit a sexual crime upon the person of the child, persuades or entices any child under 18 years of age into any vehicle, structure or secluded place may be fined not more than \$500 or imprisoned not more than 5 years.

SEXUAL CRIMES BETWEEN ADULTS WITH CONSENT

344.15 FORNICATION. Whoever has sexual intercourse with a person he knows is not his spouse may be fined not more than \$200 or imprisoned not more than 6 months or both.

344.16 ADULTERY. Either of the following may be fined not more than \$500 or imprisoned not more than one year or both:

- (1) A married person who has sexual intercourse with a person he knows is not his spouse; or
- (2) A person who has sexual intercourse with a person he knows is married to another.

344.17 SEXUAL PERVERSION. Whoever does either of the following may be fined not more than \$500 or imprisoned not more than 5 years or both:

- (1) Is a party to an abnormal act of sexual gratification involving the sex organ of one and the mouth or anus of the other; or
- (2) Commits an act of sexual gratification involving his sex organ and the sex organ, mouth or anus of an animal.

OBSCENITY

344.20 LEWD AND LASCIVIOUS BEHAVIOR. Whoever 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) Commits an obscene act of sexual gratification with another with knowledge that they are in the presence of others; or
- (2) With intent to arouse or gratify the sexual desires of himself or another, exposes a sex organ in the presence of a person who is not his spouse; or
- (3) Openly lives or associates with a person he knows is not his spouse under circumstances that imply sexual intercourse.

344.21 LEWD WRITTEN MATTER, PICTURES, AND PERFORMANCES.

(1) Whoever intentionally does any of the following may be fined not more than \$5000 or imprisoned not more than 5 years or both:

- (a) Imports, prints, publishes, exhibits, advertises, or transfers any lewd written matter, picture, recording, or film; or
 - (b) Advertises, produces or takes part in any lewd performance; or
 - (c) Makes any lewd drawing or writing in any public place.
- (2) In this section, "lewd" means that the dominant effect of the thing, taken as a whole, is one of sexual obscenity.

PROSTITUTION

344.25 PROSTITUTION. Any woman who intentionally does any of the following may be fined not more than \$500 or imprisoned not more than one year or both:

- (1) Has or offers to have nonmarital sexual intercourse for money; or
- (2) Commits or offers to commit an act of sexual perversion for money; or
- (3) Is an inmate of a place of prostitution.

344.26 PATRONIZING PROSTITUTES. Any man who does any of the following may be fined not more than \$500 or imprisoned not more than one year or both:

- (1) With intent to have nonmarital sexual intercourse or to commit an act of sexual perversion enters or remains in any place of prostitution; or

(2) Has nonmarital sexual intercourse with a woman he knows is a prostitute; or

(3) Commits an act of sexual perversion with a woman he knows is a prostitute.

344.27 SOLICITING PROSTITUTES. Whoever intentionally solicits, encourages, or causes any woman to practice prostitution or establishes any woman in a place of prostitution may be fined not more than \$1000 or imprisoned not more than 5 years or both. If the woman is under the age of 18, the actor may be fined not more than \$2000 or imprisoned not more than 10 years or both.

344.28 PANDERING. (1) Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both. If the actor receives compensation from the earnings of the prostitute for doing any of the following, he may be fined not more than \$5000 or imprisoned not more than 10 years or both:

(a) Solicits another to have nonmarital sexual intercourse or to commit an act of sexual perversion with a woman he knows is a prostitute; or

(b) With intent to facilitate another in having nonmarital intercourse or committing an act of sexual perversion with a prostitute, directs or transports him to a prostitute or directs or transports a prostitute to him.

(2) In a prosecution under this section, it is competent for the state to prove other similar acts by the actor for the purpose of showing his intent and disposition.

344.29 KEEPING PLACE OF PROSTITUTION. Whoever intentionally does any of the following may be fined not more than \$5000 or imprisoned not more than 5 years or both:

(1) Keeps a place of prostitution; or

(2) Grants the use or allows the continued use of a place as a place of prostitution.

344.30 EVIDENCE OF PLACE OF PROSTITUTION. Evidence that a place has a general reputation as a place of prostitution or that, at or about the time in question, it was frequently visited at unseasonable hours by a number of men not residents therein is admissible on the issue of whether it is a place of prostitution.

CHAPTER 345

GAMBLING

345.01 DEFINITIONS RELATING TO GAMBLING. (1) BET. A bet is a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. But a bet does not include:

(a) Bona fide business transactions which are valid under the law of contracts including without limitation contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensate for loss caused by the happening of the chance including without limitation contracts of indemnity or guaranty and life or health and accident insurance;

(b) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the bona fide owners of animals or vehicles entered in such a contest;

(c) A lottery as defined in this section.

(2) LOTTERY. (a) A lottery is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance.

(b) "Consideration" in this subsection means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. But listening to or watching radio and television shows and doing such incidental things as answering the telephone or making a telephone call are not consideration.

(3) GAMBLING MACHINE. A gambling machine is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance. The fact that the prize is not automatically paid by the machine does not affect its character as a gambling machine.

(4) GAMBLING PLACE. (a) A gambling place is any structure, one of whose principal uses is any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling machines.

(b) Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be professional gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

(c) Any gambling place is a public nuisance and may be proceeded against under Chapter 280.

345.02 GAMBLING. Whoever does any of the following may be fined not more than \$100 or imprisoned not more than 30 days or both for the first offense, and not more

than \$200 or 6 months or both for the second offense, and not more than \$500 or one year in the county jail or both for the third offense:

- (1) Makes a bet; or
- (2) Enters or remains in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling machine.

345.03 COMMERCIAL GAMBLING. Whoever intentionally does any of the following may be fined not more than \$5000 or imprisoned not more than one year or both:

- (1) Participates in the earnings of or operates a gambling place; or
- (2) Receives, records, or forwards bets or offers to bet or, with intent to receive, record, or forward bets or offers to bet, possesses facilities to do so; or
- (3) For gain, becomes a custodian of anything of value bet or offered to be bet; or
- (4) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so; or
- (5) Sets up for use or collects the proceeds of any gambling machine.

345.04 PERMITTING PREMISES TO BE USED FOR COMMERCIAL GAMBLING. Whoever intentionally does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

- (1) Grants the use or allows the continued use of a place as a gambling place; or
- (2) Permits another to set up a gambling machine for use in a place under the actor's control.

345.05 DEALING IN GAMBLING DEVICES. (1) Whoever manufactures, transfers or possesses with intent to transfer either of the following may be fined not more than \$5000 or imprisoned not more than one year or both:

- (a) Anything which he knows evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet; or
- (b) Any device which he knows is designed exclusively for gambling purposes or anything which he knows is designed exclusively as a sub-assembly or essential part of such device. This includes without limitation gambling machines, numbers jars, punch boards and roulette wheels.

(2) Proof of possession of any device designed exclusively for gambling purposes, which is not set up for use or which is not in a gambling place, is prima facie evidence of possession with intent to transfer.

345.07 GAMBLING BY PARTICIPANTS IN CONTEST. Any participant in, or any owner, employer, coach or trainer of a participant in, any contest of skill, speed, strength or endurance of man, machine or beast at which admission is charged, who makes a bet upon any opponent in such contest may be fined not more than \$1000 or imprisoned not more than one year or both.

345.08 BRIBERY OF PARTICIPANT IN CONTEST. (1) The following persons may be fined not more than \$5000 or imprisoned not more than 5 years or both:

- (a) Whoever, with intent to influence any participant to refrain from exerting his full skill, speed, strength or endurance, transfers or promises any property or any personal advantage to or on behalf of any participant in a contest of skill, speed, strength or endurance; or
- (b) A participant in any such contest who accepts any property or any personal advantage for himself or another believing that it is offered to influence him to refrain from exerting his full skill, speed, strength or endurance; or
- (c) A participant in any such contest who agrees or offers to refrain from exerting his full skill, speed, strength or endurance in return for any property or any personal advantage transferred or promised to himself or another.

(2) Any participant 18 years of age or over who is offered or promised any property or any personal advantage in violation of subsection (1) and who does not report that fact forthwith to his employer, manager, coach, or director, or to a peace officer, magistrate or district attorney may be fined not more than \$1000 or imprisoned not more than one year in county jail or both.

(3) In this section "participant" includes any person who is selected to or who expects to take part in any such contest.

CHAPTER 346

CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION

TREASON AND DISLOYAL ACTS

346.01 TREASON. (1) Any person owing allegiance to this state who does any of the following shall be sentenced to life imprisonment:

- (a) Levies war against this state; or
- (b) Adheres to the enemies of this state, giving them aid and comfort.

(2) No person may be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

346.02 SABOTAGE. (1) Whoever does any of the following may be fined not more than \$10,000 or imprisoned not more than 10 years or both:

(a) Damages, interferes with, or tampers with any property with intent to hinder, delay, or interfere with the prosecution of war or other military action or the preparation for defense, war, or other military action by the United States or its allies; or

(b) Makes a defective article or on inspection omits to note any defect in an article with intent to hinder, delay, or interfere with the prosecution of war or other military action or the preparation for defense, war, or other military action by the United States or its allies.

(2) Nothing in this section shall be construed to impair, curtail, or destroy the rights of employes and their representatives to self-organization, to form, join or assist labor organization, to strike, to bargain collectively through representatives of their own choosing, or to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid or protection.

346.03 SEDITION. Whoever does any of the following may be fined not more than \$5000 or imprisoned not more than 10 years or both:

(1) Attempts the overthrow of the government of the United States or this state by the use or threat of physical violence; or

(2) Is a party to a conspiracy with or a solicitation of another to overthrow the government of the United States or this state by the use or threat of physical violence; or

(3) Advocates or teaches the duty, necessity or propriety of overthrowing the government of the United States or this state by the use or threat of physical violence with intent that such advocacy or teaching shall be acted upon at the first opportune moment.

346.04 DISPLAY OF SEDITIOUS FLAG OR EMBLEM. Whoever at a public or private meeting or gathering of people or in a parade intentionally displays a flag, banner, or emblem which symbolizes a purpose to overthrow the government of the United States or of this state by the use or threat of physical violence may be fined not more than \$100 or imprisoned not more than 6 months or both.

346.05 FLAG DESECRATION. (1) Whoever intentionally and publicly mutilates, defiles, or casts contempt upon the flag may be fined not more than \$100 or imprisoned not more than 3 months or both.

(2) In this section "flag" means anything which is or purports to be the Stars and Stripes, the United States shield, the United States coat of arms, the Wisconsin state flag, or a copy, picture, or representation of any of them.

346.06 IMPROPER USE OF THE FLAG. (1) Whoever intentionally does any of the following may be fined not more than \$100 or imprisoned not more than 3 months or both:

(a) Places on or attaches to the flag any word, mark, design, or advertisement not properly a part of such flag; or

(b) Exposes to public view a flag upon which has been placed or attached a word, mark, design, or advertisement not properly a part of such flag; or

(c) Manufactures or exposes to public view an article of merchandise or a wrapper or receptacle for merchandise upon which the flag is depicted; or

(d) Uses the flag for commercial advertising purposes.

(2) This section does not apply to flags depicted on written or printed documents or periodicals or on stationery, ornaments, pictures, or jewelry, provided there are no unauthorized words or designs on such flag and provided the flag is not connected with any advertisement.

(3) In this section "flag" has the meaning designated in section 346.05.

BRIBERY AND OFFICIAL MISCONDUCT

346.10 BRIBERY OF PUBLIC OFFICERS AND EMPLOYES. Either of the following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(1) Whoever, with intent to influence the conduct of any public officer or public employe in relation to any matter which by law is pending or might come before him in his capacity as such officer or employe or with intent to induce him to do or omit to do any act in violation of his lawful duty transfers or promises to him or on his behalf any property or any personal advantage which he is not authorized to receive; or

(2) Any public officer or public employe who directly or indirectly accepts or offers to accept any property or any personal advantage, which he is not authorized to receive, pursuant to an understanding that he will act in a certain manner in relation to any matter which by law is pending or might come before him in his capacity as such officer or employe or that he will do or omit to do any act in violation of his lawful duty.

346.11 SPECIAL PRIVILEGES FROM PUBLIC UTILITIES. (1) The following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(a) Any common carrier, public utility, or agent or employe thereof who, in violation of Article XIII, section 11 of the Wisconsin constitution, offers or gives to or on behalf of any public officer any free pass or frank or privilege withheld from any person for traveling accommodations or transportation of person or property or for the transmission of any message or communication; or

(b) Any public utility or agent or employe thereof who furnishes, at reduced and discriminatory rates, any service not specified in paragraph (a) or any of its products to or on behalf of any public officer; or

(c) Any public officer who directly or indirectly asks for or accepts at reduced and discriminatory rates any service or product mentioned in paragraph (b) or who in violation of Article XIII, section 11 of the Wisconsin constitution directly or indirectly asks for or accepts any pass, frank, or privilege mentioned in paragraph (a).

(2) In this section:

(a) "Free pass" means any form of ticket or mileage entitling the holder to travel over any part of a railroad or other public transportation system and issued to the holder as a gift or in consideration or partial consideration of any service performed or to be performed by such holder, except that it does not include such ticket or mileage when issued to an employe of the railroad or public transportation system pursuant to a contract of employment and not in excess of the transportation rights of other employes of the same class and seniority, nor does it include free transportation to policemen or firemen when on duty;

(b) "Public officer" does not include notaries public and regular employes of a railroad or other public utilities who hold public offices for which the annual compensation is not more than \$300 to whom no passes or privileges are extended beyond those which are extended to other regular employes of such corporation;

(c) "Public utility" has the meaning designated in section 196.01;

(d) "Reduced and discriminatory rates" means rates which are lower than those available to the general public and includes free services and products.

346.12 MISCONDUCT IN PUBLIC OFFICE. Any public officer or public employe who does any of the following may be fined not more than \$500 or imprisoned not more than one year or both:

(1) Intentionally fails or refuses to perform a mandatory, nondiscretionary, ministerial duty of his office or employment within the time or in the manner required by law; or

(2) In his capacity as such officer or employe, intentionally does an act which is not authorized by law or which is forbidden by law; or

(3) Whether by act of commission or omission, in his capacity as such officer or employe exercises a discretionary power in a manner inconsistent with the duties of his office or employment or the rights of others and with intent to obtain a dishonest advantage for himself or another; or

(4) In his capacity as such officer or employe, makes an entry in an account or record book or a return, certificate, report, or statement which in a material respect he intentionally falsifies; or

(5) Under color of his office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value in excess of what is allowed by law or any greater or lesser fee than is fixed by law.

346.13 PRIVATE INTEREST IN PUBLIC CONTRACT PROHIBITED. (1) Any public officer or public employe who does any of the following may be fined not more than \$500 or imprisoned not more than one year or both:

(a) In his private capacity, negotiates or bids for or enters into a contract in which he has a private pecuniary interest, direct or indirect, if at the same time he is authorized or required by law to participate in his capacity as such officer or employe in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on his part; or

(b) In his capacity as such officer or employe, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part.

(2) Subsection (1) does not apply to the following:

(a) Contracts in which any single public officer or employe is privately interested which do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$1000 in any year; or

(b) Contracts involving the deposit of public funds in public depositories; or

(c) Contracts involving loans made pursuant to section 67.12; or

(d) Contracts for the publication of legal notices required to be published, provided such notices are published at a rate not higher than that prescribed by law; or

(e) Contracts for the issuance to a public officer or employe of tax titles, tax sale certificates, or instruments representing an interest in, or secured by, any fund consisting in whole or in part of taxes in the process of collection, provided such titles, certificates, or instruments are issued in payment of salary or other obligations due such officer or employe; or

(f) Contracts for the sale of bonds or securities issued by a political subdivision of the state; provided such bonds or securities are sold at a bona fide public sale to the highest bidder and the public officer or employe acquiring the private interest has no duty to vote upon the issuance of the bonds or securities.

(3) Subsection (1) (b) does not apply to contracts with a corporation in which the public officer or employe does not hold more than 5 per cent of the total shares outstanding.

(4) A contract entered into in violation of the provisions of this section is void and the state or the political subdivision in whose behalf the contract was made incurs no liability thereon.

(5) In this section "contract" includes a conveyance.

346.14 PURCHASING CLAIMS AT LESS THAN FULL VALUE. Any public officer or public employe who in his private capacity directly or indirectly intentionally purchases for less than full value or discounts any claim held by another against the state or a political subdivision thereof or against any public fund may be fined not more than \$500 or imprisoned not more than one year or both.

346.15 PURCHASING CLAIMS FOR COLLECTION. The following persons may be fined not more than \$200 or imprisoned not more than 6 months, and the judgment of conviction operates as a forfeiture of the actor's office.

(1) A justice of the peace, police justice, or constable who directly or indirectly acquires a financial interest in any note, bond, demand or cause of action for the purpose of commencing an action thereon before a justice of the peace or police justice; or

(2) A justice of the peace, police justice, or constable who lends or advances, agrees to lend or advance, or procures to be lent or advanced anything of value to another as an inducement to such other person to place a cause of action in his hands for prosecution or collection or as a reward or consideration for such other person having done so; or

(3) A justice of the peace who directly or indirectly purchases any interest in any judgment rendered by him or any witness or jury fees allowed in any case tried before him.

346.16 JUDICIAL OFFICER COLLECTING CLAIMS. Any judicial officer who causes to be brought in a court over which he presides any action or proceeding upon a claim placed in his hands as agent or attorney for collection may be fined not more than \$500.

346.17 PUBLIC ATTORNEY OR JUDICIAL OFFICER NOT TO BE RETAINED BY PUBLIC UTILITY. Any judicial officer except a court commissioner, any district attorney or assistant district attorney, or any city attorney or assistant city attorney who accepts a retainer or employment from any common carrier operating within this state or from any public utility except a municipality or municipally owned carrier or utility may be fined not more than \$250 or imprisoned not more than one year in county jail, and the judgment of conviction operates as a forfeiture of the actor's office.

346.18 MISCONDUCT SECTIONS APPLY TO DE FACTO OFFICERS. Sections 346.10 to 346.17 apply to de facto as well as de jure public officers.

PERJURY AND FALSE INFORMATION

346.30 FALSE INFORMATION TO AUTHORITIES. (1) Whoever does either of the following may be fined not more than \$1000 or imprisoned not more than 6 months or both:

(a) Gives information which he knows is false to any law enforcement officer regarding the commission of a crime or a fictitious crime with intent to induce the officer to act in reliance thereon; or

(b) Files for record in any public office or with any public officer any document which he knows contains any false statement.

(2) In this section "law enforcement officer" means a peace officer, district attorney, the attorney general or his agents, or any other public officer or employe authorized by law to act upon such information.

346.31 PERJURY AND FALSE SWEARING. (1) Whoever does either of the following may be fined not more than \$1000 or imprisoned not more than 5 years or both.

If the actor does either of the following in a criminal proceeding for which the penalty is life imprisonment, he may be imprisoned not more than 15 years:

(a) Intentionally makes any false statement under oath or under an equivalent affirmation; or

(b) Intentionally makes, under oath or under an equivalent affirmation, 2 inconsistent statements under circumstances which demonstrate unequivocally that at least one of the statements was intentionally false. The period of limitation within which prosecution can be commenced begins when the first statement was made.

(2) It is not a defense to a prosecution under this section:

(a) That the oath or affirmation was administered or taken in an irregular manner;

or

(b) That the accused was not competent to give the testimony, deposition, affidavit or certificate which is alleged to be false.

(3) For the purposes of this section, any person who signs a document with intent that an officer authorized to administer an oath or affirmation shall certify that the actor swore or affirmed to the truth of its contents, makes a statement under oath or under an equivalent affirmation. The signature of any such officer on a jurat appended to such a document is prima facie evidence that the document was sworn to or affirmed.

INTERFERENCE WITH LAW ENFORCEMENT

346.40 REFUSING TO AID OFFICER. (1) Whoever, without reasonable excuse, refuses or fails, upon command, to aid any person known to him to be a peace officer may be fined not more than \$100.

(2) This section does not apply if under the circumstances the officer was not authorized to command such assistance.

346.41 RESISTING OR OBSTRUCTING AN OFFICER. Whoever intentionally, in the presence of a peace officer, obstructs or resists such officer acting with lawful authority and in his official capacity in the enforcement of the criminal law, the maintenance of public order, the execution or service of any civil process or order or the service of any subpoena may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

346.42 ESCAPE. (1) Any person in custody under any of the following circumstances who intentionally escapes from custody may be fined not more than \$200 or imprisoned not more than 6 months or both:

(a) Pursuant to a legal arrest for a misdemeanor or violation of a municipal ordinance; or

(b) Lawfully charged with or convicted of a misdemeanor or the violation of a municipal ordinance; or

(c) Pursuant to a civil arrest or body execution.

(2) Any person in custody under any of the following circumstances who intentionally escapes from custody may be fined not more than \$500 or imprisoned not more than one year or both:

(a) Pursuant to a legal arrest for a felony; or

(b) Pursuant to a legal arrest as a fugitive from justice from another state; or

(c) Lawfully charged with or convicted of, but not sentenced for, a felony; or

(d) Sentenced to a county jail or to less than one year in a county reforestation camp or house of correction for a felony.

(3) Any person in custody under any of the following circumstances who intentionally escapes from custody may be imprisoned not more than 5 years:

(a) Sentenced to a state prison; or

(b) Sentenced for one year or more in a county reforestation camp or house of correction for a felony; or

(c) Committed to the department of public welfare as a juvenile but placed by it in a state prison pursuant to section 54.24.

(4) Sentences imposed under this section shall be in addition to any sentence previously imposed or which may be imposed for any crime or offense for which the actor was in custody when he escaped.

(5) In this section:

(a) "Escape" means to leave in any manner without lawful permission or authority;

(b) "Custody" includes without limitation actual custody of an institution or of a peace officer or institution guard and constructive custody of prisoners temporarily outside the institution whether for the purpose of work or medical care or otherwise. It does not include the custody of a probationer or parolee by the state department of public welfare or a probation or parole officer unless the actor is in actual custody after revocation of his probation or parole or to enforce discipline or to prevent him from absconding;

(c) "Legal arrest" includes without limitation an arrest pursuant to process fair on its face notwithstanding insubstantial irregularities.

346.43 ASSAULTS BY PRISONERS. Any prisoner in a state prison who intentionally does any of the following may be imprisoned not more than 10 years:

(1) Places an officer or employe of that prison or a visitor therein in apprehension of an immediate battery likely to cause death or great bodily harm; or

(2) Causes bodily harm to an officer or employe of that prison or a visitor therein without his consent; or

(3) Confines or restrains an officer or employe of that prison or a visitor therein without his consent.

346.44 ASSISTING OR PERMITTING ESCAPE. (1) The following may be fined not more than \$500 or imprisoned not more than 5 years or both:

(a) Any officer or employe of an institution where prisoners are detained who intentionally permits a prisoner in his custody to escape;

(b) Whoever with intent to aid any prisoner to escape from custody, introduces into the institution where he is detained or transfers to such prisoner anything adapted or useful in making an escape;

(c) Whoever intentionally introduces into an institution where prisoners are detained or transfers to a prisoner any firearm, whether loaded or unloaded.

(2) In this section "custody" and "escape" have the meaning designated in section 346.42.

346.45 NEGLIGENTLY ALLOWING ESCAPE. (1) Any officer or employe of an institution where prisoners are detained who, through his neglect of duty, allows a prisoner in his custody to escape may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) In this section "custody" and "escape" have the meaning designated in section 346.42.

346.46 ENCOURAGING VIOLATION OF PROBATION OR PAROLE. Whoever intentionally aids or encourages a parolee or probationer or any person committed to the department of public welfare by reason of crime or delinquency to abscond or violate a term or condition of his parole or probation may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

346.47 HARBORING OR AIDING FELONS. (1) Whoever with intent to prevent the apprehension of a felon harbors or aids him may be fined not more than \$500 or imprisoned not more than one year or both.

(2) This section does not apply to the spouse, parent, grandparent, child, grandchild, brother or sister by consanguinity or affinity of such felon.

OTHER CRIMES AFFECTING THE ADMINISTRATION OF GOVERNMENT

346.60 CONCEALING EVIDENCE. (1) Whoever destroys, alters, hides, or disguises physical evidence or places false evidence with intent to prevent the detection of a crime, the apprehension of a person subject to arrest for a crime, or the prosecution or conviction of a person charged with a crime may be fined not more than \$500 or imprisoned not more than one year or both.

(2) This section does not apply to a party to the principal crime.

346.61 BRIBERY OF WITNESSES. (1) Whoever does either of the following may be fined not more than \$500 or imprisoned not more than one year or both:

(a) With intent to induce another to refrain from giving evidence or testifying in any civil matter, transfers or promises to him or on his behalf, any property or any personal advantage; or

(b) With intent to induce another to refrain from giving information leading to the detection of a crime or the apprehension of a person charged with or subject to arrest for a crime or to refrain from prosecuting a person for a crime or from giving evidence or information or testifying concerning a crime, transfers or promises to him or on his behalf, any property or personal advantage.

(2) This section does not apply to the person who is charged with or subject to arrest for a crime who transfers or promises to transfer property to which he reasonably believes the other is legally entitled.

346.62 CONCEALING IDENTITY. Whoever, by artificial means, conceals, disguises or alters his usual appearance with intent to make it less likely that he will be identified with a crime he plans to commit or apprehended for a crime he has committed may be imprisoned for any term not exceeding the maximum fixed for the principal crime, except that in no case shall the term of imprisonment imposed under this section exceed 5 years.

346.63 CONCEALING DEATH OF CHILD. Any woman who conceals the corpse of her new-born child with intent to conceal the fact of its birth or to prevent a determination of whether it was born dead or alive may be imprisoned not more than one year or fined not more than \$500 or both.

346.64 COMMUNICATING WITH JURORS. Whoever, with intent to influence any person, summoned or serving as a juror, in relation to any matter which is before him or which may be brought before him, communicates with him otherwise than in the regular course of proceedings in the trial or hearing of that matter may be fined not more than \$200 or imprisoned not more than 6 months or both.

346.65 RADIO BROADCAST OF CRIMINAL TRIAL OR EXAMINATION. Whoever intentionally, either from the courtroom or by means of a recorded transcription made in the courtroom, broadcasts by radio or similar means of disseminating information any proceeding purporting to be the actual voices of witnesses, counsel or judge in a criminal trial or examination in this state may be fined not more than \$500 or imprisoned not more than one year in county jail or both. No judge shall permit the making of any such broadcast from his courtroom or the making of any such recorded transcription for the purpose of broadcasting the same.

346.66 ABUSE OF CRIMINAL LAW. (1) Whoever, with intent to induce another to relinquish property, threatens to prosecute that person or another for a crime or to give or withhold information bearing on the probable success of a prosecution may be fined not more than \$1000 or imprisoned not more than 6 months or both.

(2) This section does not apply if:

(a) The actor believes that the person whom he induces or attempts to induce to relinquish property has committed a crime; and

(b) The act upon which the actual or supposed crime is based has caused the victim a loss for which a civil action will lie; and

(c) The property demanded by or on behalf of the victim amounts to nothing more than the recovery in specie of the victim's property, the recovery of a sum of money taken from him or the recovery of such part of his loss as is capable of being established by receipted bills or statements.

346.67 COMPOUNDING CRIME. (1) Whoever receives any property in return for a promise, express or implied, to refrain from prosecuting a crime or to refrain from giving information bearing on the probable success of a criminal prosecution may be fined not more than \$1000 or imprisoned not more than 6 months or both.

(2) This section does not apply if the act upon which the actual or supposed crime is based has caused the actor a loss for which a civil action will lie and the actor reasonably believes that he is legally entitled to the property received.

(3) No promise mentioned in this section shall justify the promisor in refusing to testify or to produce evidence against the alleged criminal when subpoenaed to do so.

346.68 SIMULATING LEGAL PROCESS. (1) Whoever sends or delivers to another any document which simulates a summons, complaint, or court process with intent thereby to induce payment of a claim may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) Proof that the document was mailed or was delivered to any person with intent that it be forwarded to the intended recipient is sufficient proof of sending.

(3) This section applies even though the simulating document contains a statement to the effect that it is not legal process.

346.69 FALSELY ASSUMING TO ACT AS PUBLIC OFFICER OR EMPLOYEE. Whoever does any of the following may be fined not more than \$500 or imprisoned not more than one year in the county jail or both:

(1) Assumes to act in an official capacity or to perform an official function, knowing that he is not the public officer or public employe he assumes to be; or

(2) Exercises any function of a public office, knowing that he has not qualified so to act or that his right so to act has ceased.

346.70 PERSONATING PEACE OFFICERS. Whoever personates a peace officer with intent to mislead others into believing that he is actually a peace officer may be fined not more than \$100 or imprisoned not more than 30 days or both.

346.71 INTERFERENCE WITH CUSTODY OF CHILD. Whoever intentionally does either of the following may be fined not more than \$200 or imprisonment not more than 6 months or both:

(1) Interferes with the custody or training of any minor who has been committed or transferred to any person or place pursuant to law; or

(2) Entices or takes any child under the age of 18 away from the parent or other person to whom custody has been awarded with intent to take the child out of the state for the purpose of depriving the parent or other person of the custody of the child.

346.72 TAMPERING WITH PUBLIC PAPERS. Whoever does any of the following may be fined not more than \$1000 or imprisoned not more than 2 years or both:

- (1) Intentionally damages, alters, or conceals any public record; or
- (2) Intentionally damages, alters, or removes any public notice posted as authorized by law before the expiration of the time for which the notice was posted; or
- (3) With intent to interfere with administrative, judicial or legislative proceedings, damages, alters, or removes any paper appertaining to or forming a part of those proceedings.

346.73 PENALTY FOR VIOLATING LAWS AND REGULATIONS GOVERNING STATE OR COUNTY INSTITUTIONS. Whoever violates any law or regulation governing the state fairgrounds or any state or county charitable, curative, reformatory, or penal institution while within the same or the grounds thereof may be fined not more than \$50 or imprisoned not more than 60 days.

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CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

347.01 DISORDERLY CONDUCT. Whoever does any of the following, whether in a public or private place, may be fined not more than \$100 or imprisoned not more than 30 days:

- (1) Engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy others; or
- (2) Intentionally causes, provokes, or engages in a fight other than a bona fide athletic contest.

347.02 VAGRANCY. Any of the following are vagrants and may be imprisoned not more than 6 months:

- (1) A person, with the physical ability to work, who is without lawful means of support and does not seek employment; or
- (2) A person who loiters on the streets, whose actions give rise to suspicion of wrongdoing and who is unable to give a satisfactory account of himself; or
- (3) A person found in or loitering near any structure, vehicle or private grounds who is there without the consent of the owner and is unable to account for his presence; or
- (4) A prostitute who loiters on the streets or in a place where intoxicating liquors are sold, or a woman who, in a public place, solicits men to commit a crime against sexual morality; or
- (5) A person who derives part of his support from gambling or begging or as a fortune teller or similar impostor.

347.03 DRUNKENNESS. Either of the following may be fined not more than \$100 or imprisoned not more than 6 months or both:

- (1) A person who is so intoxicated that he is unable to care for his own safety and is found in a public place in such a condition; or
- (2) A person who is an habitual drunkard.

347.04 DRUNKENNESS AND DRINKING IN COMMON CARRIERS. (1) Whoever does any of the following may be fined not more than \$100 or imprisoned not more than 3 months:

- (a) While in a state of intoxication, enters or remains as a passenger upon a common carrier for any purpose other than transportation within a single urban area; or
- (b) While a passenger upon a common carrier, publicly drinks intoxicants as a beverage or gives any other person intoxicants for that purpose, except in those portions of the common carrier in which intoxicants are specifically authorized by law to be sold or consumed; or
- (c) While in charge of a common carrier, knowingly, permits a violation of paragraph (a) or (b).

(2) The person in charge of a common carrier may take from any passenger found violating this section any intoxicant then in the possession of such passenger, giving him a receipt therefor, and shall keep the intoxicant until the passenger's point of destination is reached. Thereupon, he shall either return the intoxicant to the passenger or turn it over to the station agent. At any time within 10 days after the intoxicant is turned over to the station agent, the passenger may recover the intoxicant by surrendering the receipt given him at the time the intoxicant was taken from him.

347.05 DISTURBING MEETINGS. Whoever intentionally and unreasonably disturbs a lawful assembly of people may be fined not more than \$100 or imprisoned not more than 30 days or both.

347.06 UNLAWFUL ASSEMBLIES AND THEIR SUPPRESSION. (1) Sheriffs,

their undersheriffs and deputies, constables, marshals and policemen have a duty to suppress unlawful assemblies within their jurisdiction. For that purpose they may order all persons who are part of the assembly to disperse. An "unlawful assembly" is an assembly which consists of three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to person or damage to property unless it is immediately dispersed.

(2) Whoever fails or refuses to withdraw from an unlawful assembly which he knows has been ordered to disperse may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

347.07 DUELING. Whoever engages in a duel may be imprisoned not more than 10 years.

347.10 CRUELTY TO ANIMALS. Whoever 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) Without justification intentionally mistreats, tortures, or kills any animal; or

(2) Fails without reasonable excuse to provide necessary food, care or shelter for any animal in his custody; or

(3) Intentionally poisons any domestic animal or places poison in any place with intent that it be taken by a domestic animal; or

(4) Intentionally transports or confines any animal in a cruel manner; or

(5) Intentionally participates in the earnings of any place for baiting or fighting animals or intentionally maintains or allows any place to be used for such purpose.

SECTION 3. 12.55 of the statutes is created to read:

12.55 SPECIAL PRIVILEGES FROM PUBLIC UTILITIES. (1) The following may be fined not more than \$1000 or imprisoned not more than 5 years or both:

(a) Any common carrier, public utility, or agent or employe thereof who, in violation of article XIII, section 11 of the Wisconsin constitution, offers or gives to or on behalf of any candidate for public office or any political committee or member or employe thereof any free pass or frank or privilege withheld from any person for traveling accommodations or transportation of person or property or for the transmission of any message or communication; or

(b) Any public utility or agent or employe thereof who furnishes, at reduced and discriminatory rates, any service not specified in paragraph (a) or any of its products to or on behalf of any candidate for public office or any political committee or member or employe thereof; or

(c) Any candidate for public office or any political committee or member or employe thereof who directly or indirectly asks for or accepts at reduced and discriminatory rates any service or product mentioned in paragraph (b) or who in violation of Article XIII, section 11 of the Wisconsin constitution directly or indirectly asks for or accepts any pass, frank, or privilege mentioned in paragraph (a).

(2) Notaries public and regular employes of a railroad or other public utility who are candidates for a public office for which the annual compensation is not more than \$300 to whom no passes or privileges are extended beyond those which are extended to other regular employes of such corporation are excepted from the provisions of this section.

(3) In this section:

(a) "Free pass" means any form of ticket or mileage entitling the holder to travel over any part of a railroad or other public transportation system and issued to the holder as a gift or in consideration or partial consideration of any service performed or to be performed by such holder, except that it does not include such ticket or mileage when issued to an employe of the railroad or public transportation system pursuant to a contract of employment and not in excess of the transportation rights of other employes of the same class and seniority, nor does it include free transportation to policemen or firemen when on duty;

(b) "Public utility" has the meaning designated in section 196.01;

(c) "Reduced and discriminatory rates" means rates which are lower than those available to the general public and includes free services and products.

SECTION 4. 13.20 of the statutes is renumbered 13.20 (1).

SECTION 5. 26.05 of the statutes is amended to read:

26.05 TIMBER * * * *STEALING*. Any person who unlawfully cuts or directs or contracts for the cutting of forest products on the lands of another as defined in * * * section 26.04 and who does not own or control adjoining land; or who, though owning adjoining land bearing merchantable forest products, cuts on an acreage substantially in excess of his adjoining land; or who, as part of an unlawful cutting operation, removes or destroys any survey monument or bearing tree, shall be punished as provided in section * * * 343.20 for the * * * *stealing* of property of the same value.

SECTION 6. 27.012 (1) and 343.453 of the statutes are consolidated, renumbered 27.012 (1), and revised to read:

27.012 (1) DESTRUCTION OF INDIAN MOUNDS. * * * Except as provided in subsection (2) no person shall * * * destroy, deface, mutilate, injure, or remove any Indian burial, linear or effigy mounds, inclosures, cemeteries, graves, plots of corn hills, garden beds, boulder circles, pictograph rocks, caches, shell or refuse heaps, spirit stones or manitou rocks, boulder mortars, grindstone rocks, or other prehistoric or historic Indian remains located upon the public lands, state parks, forestry reserves, lands of state education or other state institutions, or upon other lands or properties belonging to the state. * * * Whoever violates this subsection shall be fined not less than \$10 nor more than \$100 or imprisoned not more than 90 days or both.

SECTION 7. 29.63 (3) (d) and (e) of the statutes are consolidated, renumbered 29.63 (3) (d) and revised to read:

29.63 (3) (d) If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of section 340.05, 341.12 (1), or 341.13 (1) and either death or bodily harm to another results from such violation, the court shall revoke every license issued to that person under this chapter and shall provide a fixed period during which no new license may be issued to such person. If no death or injury to another results from the violation, the court in its discretion may revoke any license issued to that person under this chapter and may provide a fixed period during which no new license may be issued to such person.

SECTION 8. 30.083 of the statutes is created to read:

30.083 LARCENY OF LOGS; EVIDENCE; DAMAGES; RIGHT OF SEARCH.

(1) Whoever wilfully converts to his own use, without the consent of the owner, whether the owner is known or unknown, any log or cant suitable to be worked into lumber, lying in any river in or bordering on this state, or in any tributary thereof, or in or on any slough, ravine, island, bottoms or land adjoining any such river or tributary thereof, whether convicted thereof in a criminal prosecution or not, shall be liable to pay the owner of such log or cant double the value of the same, to be recovered in an action.

(2) In any action under this section if any such log or cant is found in the possession of the defendant with the mark wholly or partly cut out or destroyed or partly sawed or manufactured into lumber of any kind, such possession shall be presumptive evidence of his guilt.

(3) The owner of any such log or cant may, at any time, enter in a peaceful manner into or upon any mill or mill boom, or raft of logs, cant or other lumber in any river or its tributaries within this state or on or near the banks thereof in search of any such log or cant which he may have lost; and any person who wilfully prevents or obstructs such search shall forfeit for such offense not less than \$20 nor more than \$50.

SECTION 9. 48.01 (5) (e), 48.08 and 351.20 of the statutes are consolidated, renumbered 48.08 and revised to read:

48.08 ADULTS CONTRIBUTING TO THE DELINQUENCY OR NEGLECT OF CHILDREN. (1) If in the hearing of a case of a child alleged to be delinquent or neglected, it appears that an adult has been guilty of contributing to, encouraging, or tending to cause by any act or omission, the delinquency or neglect of the child, the court may make orders with respect to the conduct of such adult in his relationship to the child.

(2) No order to any adult pursuant to subsection (1) shall be entered until he has been given an opportunity to be heard upon the charges against him and the contemplated order of the court. The court shall cause notice of the time, place and purpose of such hearing to be served on such adult personally at least 10 days before the date of hearing. The procedure in such cases shall, as far as practicable, be the same as in other cases in the juvenile court, and shall otherwise be the procedure followed in courts of equity. The power of the court to issue orders governing the relationship of any adult to a child, where such adult has been guilty of contributing to, encouraging or tending to cause the delinquency or neglect of such child includes the power to determine the ability of such adult to provide for the maintenance or care of such child and to direct when, how and where money for such maintenance or care shall be paid. Any adult who fails to comply with any order issued by a juvenile court pursuant to this section may be proceeded against as for contempt of court, and if his conduct involves a crime, he may be proceeded against under the criminal law.

(3) If it appears at a juvenile hearing that a parent or guardian having legal custody of a child has violated subsection (4), the judge may bind such parent or legal guardian over to the proper court for trial and shall transmit to such court a copy of the testimony upon which such order is based.

(4) The following persons may be fined not more than \$500 or imprisoned not more than one year in county jail or both:

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(a) Any person over the age of 18 who intentionally encourages or contributes to the delinquency or neglect of any child under the age of 18; or

(b) Any parent or legal guardian who by neglect or disregard of the morals, health or welfare of his child under the age of 18 contributes to the delinquency of that child.

(5) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

SECTION 10. 57.01 (3) of the statutes is amended to read:

57.01 (3) The original term of probation shall not be less than * * * *one year* nor more than the statutory maximum term of imprisonment for the crime.

SECTION 11. 59.47 (2) of the statutes is amended to read:

59.47 (2) Prosecute all criminal actions, except for * * * *battery in violation of section 340.20* or for * * * *disorderly conduct*, before any magistrate in his county, other than those exercising the police jurisdiction of incorporated cities and villages in cases arising under the charter or ordinances thereof, when requested by such magistrate; and upon like request, conduct all criminal examinations which may be had before such magistrate, and prosecute or defend all civil actions before such magistrates in which the county is interested or a party.

SECTION 12. 66.051 of the statutes is repealed and recreated to read:

66.051 POWER OF MUNICIPALITIES TO PROHIBIT CRIMINAL CONDUCT.
The board or council of any town, village or city may:

(1) Prohibit all forms of gambling and fraudulent devices and practices;

(2) Cause the seizure of anything devised solely for gambling or found in actual use for gambling and cause the destruction of any such thing after a judicial determination that it was used solely for gambling or found in actual use for gambling;

(3) Prohibit conduct which is the same as or similar to that prohibited by section 347.01 or 347.03.

SECTION 13. 66.112 of the statutes is created to read:

66.112 If two or more tramps are found congregated for the purpose of encouraging vagrancy or for any other unlawful purpose, they shall be apprehended, conveyed to jail, tried, and if guilty committed as a group; the public officers performing any of those functions are entitled to no greater fee or mileage therefor than if only one person were involved. Any public officer who violates this provision for the purpose of increasing the emoluments of his office may be fined not more than \$500 and shall be ineligible to hold such office for a period of 5 years from the date of his conviction.

SECTION 14. 78.21 of the statutes is amended to read:

78.21 * * * *STEALING* * * * TAX MONEYS. If any wholesaler sells any motor fuel upon which the tax imposed by this chapter has become due and has not been paid, all tax moneys received by such wholesaler because of said sale are trust funds in his hands and the property of the state of Wisconsin. Any wholesaler who fails or refuses to pay over to the state the tax on motor fuel at the time required in this chapter, or who fraudulently withholds or appropriates or otherwise uses such moneys or any portion thereof belonging to the state, shall be deemed guilty of * * * *stealing* and shall be punished as provided by law for the crime of * * * *stealing*, irrespective of whether any such wholesaler has or claims to have any interest in such moneys so received by him.

SECTION 15. 85.08 (25) (a) of the statutes is amended to read:

85.08 (25) (a) * * * Homicide resulting from the operation of a motor vehicle and which is criminal under either section 340.04, 340.05 or 340.06.

SECTION 16. 85.08 (36) of the statutes is repealed.

SECTION 17. 86.03 (5) of the statutes is renumbered 86.03 (6).

SECTION 18. 86.17 of the statutes is renumbered 86.17 (1).

SECTION 19. 94.34 of the statutes is repealed.

SECTION 20. The title to chapter 132 of the statutes is repealed and recreated to read:

CHAPTER 132

TRADEMARKS, BADGES AND LABELED PRODUCTS

SECTION 21. 133.01 (3) of the statutes is created to read:

133.01 (3) Whoever violates any of the provisions of subsection (1) may be fined not more than \$5000 or imprisoned not more than 5 years or both.

SECTION 22. 133.21 of the statutes is renumbered 133.21 (1).

SECTION 23. 133.21 (2) of the statutes is created to read:

133.21 (2) Whoever violates any of the provisions of this section may be fined not more than \$5000 or imprisoned not more than 5 years or both.

SECTION 24. The title to chapter 134 of the statutes is created to read:

CHAPTER 134

MISCELLANEOUS TRADE REGULATIONS

SECTION 25. 159.14 (1) of the statutes is repealed.

SECTION 26. The title to Title XVI of the statutes is amended to read:

TITLE XVI

* * * PUBLIC SAFETY

SECTION 27. 164.01 to 164.06, 164.09, 164.11, 164.20 and the title to chapter 164 of the statutes are repealed.

SECTION 28. 164.07 of the statutes is renumbered 134.60.

SECTION 29. 164.08 of the statutes is renumbered 175.01.

SECTION 30. The title to chapter 167 of the statutes is repealed.

SECTION 31. 167.07 of the statutes is renumbered 134.65.

SECTION 32. 167.12, 167.13 and 167.14 of the statutes are renumbered 101.51 (1), (2) and (3) respectively.

SECTION 33. 167.15 of the statutes is renumbered 101.51 (4) and amended to read:

101.51 (4) ENFORCEMENT. * * * The industrial commission * * * shall enforce * * * this section. Nothing * * * herein contained shall be construed to authorize * * * the commission to select or compel the adoption of any particular or special safety device, and * * * the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination.

SECTION 34. 167.16 of the statutes is renumbered 101.55.

SECTION 35. 167.20 of the statutes is renumbered 175.19.

SECTION 36. 167.22 of the statutes is repealed.

SECTION 37. The title to Chapter 175 of the statutes is amended to read:

CHAPTER 175

MISCELLANEOUS * * * SAFETY PROVISIONS

SECTION 38. 175.03 of the statutes is renumbered 173.31.

SECTION 39. 175.04 of the statutes is repealed.

SECTION 40. 175.05 of the statutes is renumbered 134.35.

SECTION 41. 175.06 of the statutes is renumbered 196.625.

SECTION 42. 175.07 and 175.08 of the statutes are renumbered 134.55 and 134.56.

SECTION 43. 175.09 (1) of the statutes is renumbered 175.09; 175.09 (2) and (3) of the statutes are renumbered 134.10 (1) and (2).

SECTION 44. 175.10 and 175.12 of the statutes are renumbered 134.50 and 134.51.

SECTION 45. 176.405 (3) of the statutes is amended to read:

176.405 (3) * * * Whoever causes the death of a human being through the selling or otherwise disposing of, for beverage purposes, denatured alcohol, or through the selling or otherwise disposing of, for beverage purposes, alcohol or alcoholic liquid re-distilled from denatured alcohol, shall be * * * imprisoned not more than 10 years.

SECTION 46. 200.20 (1), (2) and (3) of the statutes are amended to read:

200.20 * * * DUTIES OF STATE FIRE MARSHAL, ATTORNEY GENERAL, AND DISTRICT ATTORNEYS IN REGARD TO FIRES OF INCENDIARY ORIGIN.

(1) The state fire marshal shall, when in his opinion investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to * * * any case of damage to property by fire or explosives, and if he * * * is of the opinion that there is evidence sufficient to charge any person with * * * a crime under section 343.01, 343.02, 343.03 or 341.11, he shall cause such person to be prosecuted, and shall furnish the prosecuting attorney the names of all witnesses and all the information obtained by him, including a copy of all testimony taken in the investigation.

(2) The attorney-general shall at the request of the state fire marshal assist district attorneys in the prosecution of all * * * cases referred to in subsection (1) in all courts and the expenses of the attorney-general or his assistants in preparation for and attendance upon such prosecutions shall be charged to the appropriation for the state fire marshal.

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(3) The attorney-general and district attorney shall make such reports to the state fire marshal * * * of the proceedings and result of all *such* prosecutions * * * as shall be required by him.

SECTION 47. 213.095 (1) of the statutes is amended to read:

213.095 POLICE POWER OF FIRE CHIEF * * *. (1) The chief, chief engineer, assistant engineer, captain, lieutenant, or any other executive officer of any volunteer fire company, association, fire district company, or any other organization organized or created for the purpose of extinguishing fires and preventing fire hazards, whether the same is incorporated or not, and whether the same * * * is a paid department or not, when on duty at a fire or in response to an alarm for a fire shall have authority to suppress any tumult or disorder and to order all individuals or companies to leave the neighborhood of any fire, and to command from the inhabitants of the city or town all needful assistance for the suppression of fires and in the preservation of property exposed to fire; the officers above enumerated shall also have authority to go upon and enter any property or premises and to do whatever may reasonably be necessary in the performance of their duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto. * * *

SECTION 48. 213.095 (2) and (3) of the statutes are repealed.

SECTION 49. 215.38 of the statutes is amended to read:

215.38 DISHONEST ACTS; FALSIFICATION OF RECORDS. Every officer, director, employe or agent of any association who * * * *steals*, abstracts, or wilfully misapplies any property of the association, whether owned by it or held in trust, or who without authority, issues or puts forth any certificate of shares, assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry in any book, record, report or statement of the association with intent to injure or defraud the association or any person or corporation, or to deceive any officer or director of the association, or any other person, or any agent appointed to examine the affairs of such association, or any person who, with like intent, aids or abets any officer, director, employe or agent in the violation of this section, shall be imprisoned in the state prison for not to exceed 20 years.

SECTION 50. 215.385 and 221.20 of the statutes are repealed.

SECTION 51. 221.39 of the statutes is amended to read:

221.39 * * * *STEALING*, HOW PUNISHED. Every president, director, cashier, officer, teller, clerk or agent of any bank or mutual savings bank who * * * *steals*, abstracts or wilfully misapplies any of the moneys, funds, credits, or property of the bank or mutual savings bank, whether owned by it or held in trust, or who, without authority of the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of the bank with intent in either case to injure or defraud the bank or mutual savings bank or any person or corporation, or to deceive any officer of the bank or mutual savings bank, or any other person, or any agent appointed to examine the affairs of such bank or mutual savings bank; or any person who, with like intent, aids, or abets any officer, clerk or agent in the violation of this section, upon conviction thereof shall be imprisoned in the state prison not to exceed 20 years.

SECTION 52. 235.701 of the statutes is amended to read:

235.701 BUILDING LOANS; TRUST FUNDS. The proceeds of any such mortgage referred to in * * * sections 215.22 and * * * 235.70, shall, when paid out by such state savings and loan association or such federal savings and loan association or of any other mortgage from any other source and received by the owner of the premises or by any contractor or subcontractor performing the work and labor forthwith constitute a trust fund in the hands of such owner or contractor or subcontractor for the payment pro rata of all claims due and to become due or owing from such contractor or subcontractor for lienable labor and materials until all such claims have been paid. The use of any of such moneys by any owner, contractor or subcontractor for any other purpose until all claims, except those which are the subject of a bona fide dispute, * * * have been paid in full, or pro rata in cases of a deficiency, shall constitute * * * *stealing* of any moneys so misappropriated. * * * The district attorney of the county where the premises are situated *shall*, on the complaint of any aggrieved party * * * prosecute such owner, contractor or subcontractor misappropriating such moneys for such * * * *stealing*.

SECTION 53. 280.16 of the statutes is created to read:

280.16 REMEDY OF LESSOR OF PLACE OF PROSTITUTION. If the lessee of a place has been convicted of keeping that place as a place of prostitution or if such place has been adjudged a nuisance under this chapter, the lease by which such place is

held is void and the lessor shall have the same remedies for regaining possession of the premises as he would have against a tenant holding over his term.

SECTION 54. 280.20 of the statutes is created to read:

280.20 GAMBLING PLACE A PUBLIC NUISANCE. (1) Any gambling place is a public nuisance and may be proceeded against under this chapter.

(2) Any citizen of the county in which such nuisance exists may bring an action, without showing special damage or injury, to enjoin or abate the nuisance. The court after 3 days' notice to the defendants may allow a temporary injunction without bond. The action shall be dismissed only if the court is satisfied that it should be dismissed on its merits. If application for dismissal is made, the court may continue the action and by order require the attorney general to prosecute it.

(3) If the lessee of a place has been convicted of the crime of commercial gambling because of having operated that place as a gambling place or if such place has been adjudged a nuisance under this chapter, the lease by which such place is held is void and the lessor shall have the same remedies for regaining possession of the premises as he would have against a tenant holding over his term.

SECTION 55. 289.02 (4) of the statutes is amended to read:

289.02 (4) * * * *STEALING BY CONTRACTORS*. The proceeds of any mortgage on land, paid to any principal contractor or any subcontractor for improvements upon the mortgaged premises and all moneys paid to him by any owner for improvements, constitute a trust fund in the hands of any such contractor or subcontractor to the amount of all claims due and to become due or owing from such contractor or subcontractor for lienable labor and materials until all such claims * * * have been paid; and the use of any of such moneys by any contractor or subcontractor for any other purpose until all claims, except those which are the subject of a bona fide dispute, * * * have been paid in full, or pro rata in cases of a deficiency, is * * * *stealing* of moneys so misappropriated.

SECTION 56. 289.536 of the statutes is amended to read:

289.536 * * * *STEALING BY CONTRACTORS*. All moneys, bonds or warrants paid to, or to become due to any principal contractor or subcontractor for public improvements are a trust fund in his hands; and the use of such moneys by him for any purpose other than the payment of claims on such public improvement, before such claims have been satisfied, constitutes * * * *stealing*.

SECTION 57. 312.05 of the statutes is amended to read:

312.05 LIABILITY FOR CONVERSION. * * * *Whoever* * * * *steals* or * * * *converts* to his own use property of any decedent's estate shall be liable to an action by the executor or administrator for double the value of the property * * * *stolen* or converted.

SECTION 58. 312.06 (1) of the statutes is amended to read:

312.06 (1) If any executor or administrator, or person interested in the estate of any decedent * * * *complains* to the county court on oath that any person is suspected to have concealed, * * * *stolen*, conveyed or disposed of property of the decedent, or * * * *of being* indebted to the decedent, or * * * *of having* in his possession or under his control, or * * * *of having* knowledge of any concealed property of the decedent, or * * * *of having* in his possession or under his control, or * * * *of having* knowledge of any writings which contain evidence of or tend to disclose the right, title, interest or claim of the decedent to any property, or any will of the decedent, the court may cite such suspected person to appear before it and may examine him on oath upon the matter of such complaint.

SECTION 59. 319.33 of the statutes is amended to read:

319.33 FRAUD AS TO WARD'S PROPERTY * * *. Upon complaint made to the county court by any guardian or ward, or by any creditor or other person interested in the estate, or by any person having any prospective interest therein, as heir or otherwise, against any person suspected of having concealed, * * * *stolen* or conveyed away any of the money, goods, effects or instruments in writing belonging to the ward the court may cite and examine such suspected person and proceed with him as to such charge in the same manner as is provided with respect to persons suspected of concealing or * * * *stealing* the effects of a deceased person in sections 312.06 and 312.07.

SECTION 60. 325.18 (4) of the statutes is created to read:

325.18 (4) Where such private communication relates to a charge of pandering or prostitution.

SECTION 61. 331.057 of the statutes is created to read:

331.057 ACTION AGAINST JUDICIAL OFFICER FOR LOSS CAUSED BY MISCONDUCT. Any judicial officer who causes to be brought in a court over which he

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presides any action or proceeding upon a claim placed in his hands as agent or attorney for collection shall be liable in a civil action to the person against whom such action or proceeding was brought for the full amount of damages and costs recovered on such claim.

SECTION 62. 340.485 of the statutes is renumbered 51.37.

SECTION 63. 340.607 of the statutes is renumbered 29.221.

SECTION 64. 340.608 of the statutes is renumbered 29.222.

SECTION 65. 340.63 of the statutes is renumbered 192.295.

SECTION 66. 340.64 of the statutes is renumbered 192.291 and amended to read: 192.291 LOCKING CARS; DANGEROUS ARTICLES. Any officer, agent, conductor or any employe of any railroad company operating within this state who shall wilfully run or cause to be run any railroad train or engine faster than at the rate * * * established by the public service commission under s. 192.29, while passing over the traveled streets of any city or village or until all such streets have been passed by such train or engine, or who shall lock or cause to be locked the doors of any passenger car occupied by any passenger, while such car is in motion or so as to prevent the free exit therefrom of any passenger at any time, or who shall use or authorize the use of any kerosene oil or other dangerously explosive burning fluid in lighting any passenger car, or who shall knowingly carry or cause or permit to be carried or transported on any baggage, mail, express or passenger car any powder, dynamite or other dangerously explosive substance, and any person who shall, secretly or surreptitiously, or by concealment or misrepresentation, ship or cause to be shipped upon any railroad train or car any powder, dynamite or other dangerously explosive substance without the knowledge of the proper officer, agent, conductor or employe in charge of such train or car shall be punished by imprisonment in the county jail not more than 6 months or by fine not exceeding \$100.

SECTION 67. 340.67 of the statutes is renumbered 175.15.

SECTION 68. 340.68 of the statutes is renumbered 175.16.

SECTION 69. 340.70 of the statutes is renumbered 175.17.

SECTION 70. 340.71 of the statutes is renumbered 192.321.

SECTION 71. 340.79 of the statutes is renumbered 101.51 (5) and amended to read: 101.51 (5) * * * *Whoever violates any provision of this section shall be * * * fined not less than \$25 or more than \$100 for each offense.*

SECTION 72. 340.86 of the statutes is renumbered 175.18.

SECTION 73. 343.08 of the statutes is renumbered 160.07.

SECTION 74. 343.251 of the statutes is renumbered 132.17.

SECTION 75. 343.254 of the statutes is renumbered 21.145.

SECTION 76. 343.26 of the statutes is renumbered 134.20.

SECTION 77. 343.322 of the statutes is renumbered 147.225.

SECTION 78. 343.33 of the statutes is renumbered 132.18.

SECTION 79. 343.331 of the statutes is renumbered 134.25.

SECTION 80. 343.332 of the statutes is renumbered 134.26.

SECTION 81. 343.333 of the statutes is renumbered 134.27.

SECTION 82. 343.334 of the statutes is renumbered 134.28.

SECTION 83. 343.335 of the statutes is renumbered 134.29.

SECTION 84. 343.336 of the statutes is renumbered 134.30.

SECTION 85. 343.337 of the statutes is renumbered 134.31.

SECTION 86. 343.338 of the statutes is renumbered 134.32.

SECTION 87. 343.339 of the statutes is renumbered 134.33.

SECTION 88. 343.401 (2m) of the statutes is renumbered 118.66.

SECTION 89. 343.407 of the statutes is renumbered 134.19.

SECTION 90. 343.412 of the statutes is renumbered 209.14.

SECTION 91. 343.421 of the statutes is renumbered 29.58.

SECTION 92. 343.442 of the statutes is renumbered 29.546.

SECTION 93. 343.46 of the statutes is renumbered 15.92 and repealed and recreated to read:

15.92 REGULATION OF CONDUCT IN CAPITOL PARK. Any person who:
(1) Discharges any firearm or explosive substance in capitol park without consent of the state chief engineer; or

- (2) Walks upon any part of capitol park except the walks or driveways; or
- (3) Deposits any filth or commits any nuisance in capitol park; or
- (4) Molests any of the birds or game in capitol park or permits any dog in his custody

to do so;

shall be fined not more than \$25 or imprisoned not more than 10 days. The state chief engineer or his agent is authorized to summarily kill any dog found running loose within the park.

SECTION 94. 343.461 of the statutes is renumbered 66.0495.

SECTION 95. 343.462 (1), (2) and (4) of the statutes are renumbered 15.93 (1), (2) and (4).

SECTION 96. 343.462 (3) of the statutes is renumbered 15.93 (3) and amended to read:

15.93 (3) * * * The * * * *state chief engineer*, with the assistance of the attorney-general, * * * shall institute proper proceedings to collect fines for and restrain violation * * * of this section.

SECTION 97. 343.473 of the statutes is renumbered 174.025.

SECTION 98. 343.48 of the statutes is renumbered 30.065.

SECTION 99. 343.481 of the statutes is renumbered 86.192.

SECTION 100. 343.482 of the statutes is renumbered 86.191.

SECTION 101. 343.483 of the statutes is renumbered 86.021.

SECTION 102. 343.484 of the statutes is renumbered 86.022.

SECTION 103. 343.485 of the statutes is renumbered 86.025.

SECTION 104. 343.486 (1) of the statutes is renumbered 86.03 (5).

SECTION 105. 343.486 (2) of the statutes is repealed.

SECTION 106. 343.487 of the statutes is renumbered 192.292.

SECTION 107. 343.488 of the statutes is renumbered 134.52.

SECTION 108. 343.651 of the statutes is renumbered 132.19. ✓

SECTION 109. 343.66 of the statutes is renumbered 132.20. ✓

SECTION 110. 343.681 of the statutes is renumbered 134.01 and amended to read:

134.01 * * * *CONSPIRACY TO UNLAWFULLY INJURE BUSINESS PROHIBITED*. Any two or more persons who * * * combine, associate, agree, mutually undertake or concert together for the purpose of wilfully or maliciously injuring another in his reputation, trade, business or profession by any means whatever, * * * shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500.

SECTION 111. 343.682 of the statutes is renumbered 134.02.

SECTION 112. 343.683 of the statutes is renumbered 134.03.

SECTION 113. 343.70 of the statutes is renumbered 21.155.

SECTION 114. 343.701 of the statutes is renumbered 86.17 (2).

SECTION 115. 343.721 of the statutes is renumbered 134.21.

SECTION 116. 343.722 of the statutes is renumbered 134.17.

SECTION 117. 343.723 of the statutes is renumbered 134.18.

SECTION 118. 343.724 of the statutes is renumbered 134.41.

SECTION 119. 343.729 of the statutes is renumbered 45.48.

SECTION 120. 343.74 (2), (3), (4), (5), (6), (13) and (14) of the statutes are repealed.

SECTION 121. 343.74 (1), (7), (8), (9), (10), (11) and (11a) of the statutes are renumbered 175.03 (1), (2), (3), (4), (5), (6) and (7), respectively.

SECTION 122. 346.09 of the statutes is renumbered 12.50.

SECTION 123. 346.10 of the statutes is renumbered 12.51.

SECTION 124. 346.11 of the statutes is renumbered 12.54.

SECTION 125. 346.12 of the statutes is renumbered 12.56 (1).

SECTION 126. 346.13 of the statutes is renumbered 12.56 (2).

SECTION 127. 346.14 of the statutes is renumbered 12.56 (3).

SECTION 128. 346.16 of the statutes is renumbered 12.56 (4).

SECTION 129. 346.17 of the statutes is renumbered 12.52.

SECTION 130. 346.19 of the statutes is renumbered 13.50.

- SECTION 131. 346.20 of the statutes is renumbered 13.51.
- SECTION 132. 346.205 of the statutes is renumbered 13.52.
- SECTION 133. 346.21 of the statutes is renumbered 13.53.
- SECTION 134. 346.22 of the statutes is renumbered 13.54.
- SECTION 135. 346.23 of the statutes is renumbered 13.55.
- SECTION 136. 346.24 of the statutes is renumbered 13.56.
- SECTION 137. 346.245 of the statutes is renumbered 13.57.
- SECTION 138. 346.25 of the statutes is renumbered 13.58.
- SECTION 139. 346.26 of the statutes is renumbered 13.59.
- SECTION 140. 346.27 of the statutes is renumbered 13.60.
- SECTION 141. 346.28 of the statutes is renumbered 13.61.
- SECTION 142. 346.29 of the statutes is renumbered 13.60 (3) and repealed and re-

created to read:

13.60 (3) Whoever violates any provision of this section may be fined not more than \$200 or imprisoned not more than 6 months.

- SECTION 143. 346.295 of the statutes is renumbered 13.62.
- SECTION 144. 346.30 of the statutes is renumbered 13.63.
- SECTION 145. 346.31 of the statutes is renumbered 13.64.
- SECTION 146. 346.32 of the statutes is renumbered 13.65.
- SECTION 147. 346.42 of the statutes is renumbered 53.105.
- SECTION 148. 346.43 of the statutes is renumbered 53.095.
- SECTION 149. 346.47 of the statutes is renumbered 53.375.
- SECTION 150. 346.52 of the statutes is renumbered 255.031.
- SECTION 151. 346.53 of the statutes is renumbered 255.18 (3).
- SECTION 152. 346.54 of the statutes is renumbered 255.239.
- SECTION 153. 346.55 of the statutes is renumbered 255.041.
- SECTION 154. 346.56 of the statutes is renumbered 13.20 (2).
- SECTION 155. 346.57 of the statutes is renumbered 256.335.
- SECTION 156. 346.58 of the statutes is renumbered 310.031.
- SECTION 157. 346.59 of the statutes is renumbered 173.07.
- SECTION 158. 348.10 of the statutes is renumbered 331.056.
- SECTION 159. 348.16 of the statutes is renumbered 331.055.

SECTION 160. 348.17 and 351.36 of the statutes are consolidated, renumbered 363.021 and revised to read:

363.021 SEARCH WARRANTS FOR PLACES OF PROSTITUTION OR GAMBLING. Upon presentation to a magistrate authorized to issue criminal warrants of a sworn complaint or affidavit, or of oral testimony recorded by a phonographic reporter, showing probable cause to believe that any place is one of prostitution or gambling, such magistrate shall issue a warrant to any peace officer of the county to enter such place and arrest all persons therein and take into custody all gambling devices found therein.

SECTION 161. 348.178 of the statutes is renumbered 100.12 and repealed and re-created to read:

100.12 REFUSAL OF COMMISSION MERCHANT TO FURNISH WRITTEN STATEMENT OF TRANSACTION PRIMA FACIE EVIDENCE OF GAMBLING.

(1) Every person doing business as a commission merchant or broker shall furnish, upon demand, to any person for whom he has executed an order for the purchase or sale of a commodity, whether for immediate or future delivery, a written statement containing the following information:

(a) The name of the party from whom the commodity was bought or to whom it was sold, whichever the case may be; and

(b) The time when, the place where, and the price at which such commodity was bought or sold.

(2) Refusal upon demand to furnish the written statement specified in subsection (1) is prima facie evidence that the purchase or sale of the commodity was not a bona fide business transaction.

(3) Transactions by or between members of a lawfully constituted chamber of commerce or board of trade which has been organized pursuant to the laws of this state are prima facie valid if they are conducted in accordance with the charter of such chamber of commerce or board of trade and the rules, by-laws and regulations adopted thereunder.

- SECTION 162. 348.179 of the statutes is renumbered 112.05.
- SECTION 163. 348.18 of the statutes is renumbered 134.15 (1).
- SECTION 164. 348.19 of the statutes is renumbered 134.16.
- SECTION 165. 348.20 of the statutes is renumbered 134.15 (2).
- SECTION 166. 348.201 (1) of the statutes is renumbered 5.012 (3).
- SECTION 167. 348.201 (2) of the statutes is repealed.
- SECTION 168. 348.201 (3) of the statutes is renumbered 5.05 (8m).
- SECTION 169. 348.21 of the statutes is renumbered 12.60 (1).
- SECTION 170. 348.211 of the statutes is renumbered 12.60 (2).
- SECTION 171. 348.212 of the statutes is renumbered 12.58.
- SECTION 172. 348.213 of the statutes is renumbered 12.59 (1).
- SECTION 173. 348.214 of the statutes is renumbered 12.59 (2).
- SECTION 174. 348.215 of the statutes is renumbered 12.59 (3).
- SECTION 175. 348.216 (1), (2) and (3) of the statutes are renumbered 12.59 (4) (a), (b) and (c) respectively.
- SECTION 176. 348.217 of the statutes is renumbered 12.61.
- SECTION 177. 348.218 of the statutes is renumbered 6.591.
- SECTION 178. 348.22 of the statutes is renumbered 10.071.
- SECTION 179. 348.221 of the statutes is renumbered 6.048.
- SECTION 180. 348.223 of the statutes is renumbered 11.18.
- SECTION 181. 348.224 of the statutes is renumbered 11.19.
- SECTION 182. 348.225 of the statutes is renumbered 11.20.
- SECTION 183. 348.226 of the statutes is renumbered 12.70.
- SECTION 184. 348.23 of the statutes is renumbered 12.69.
- SECTION 185. 348.231 of the statutes is renumbered 12.62.
- SECTION 186. 348.233 of the statutes is renumbered 12.63.
- SECTION 187. 348.234 of the statutes is renumbered 12.64.
- SECTION 188. 348.235 of the statutes is renumbered 12.65.
- SECTION 189. 348.236 of the statutes is renumbered 6.592 and amended to read:
6.592 NEGLECT TO DELIVER STATEMENT. Any person who * * * *accepts* from any board of election inspectors the statement of the canvass of the votes prepared by them for the delivery thereof to the proper town, city or village clerk as required by law, and who * * * *fails* to deliver the same or cause its delivery to be made to the proper clerk within 48 hours after accepting the same for that purpose, without sufficient excuse for such failure, shall be * * * *fined not less than \$25 nor more than \$100 or imprisoned not less than 10 nor more than 30 days or both.*
- SECTION 190. 348.237 of the statutes is renumbered 6.593.
- SECTION 191. 348.24 of the statutes is renumbered 12.66.
- SECTION 192. 348.241 of the statutes is renumbered 12.71.
- SECTION 193. 348.25 of the statutes is renumbered 12.67.
- SECTION 194. 348.26 of the statutes is renumbered 12.68.
- SECTION 195. 348.264 of the statutes is renumbered 70.501.
- SECTION 196. 348.265 of the statutes is renumbered 70.502.
- SECTION 197. 348.266 of the statutes is renumbered 70.503.
- SECTION 198. 348.267 of the statutes is renumbered 16.301.
- SECTION 199. 348.268 of the statutes is renumbered 12.57.
- SECTION 200. 348.269 of the statutes is renumbered 16.302.
- SECTION 201. 348.27 of the statutes is renumbered 16.303.
- SECTION 202. 348.271 of the statutes is renumbered 12.53.
- SECTION 203. 348.272 of the statutes is renumbered 16.441.
- SECTION 204. 348.273 of the statutes is renumbered 16.761.
- SECTION 205. 348.32 of the statutes is renumbered 18.04.
- SECTION 206. 348.354 of the statutes is renumbered 56.085.
- SECTION 207. 348.36 of the statutes is renumbered 134.36.
- SECTION 208. 348.361 of the statutes is renumbered 134.37.

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- SECTION 209. 348.362 of the statutes is renumbered 134.38.
- SECTION 210. 348.37 of the statutes is renumbered 134.39.
- SECTION 211. 348.38 of the statutes is renumbered 134.40.
- SECTION 212. 348.381 of the statutes is renumbered 29.641.
- SECTION 213. 348.382 of the statutes is renumbered 29.643.
- SECTION 214. 348.383 of the statutes is renumbered 29.642.
- SECTION 215. 348.384 of the statutes is renumbered 29.644.
- SECTION 216. 348.386 (3) of the statutes is renumbered 134.70.
- SECTION 217. 348.388, 348.389 and 348.39 of the statutes are consolidated, renumbered 29.515 and revised to read:
- 29.515 TRESPASS TO STATE FISH HATCHERY. Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 60 days:
- (1) Enters upon the grounds of any state fish hatchery for the purpose of unlawfully killing or taking any fish therefrom; or
- (2) Unlawfully and without proper authority kills, takes or catches any fish from any waters or grounds belonging to or connected with any state fish hatchery; or
- (3) Without lawful authority to do so, injures any fish, or in any manner interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.
- SECTION 218. 348.401 of the statutes is repealed.
- SECTION 219. 348.42 of the statutes is renumbered 31.025.
- SECTION 220. 348.421 and 348.423 of the statutes are repealed.
- SECTION 221. 348.422 of the statutes is renumbered 30.082.
- SECTION 222. 348.424 of the statutes is renumbered 30.06 (12).
- SECTION 223. 348.425 of the statutes is renumbered 23.095.
- SECTION 224. 348.426 of the statutes is renumbered 75.375.
- SECTION 225. 348.427 of the statutes is renumbered 66.0525.
- SECTION 226. 348.471 of the statutes is renumbered 161.271.
- SECTION 227. 348.472 of the statutes is renumbered 134.58.
- SECTION 228. 348.473 of the statutes is renumbered 208.36.
- SECTION 229. 348.474 of the statutes is renumbered 208.37.
- SECTION 230. 348.475 of the statutes is renumbered 208.38.
- SECTION 231. 348.476 of the statutes is renumbered 215.40.
- SECTION 232. 348.486 of the statutes is renumbered 134.05.
- SECTION 233. 348.487 of the statutes is renumbered 134.06.
- SECTION 234. 348.488 of the statutes is renumbered 209.15.
- SECTION 235. 348.49 of the statutes is renumbered 134.57.
- SECTION 236. 348.50 of the statutes is renumbered 66.293.
- SECTION 237. 348.53 of the statutes is renumbered 134.45.
- SECTION 238. 348.54 of the statutes is renumbered 134.04.
- SECTION 239. 348.55 of the statutes is renumbered 36.50.
- SECTION 240. 348.56 of the statutes is renumbered 66.15.
- SECTION 241. 351.235 of the statutes is renumbered 151.10.
- SECTION 242. 351.30 of the statutes is renumbered 52.05.
- SECTION 243. 351.31 (1) and (2) of the statutes are renumbered 52.06 and 52.07 respectively.
- SECTION 244. 351.39 of the statutes is renumbered 143.075.
- SECTION 245. 351.42 of the statutes is renumbered 155.10.
- SECTION 246. 351.43 of the statutes is renumbered 157.60.
- SECTION 247. 351.50 of the statutes is renumbered 103.85.
- SECTION 248. 351.51 of the statutes is renumbered 331.275.
- SECTION 249. 351.57 of the statutes is renumbered 175.26.
- SECTION 250. 352.48 of the statutes is renumbered 175.25.
- SECTION 251. 352.49 of the statutes is renumbered 48.60 (1).
- SECTION 252. 352.50 (1) of the statutes is renumbered 48.60 (2) and amended to read:
- 48.60 (2) * * * *Whoever* by himself, his servant or agent, or as the servant or

agent of any other person, directly or indirectly, or upon any pretense, or by any device, * * * sells, * * * gives away or otherwise * * * disposes of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefor, or any paper made or prepared for the purpose of making cigarettes or any substitute therefor, or for the purpose of being filled with tobacco for smoking shall be * * * fined not less than \$25 nor more than \$100.

SECTION 253. 352.50 (2), (3), (4) and (5) of the statutes are renumbered 66.059 (1), (2), (3) and (4) respectively.

SECTION 254. 352.50 (6) of the statutes is renumbered 48.60 (3).

SECTION 255. 352.63 of the statutes is renumbered 48.60 (4).

SECTION 256. 352.64 of the statutes is renumbered 48.60 (5).

SECTION 257. 353.16 and 353.17 of the statutes are consolidated, renumbered 354.021 and revised to read:

354.021 OFFICER MAKING ARREST TO SECURE AND CARE FOR STOLEN PROPERTY. The officer who arrests a person who has stolen property shall, if possible, secure the property alleged to have been stolen; if a warrant has been issued he shall annex a schedule thereof to the return of the warrant. Upon conviction of such person for burglary, robbery or stealing, the court shall allow the officer who secured and kept the stolen property his actual and necessary expense in so doing, such expenses to be paid by the county.

SECTION 258. 353.25 of the statutes is renumbered 359.055.

SECTION 259. 353.27 (2) of the statutes is renumbered 359.044.

SECTION 260. 355.18 of the statutes is amended to read:

355.18 PRELIMINARY EXAMINATION; WHEN A PREREQUISITE TO INFORMATION. No information shall be filed until the defendant has had a preliminary examination unless he waives such examination, except that information may be filed without examination *against persons bound over for trial pursuant to section 48.08 for having violated that section*, against fugitives from justice within the meaning of the constitution and laws of the United States and against corporations. The omission of a preliminary examination shall not invalidate any information unless the defendant moves to dismiss.

SECTION 261. 355.24 of the statutes is amended to read:

355.24 MURDER AND MANSLAUGHTER. It * * * is sufficient in an indictment or information for murder to charge that the defendant did feloniously and with * * * *intent to kill*, murder the deceased. In any indictment or information for manslaughter it * * * is sufficient to charge that the defendant did feloniously slay the deceased.

SECTION 262. 355.31 and 355.32 of the statutes are consolidated, renumbered 355.31 and revised to read:

355.31 STEALING; PLEADING AND EVIDENCE; SUBSEQUENT PROSECUTIONS. (1) In any criminal pleading for stealing it is sufficient to charge that the defendant did steal the property (describing it) of the owner (naming him) of the value of (stating the value in money).

(2) Any criminal pleading for stealing may contain a count for receiving the same property and the jury may find all or any of the persons charged guilty of either of the crimes.

(3) In any case of stealing involving more than one theft, all thefts may be prosecuted as a single crime if:

(a) The property belonged to the same owner and the thefts were committed pursuant to a single intent and design or in execution of a single deceptive scheme; or

(b) The property belonged to the same owner and was stolen by a person theretofore lawfully in possession of it.

(4) In any case of stealing involving more than one theft but prosecuted as a single crime, it is sufficient to allege generally a stealing of property to a certain value committed between certain dates, without specifying any particulars. On the trial, evidence may be given of any such stealing committed on or between the dates alleged; and it is sufficient to maintain the charge and is not a variance if it is proved that any property was stolen during such period. But an acquittal or conviction in any such case does not bar a subsequent prosecution for any acts of stealing on which no evidence was received at the trial of the original charge. In case of a conviction on the original charge on a plea of guilty or nolo contendere, the district attorney may, at any time before sentence, file a bill of particulars or other written statement specifying what particular acts of stealing are included in the charge and in that event such conviction does not bar a subsequent prosecution for any other acts of stealing.

SECTION 263. 356.01 (8) of the statutes is repealed and recreated to read:

356.01 (8) **STEALING BY PERSON IN POSSESSION OF THE PROPERTY.** Stealing by a person theretofore in possession of the property may be prosecuted in any county where the person charged had possession of the property alleged to have been stolen.

SECTION 264. 356.01 (11), (12) and (13) of the statutes are created to read:

356.01 (11) **CRIME COMMITTED ON TRAIN.** When a crime is committed on a railroad train while in the course of its trip, the crime may be prosecuted in any county through which the train passed during the trip.

(12) **CRIME INVOLVING TRANSMISSION OF SPEECH OR WRITING.** When a crime involves the transmission of speech or writing, it may be prosecuted in either the county where the speech or writing begins or the county in which it terminates.

(13) **TRANSFER OF INCUMBERED PROPERTY.** A person charged with a violation of section 343.25 may be prosecuted either in the county where the lien is filed, the county from which the property was removed with intent to defraud, or the county in which the transfer took place.

SECTION 265. 357.25 of the statutes is amended to read:

357.25 **PLEA OF GUILTY * * * OR NOLO CONTENDERE.** Upon the request of a defendant stating that he desires to plead guilty or nolo contendere the trial court may at any time at a regular or special term require the district attorney to file an information against him and may receive his plea and enter judgment thereon. The defendant may be arraigned by reading to him the identical charge stated in the complaint as though it were an information, but the information as so read shall be reduced to writing and filed as soon as possible thereafter. *The court may in its discretion refuse to accept a plea of nolo contendere.*

SECTION 266. 359.01 is created to read:

359.01 **CONVICTION.** (1) A person may be convicted only upon a verdict of guilty by the jury, a finding of guilty by the court in cases where a jury is waived, or a plea of guilty or nolo contendere.

(2) Upon conviction the court has a duty to impose or withhold sentence according to law. If any person convicted of crime is not fined or imprisoned he must be placed on probation as provided by chapter 57.

SECTION 267. 359.05 of the statutes is amended to read:

359.05 **INDETERMINATE SENTENCE, STATE PRISON. * * *** If imprisonment in the state prison for a term of years is imposed, the court may fix a term less than the prescribed maximum. * * * The form of such sentence shall be substantially as follows:

"You are hereby sentenced to the state prison at hard labor for an indeterminate term of not less than . . . * * * (*one year or the minimum fixed by statute if that is greater*) years and not more than . . . (the maximum as fixed by the court) years." The sentence shall have the effect of a sentence for the maximum term fixed by the court, subject to the power of actual release from confinement by parole by the state department of public welfare or by pardon by the governor. If a person is sentenced for a definite time for an offense for which he may be sentenced under this section, he is in legal effect sentenced as required by this section, said definite time being the maximum period. A defendant convicted of a crime for which the minimum penalty is life * * * shall be sentenced for * * * life.

SECTION 268. 359.051 (1) of the statutes is amended to read:

359.051 **INDETERMINATE SENTENCE, REFORMATORY AND HOME FOR WOMEN.** (1) * * * If imprisonment in the Wisconsin state reformatory or the Wisconsin home for women for a term of years is imposed, the court may fix a term less than the prescribed maximum. The form of such sentence shall be substantially as follows:

"You are hereby sentenced to the Wisconsin state reformatory (or to the Wisconsin home for women) for an indeterminate term of not less than . . . * * * (*one year or the minimum fixed by statute if that is greater*) years, and not more than . . . (the maximum as fixed by the court) years."

* * * The sentence shall have the * * * effect of a sentence for the maximum term subject to the power of actual release from confinement by parole by the state department of public welfare or by pardon as provided by law. If, through mistake or otherwise, any person * * * is sentenced for a definite period of time for any offense for which he may be sentenced under the provisions of this section, such sentence shall not be void, but the prisoner shall be deemed to be sentenced nevertheless as provided and required by the terms of this section. *A defendant convicted of a crime for which the minimum penalty is life shall be sentenced for life.*

SECTION 269. 359.12 (1) and (3) of the statutes are repealed.

SECTION 270. 359.12 (2) and (4) of the statutes are renumbered 359.12 (1) and (2) respectively and amended to read:

359.12 SENTENCE OF REPEATER. (1) HOW PRIOR CONVICTION CHARGED AND DETERMINED. Whenever a person charged with a crime will be a repeater *as defined in section 339.62* if convicted, his prior conviction or convictions may be alleged in the complaint, indictment or information or otherwise brought to the attention of the court at any time before execution of sentence has commenced, and if such prior conviction or convictions be admitted by the defendant or proved by the state he shall be subject to be sentenced under * * * section 339.62 unless he shall establish that he was pardoned on grounds of innocence for any crime necessary to constitute him a repeater. If the defendant * * * is alleged to be a repeater after conviction, the charge shall be reduced to writing unless it * * * is admitted in open court, and the defendant may have a jury trial on that issue if it * * * is demanded, otherwise the issue shall be tried by the court. An official report of the federal bureau of investigation or of any other governmental agency of the United States or of this or any other state shall be prima facie evidence of any conviction or sentence therein reported. Any sentence so reported shall be deemed prima facie to have been fully served in actual confinement or to have been so served for such period of time as is shown by or is consistent with the report. The court shall take judicial notice of United States and foreign statutes in determining whether the prior conviction was for a felony or a misdemeanor. If sentence has already been passed but execution thereof has not commenced before the court is informed that the defendant is a repeater, the court may set aside such sentence and resentence the defendant under * * * section 339.62.

(2) FORM OF SENTENCE; ERRORS CURED. In every * * * case of a sentence under section 339.62, the sentence shall be imposed for the present conviction, but if the court indicates in passing sentence how much thereof is imposed because the defendant is a repeater, it shall not constitute reversible error but the combined terms shall be construed as a single sentence for the present conviction; and if in any case the court shall impose a maximum penalty in excess of that authorized by * * * section 339.62, such excess shall be void and the sentence shall be valid only to the extent authorized by * * * that section and shall stand automatically commuted to that extent without any further proceedings.

SECTION 271. 359.17 of the statutes is repealed.

SECTION 272. 362.21 of the statutes is amended to read:

362.21 ARREST WITHOUT COMPLAINT. If a magistrate has knowledge that * * * a battery is about to be committed or that * * * a fight in violation of section 347.01 is about to occur, he shall forthwith issue a warrant and proceed as though a complaint had been made; and if such crime is committed, threatened or attempted in his presence, he shall immediately arrest the offender or cause him to be arrested, and for this purpose no process is necessary; and he may summon to his assistance any person present to aid him in preserving * * * public order and arresting and securing the offenders. All who obstruct or prevent the magistrate or any of his assistants in the performance of duty may be arrested. Any person who, when summoned to aid in such arrests, refuses to give such assistance shall forfeit \$5.

SECTION 273. 363.02 (1), (2) and (3) of the statutes are repealed and recreated to read:

363.02 (1) STOLEN PROPERTY. Property which has been stolen.

(2) THINGS WHICH HAVE BEEN FORGED. Anything which has been forged or tools, machines, or materials prepared or provided for forgery.

(3) LEWD MATTER. Any lewd writing, picture, recording or film prohibited by section 344.21 or which may be evidence in any case arising under that section.

SECTION 274. 363.02 (12) of the statutes is created to read:

363.02 (12) MACHINE GUNS. Machine guns possessed in violation of law.

SECTION 275. 363.025 of the statutes is amended to read:

363.025 REPLEVIN OF SEIZED PROPERTY; MOTION TO RETURN SEIZED PROPERTY AND TO SUPPRESS EVIDENCE. Property seized on a search warrant and property seized by the officer without a warrant shall not be replevied. But the owner of the seized property may move before the criminal trial court for a return of the property or to suppress the evidence obtained under the warrant on the ground that (1) the warrant is insufficient on its face, or that (2) the property seized is not that described in the warrant, or that (3) there was not probable cause for issuing the warrant, or that (4) the warrant was executed illegally. If the seizure was made illegally without a warrant, the motion may be made on that ground. If the motion is granted, the property shall be restored unless it is subject to confiscation or was stolen * * *, in which case it shall not be returned.

SECTION 276. 363.04 (1) and (5) of the statutes are amended to read:

363.04 (1) **STOLEN PROPERTY.** * * * *Stolen property shall be restored to the owner.*

(5) **CONTRABAND.** *Articles of contraband shall be destroyed. This includes without limitation * * * lottery tickets, gambling machines or other gambling devices, lewd writings, pictures, recordings or films, forged money or written instruments and the tools, dies, machines or materials for making them, and narcotic drugs and the implements for smoking them. But if any such articles shall be capable of innocent use, the court may in its discretion order the same to be sold and the proceeds paid over to the county treasurer who shall account for and pay them over to the state treasurer pursuant to section 59.20 (5) for the use of the school fund. Narcotic drugs may be so sold only to a person legally entitled to possess them.*

SECTION 277. 363.05 of the statutes is amended by deleting, wherever they occur, the words "or embezzled, or obtained by false tokens or pretenses or by means of a confidence game".

SECTION 278. 366.01 of the statutes is amended to read:

366.01 **INQUESTS.** *Whenever the district attorney * * * has notice of the death of any person and from the circumstances surrounding the same there is good reason to believe that murder, manslaughter, * * * homicide by reckless conduct, homicide by negligent use of vehicle or firearm, or homicide by intoxicated user of vehicle or firearm has been committed, and the venue of such offense is in his county, he shall forthwith order and require the coroner, deputy coroner, or in the event of the absence or disability of the coroner or deputy coroner, some justice of the peace to take an inquest as to how such person came to his death. In any inquest ordered by the district attorney he shall appear in the inquest representing the state in presenting the evidence. For the purpose of taking such inquest deputy coroners may perform all the duties and exercise all the jurisdiction and powers conferred upon such coroners by this chapter and shall be entitled to the same fees as such coroner for the performance of like duties, except as hereinafter provided. Nothing herein contained shall be construed as preventing such coroner from holding an inquest under the circumstances hereinabove specified without being first notified by the district attorney so to hold such inquest. Such inquest may be held in any county, if within this state, in which there would be venue for the trial of the offense.*

SECTION 279. 366.11 of the statutes is amended to read:

366.11 **WITNESSES TO BE BOUND.** *If the jury * * * finds that any murder, manslaughter, homicide by reckless conduct or * * * battery has been committed upon the deceased, the coroner shall bind over, by recognizance, such witnesses as he * * * thinks necessary to appear and testify at the next court to be held in the same county at which an indictment for such offense may be found or an information filed; and he shall also return to the same court the requisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the county any witness who * * * refuses to recognize in such manner as he * * * directs.*

SECTION 280. There is appropriated from the general fund to the legislative council for the biennium beginning July 1, 1953, \$5,000 for the expenses of the criminal code advisory committee. The expenses of the committee shall be paid as are the expenses of other council committees.

SECTION 281. **CRIMINAL CODE ADVISORY COMMITTEE.** (1) A criminal code advisory committee is created to study Volume V of the legislative council's 1953 report and propose amendments to the act based thereon (Bill 100, A) for submission to the 1955 legislature. The committee shall include 3 representatives appointed by the legislative council, 2 representatives of the board of criminal court judges, one representative of the board of circuit court judges, one representative of the board of county court judges, a representative of the attorney general, 2 representatives of the district attorneys' association, one representative of each of the state's 2 law schools, and 7 representatives of the state bar association appointed by the president thereof, or alternates designated by the appointing authority. The amendments proposed by this committee shall be submitted in the form of one or more bills to the legislative council not later than December 1, 1954.

(2) The legislative council, its judiciary committee, and the technical staff are directed to cooperate fully with the committee in the preparation of its report. The technical staff shall compile, prior to the committee's first meeting, all changes in Wisconsin's substantive law which would be effected by this act and submit a report thereof to the committee at such meeting.

SECTION 282. This act shall take effect July 1, 1955, except as otherwise provided in this section and it shall be published in the official state paper immediately after its

passage and approval and shall be printed in the 1953 session laws and in the 1953 statutes on tinted paper. Sections 280, 281, 282, and 283 of this act shall be effective immediately after passage and publication thereof. The remaining provisions of this act shall not be effective until such time as the 1955 legislature has completed final action on the bills which shall be submitted by the legislative council on the recommendation of the criminal code advisory committee, pursuant to the provisions of section 281, for the purpose of proposing amendments to this act; and such remaining provisions shall not be effective until such time as they are enacted into law by the 1955 legislature and approved by the governor.

SECTION 283. NONSEVERABILITY. Notwithstanding the provisions of s. 370.001 (11), relating to the severability of statutes, it is the intent of the legislature, in enacting this act, that every provision of section 282 of this act, relating to the time when and contingencies upon which this law shall be effective, shall, for the purposes of any court determination as to the constitutionality thereof, be nonseverable from every other provision of this act.

Approved August 28, 1953.

CROSS REFERENCE TABLE

This table shows what happens to all sections affected by the criminal code. Please note that this table is designed to assist in tracing old into new sections, and does not indicate the technical bill drafting process, e.g., repeal of the old section and separate creation of the new section.

| <i>Old Section</i> | <i>New Section</i> | <i>Old Section</i> | <i>New Section</i> |
|----------------------|--|--------------------|--------------------|
| 13.20 | 13.20 (1) | 340.18 | 340.03 |
| 26.05 | 26.05 | 340.19 | Repealed |
| 27.012 (1) | 27.012 (1) | 340.20 | 340.02 or 340.04 |
| 29.63 (3) (d), (e) | 29.63 (3) (d) | 340.21 | 340.02 or 340.04 |
| 48.01 (5) (c) | 48.08 | 340.22 | 340.02 or 340.04 |
| 48.08 | 48.08 | | 340.05 |
| 57.01 (3) | 57.01 (3) | 340.23 | Repealed |
| 59.47 (2) | 59.47 (2) | 340.24 | Repealed |
| 66.051 | 66.051 | 340.25 | 340.03 |
| 78.21 | 78.21 | 340.26 | 340.04 |
| 85.08 (25) (a) | 85.08 (25) (a) | 340.27 | Repealed |
| | Repealed | 340.271 (1) | 340.06 |
| 86.03 (5) | 86.03 (6) | | 339.65 |
| 86.17 | 86.17 (1) | 340.271 (2), (3) | 340.05 |
| 94.34 | Repealed | 340.28 | Repealed |
| Ch. 132 (Title) | Ch. 132 (Title) | 340.29 | 339.45 |
| 133.21 | 133.21 (1) | | 339.48 |
| 159.14 (1) | Repealed | 340.30 | Repealed |
| Title XVI (Title) | Title XVI (Title) | 340.31 | 339.70 |
| Ch. 164 (Title) | Repealed | 340.32 | 347.07 |
| 164.01 to 164.06 | Repealed | | 339.30 |
| 164.07 | 134.60 | 340.33 | 339.05 |
| 164.08 | 175.01 | | 339.30 |
| 164.09 | Repealed | 340.34 | 347.01 |
| 164.11 | Repealed | 340.35 | 340.21 |
| 164.20 | Repealed | 340.36 | 339.32 |
| Ch. 167 (Title) | Repealed | 340.37 | 339.32 |
| 167.07 | 134.65 | 340.38 | 340.22 |
| 167.12 | 101.51 (1) | 340.39 | 343.28 |
| 167.13 | 101.51 (2) | 340.40 | 339.32 |
| 167.14 | 101.51 (3) | 340.41 | 339.32 |
| 167.15 | 101.51 (4) | 340.42 | 341.21 |
| 167.16 | 101.55 | 340.43 | 343.27 |
| 167.20 | 175.19 | 340.44 | 339.32 |
| 167.22 | Repealed | 340.445 | 339.66 |
| Ch. 175 (Title) | Ch. 175 (Title) | 340.45 | 340.28 |
| 175.03 | 173.31 | | 343.26 |
| 175.04 | Repealed | 340.46 | 346.66 |
| 175.05 | 134.35 | | 344.01 |
| 175.06 | 196.625 | 340.47 | 344.10 |
| 175.07 | 134.55 | 340.48 | 339.32 |
| 175.08 | 134.56 | 340.485 | 51.37 |
| 175.09 (1) | 175.09 | 340.49 | 339.32 |
| 175.09 (2), (3) | 134.10 (1), (2) | 340.50 | 341.32 |
| 175.10 | 134.50 | 340.51 | 339.30 |
| 175.12 | 134.51 | | 339.32 |
| 176.405 (3) | 176.405 (3) | 340.52 | 339.30 |
| 200.20 (1), (2), (3) | 200.20 (1), (2), (3) | | 339.32 |
| 213.095 (1) | 213.095 (1) | 340.53 | 339.32 |
| | Repealed | | 341.03 |
| 215.38 | 215.38 | 340.54 | 343.01 |
| 215.385 | Repealed | | 340.26 |
| 221.20 | Repealed | | 346.71 |
| 221.39 | 221.39 | | 340.25 |
| 235.701 | 235.701 | | 356.01 (10) |
| 289.02 (4) | 289.02 (4) | | 339.22 (48) |
| 289.536 | 289.536 | 340.55 (1) | 340.26 |
| 312.05 | 312.05 | 340.55 (2) | 344.12 |
| 312.06 (1) | 312.06 (1) | 340.56 | 340.27 |
| 319.33 | 319.33 | | 339.22 (48) |
| 340.01 | Repealed | 340.57 | 340.20 |
| 340.02 | 340.01 | 340.58 | 340.24 |
| 340.03 | 340.02 | 340.59 | Repealed |
| 340.04 | 340.01 or 340.02 or 340.03 or 340.04 or 347.07 | 340.60 | 341.20 |
| | 339.05 | | 339.47 |
| 340.05 | 340.01 or 340.02 or 340.04 or 341.03 | 340.605 (1) | 341.20 |
| 340.06 | 340.02 or 340.04 or 341.03 | 340.605 (2) | 341.21 |
| | 340.01 or 340.02 or 340.04 or 343.02 or 341.11 | 340.607 | 29.63 (3), (d) |
| | 340.02 | 340.608 | 29.221 |
| 340.08 | 340.02 | 340.61 | 29.222 |
| 340.09 | Repealed | 340.62 | Repealed |
| 340.095 | 340.08 | | 343.01 or 343.02 |
| 340.10 | Repealed | 340.63 | 192.295 |
| 340.11 | 340.08 | 340.64 | 192.291 |
| 340.12 | 340.07 | 340.66 | 341.21 |
| 340.13 | Repealed | | 340.04 |
| 340.14 | 340.03 | 340.67 | 175.15 |
| 340.15 | 340.03 | 340.68 | 175.16 |
| 340.17 | 340.03 | 340.69 | 341.20 |
| | 340.03 | | 341.22 |
| | 340.03 | 340.70 | 341.23 |
| | 340.03 | | 175.17 |
| | 340.03 | 340.71 | 192.321 |
| | 340.03 | 340.72 | 340.20 |
| | 340.03 | | 347.01 |

CROSS REFERENCE TABLE

| Old Section | New Section |
|-------------|--|
| 340.73 | 341.31 |
| 340.74 | 339.05 |
| 340.75 | 342.04 |
| 340.76 | Repealed |
| 340.77 | 341.03 or 340.02 or 340.04 |
| 340.79 | 101.51 (5) |
| 340.80 | 347.01 |
| 340.85 | 341.33 |
| 340.86 | 175.18 |
| 343.01 | 343.02 339.05 |
| 343.02 | 343.02 343.01 339.05 |
| 343.03 | 343.01 343.02 339.05 |
| 343.04 | 343.03 |
| 343.05 (1) | 339.32 |
| 343.05 (2) | 343.04 |
| 343.06 | Repealed |
| 343.07 | 341.10 |
| 343.08 | 160.07 |
| 343.09 | 343.11 |
| 343.10 | 343.10 |
| 343.11 | 343.10 |
| 343.12 | 343.10 |
| 343.121 | 343.10 or 343.11 |
| 343.122 | 343.10 or 343.11 343.27 or 343.28 |
| 343.13 | Repealed |
| 343.131 | 343.12 |
| 343.14 | 343.20 |
| 343.15 | 343.20 |
| 343.16 | 343.20 |
| 343.17 | 343.20 |
| 343.172 | 343.20 |
| 343.173 | 343.20 |
| 343.174 | 343.20 |
| 343.175 | 343.20 339.32 98.25 (2) |
| 343.18 | 343.25 |
| 343.183 | 343.31 |
| 343.19 | 343.25 |
| 343.20 | 343.20 356.01 (8) |
| 343.21 | 343.21 |
| 343.22 | Repealed |
| 343.23 | Repealed |
| 343.24 | 343.20 |
| 343.241 | Repealed |
| 343.25 | 343.20 343.33 |
| 343.251 | 132.17 ✓ |
| 343.252 | 346.70 |
| 343.253 | 343.20 339.30 339.32 |
| 343.254 | 21.145 |
| 343.26 | 134.20 |
| 343.27 | 343.01 343.02 343.03 |
| 343.28 | 339.05 |
| 343.29 | 120.44 120.45 |
| 343.30 | 343.32 343.33 |
| 343.31 | 343.20 |
| 343.32 | 343.20 |
| 343.321 | 343.25 |
| 343.322 | 147.225 |
| 343.33 | 132.18 ✓ |
| 343.331 | 134.25 |
| 343.332 | 134.26 |
| 343.333 | 134.27 |
| 343.334 | 134.28 |
| 343.335 | 134.29 |
| 343.336 | 134.30 |
| 343.337 | 134.31 |
| 343.338 | 134.32 |
| 343.339 | 134.33 |
| 343.341 (1) | Repealed |
| 343.341 (2) | 343.20 343.21 |
| 343.35 | 343.20 339.32 |
| 343.36 | 340.26 |
| 343.37 | 343.33 343.34 339.05 343.29 |

| Old Section | New Section |
|------------------|------------------------------------|
| 343.38 | 343.32 |
| 343.39 | 343.20 |
| 343.40 | Repealed |
| 343.401 (1), (2) | 343.24 |
| 343.401 (2m) | 118.66 |
| 343.401 (3) | Repealed |
| 343.402 | 343.22 |
| 343.405 | 343.20 339.05 339.32 |
| 343.406 | 343.33 |
| 343.407 | 134.19 |
| 343.41 | 343.20 343.33 |
| 343.412 | 209.14 |
| 343.42 | 343.01 347.01 |
| 343.421 | 29.58 |
| 343.422 | 343.01 343.02 |
| 343.43 | 343.01 347.01 |
| 343.431 | 343.01 347.01 |
| 343.432 | 343.01 347.01 |
| 343.44 | 343.01 347.01 |
| 343.442 | 29.546 |
| 343.443 | 343.01 347.01 |
| 343.45 | 343.01 343.20 |
| 343.451 | 343.01 |
| 343.452 | 343.01 343.31 |
| 343.453 | 27.012 |
| 343.454 | 343.01 |
| 343.455 | 62.18 (15) (c) 343.01 347.01 |
| 343.46 | 343.01 15.92 |
| 343.461 | 66.0495 |
| 343.462 | 15.93 |
| 343.463 | 346.73 347.01 339.65 |
| 343.47 | 347.10 |
| 343.471 | 347.10 |
| 343.472 | 347.10 |
| 343.473 | 174.025 |
| 343.474 | 347.10 |
| 343.48 | 30.065 |
| 343.481 | 86.192 |
| 343.482 | 86.191 |
| 343.483 | 86.021 |
| 343.484 | 86.022 |
| 343.485 | 86.025 |
| 343.486 (1) | 86.03 (5) |
| 343.486 (2) | Repealed |
| 343.487 | 192.292 |
| 343.488 | 134.52 |
| 343.49 | Repealed |
| 343.50 | 343.20 |
| 343.51 (1) | 343.20 |
| 343.51 (2) | 30.088 |
| 343.53 | 343.01 |
| 343.54 | 343.31 |
| 343.55 | 343.01 |
| 343.551 | Repealed |
| 343.56 | 343.32 |
| 343.561 | 343.32 |
| 343.57 | 343.32 |
| 343.571 | 343.20 343.32 343.33 |
| 343.58 | Repealed |
| 343.59 | 343.32 |
| 343.60 | 343.32 |
| 343.61 | 343.32 |
| 343.62 | 343.32 |
| 343.63 | Repealed |
| 343.64 | 343.34 |
| 343.65 | 343.32 |
| 343.651 | 132.19 ✓ |
| 343.655 | 28.06 (4) |
| 343.66 | 132.20 ✓ |
| 343.661 | 343.32 |
| 343.662 | 343.32 |
| 343.663 | 343.32 |
| 343.664 | 343.32 |
| 343.665 | 343.32 |
| 343.666 | 343.32 |
| 343.67 | 346.72 |
| 343.68 | 346.72 343.32 |

CROSS REFERENCE TABLE

| <i>Old Section</i> | <i>New Section</i> | <i>Old Section</i> | <i>New Section</i> |
|---|--------------------|-----------------------|-------------------------|
| 343.681 | 184.01 | 347.07 | 21.11 |
| | 339.31 | | 59.24 |
| 343.682 | 184.02 | 347.08 | Repealed |
| 343.683 | 184.03 | 347.09 | Repealed |
| 343.689 | 343.25 | 347.10 | 343.01 |
| 343.70 | 21.155 | 347.11 | 347.01 |
| 343.701 | 86.17 (2) | 347.12 | 339.05 |
| 343.71 | Repealed | 347.13 | Repealed |
| 343.72 | 342.05 | 347.14 | 346.03 |
| 343.721 | 134.21 | 347.15 | 346.03 |
| 343.722 | 134.17 | 347.16 | Repealed |
| 343.723 | 134.18 | 347.17 | Repealed |
| 343.724 | 134.41 | 347.18 | Repealed |
| 343.729 | 45.48 | 348.01 | 345.03 |
| 343.74 (1) | 175.03 (1) | | 345.04 |
| 343.74 (2), (3) | 346.02 | 348.02 | 345.03 |
| 343.74 (4) | 339.32 | | 345.05 |
| 343.74 (5) | 339.31 | | 339.05 |
| 343.74 (6) | 325.34 | 348.03 | 345.03 |
| 343.74 (7), (8), (9), (10), (11), (11a) | 175.03 (2) to (7) | 348.04 | 345.05 |
| 343.74 (13), (14) | Repealed | 348.05 | Repealed |
| 346.01 | 346.31 | 348.06 | Repealed |
| | 339.05 | 348.07 | 345.03 |
| 346.02 | 346.31 | 348.08 | 345.05 |
| 346.03 | 339.30 | 348.085 | 345.02 |
| 346.06 | 346.10 | | 280.20 |
| | 325.34 | | 345.01 |
| 346.07 | 346.10 | | 345.02 |
| 346.08 | 346.10 | 348.09 | 345.04 |
| 346.09 | 12.50 | 348.091 | 363.02 |
| 346.10 | 12.51 | 348.092 (1) | Repealed |
| 346.11 | 12.54 | 348.092 (2) | 345.01 (4) |
| 346.12 | 12.56 (1) | 348.092 (3) | 345.02 |
| 346.13 | 12.56 (2) | 348.10 | 331.056 |
| 346.14 | 12.56 (3) | 348.11 | 345.04 |
| 346.15 | 339.05 | | 280.20 |
| 346.16 | 12.56 (4) | 348.12 | 325.34 |
| 346.17 | 12.52 | 348.13 | 345.02 |
| 346.18 | 17.03 | 348.14 | 345.02 |
| 346.19 | 13.50 | | 192.16 |
| 346.20 | 13.51 | | 356.01 (11) |
| 346.205 | 13.52 | 348.16 | 331.055 |
| 346.21 | 13.53 | 348.17 | 363.021 |
| 346.22 | 13.54 | | 363.04 |
| 346.23 | 13.55 | 348.171 | 345.02 |
| 346.24 | 13.56 | | 345.03 |
| 346.245 | 13.57 | | 325.34 |
| 346.25 | 13.58 | 348.172 | 345.03 |
| 346.26 | 13.59 | | 345.04 |
| 346.27 | 13.60 | 348.173 | 339.05 |
| 346.28 | 13.61 | | 345.03 |
| 346.29 | 13.60 (3) | | 345.04 |
| 346.295 | 13.62 | 348.174 | 345.02 |
| 346.30 | 13.63 | 348.175 | 345.03 |
| 346.31 | 13.64 | 348.176 | 345.03 |
| 346.32 | 13.65 | 348.177 | 339.05 |
| 346.33 | 346.44 | 348.178 | 100.12 |
| 346.34 (1) | 346.44 | 348.179 | 112.05 |
| 346.34 (2) | 346.46 | 348.18 | 135.15 (1) |
| 346.35 | 346.44 | 348.19 | 134.16 |
| 346.36 | 346.45 | 348.20 | 134.15 (2) |
| 346.37 | 346.12 | 348.201 (1) | 5.012 (3) |
| 346.38 | 346.40 | 348.201 (2) | 343.32 |
| 346.39 | 346.41 | 348.201 (3) | 5.05 (8m) |
| 346.40 | 346.42 | 348.21 | 12.60 (1) |
| 346.41 | 346.44 | 348.211 | 12.60 (2) |
| 346.42 | 53.105 | 348.212 | 12.58 |
| 346.43 | 53.095 | 348.213 | 12.59 (1) |
| 346.44 | 346.42 | 348.214 | 12.59 (2) |
| 346.45 | 346.42 | 348.215 | 12.59 (3) |
| 346.46 | 346.42 | 348.216 (1), (2), (3) | 12.59 (4) (a), (b), (c) |
| 346.47 | 53.275 | | |
| 346.48 | 346.40 | 348.217 | 12.61 |
| 346.49 | 346.69 | 348.218 | 6.591 |
| 346.50 | 346.41 | 348.219 | 346.12 |
| 346.51 | 346.67 | 348.22 | 10.071 |
| 346.52 | 256.031 | 348.221 | 6.048 |
| 346.53 | 256.18 (3) | 348.222 | 346.12 |
| 346.54 | 255.289 | 348.223 | 11.18 |
| 346.55 | 256.041 | 348.224 | 11.19 |
| 346.56 | 13.20 (2) | 348.225 | 11.20 |
| 346.57 | 256.335 | 348.226 | 12.70 |
| 346.58 | 310.031 | 348.227 | 12.69 |
| 346.59 | 173.07 | 348.228 | 12.68 |
| 346.60 | 346.69 | 348.229 | 346.12 |
| 346.61 | 346.15 | 348.230 | 12.63 |
| 346.62 | 346.16 | 348.231 | 12.64 |
| | 331.057 | 348.232 | 12.65 |
| 346.63 | 346.72 | 348.233 | 6.592 |
| 346.64 | 346.30 | 348.234 | 6.593 |
| 347.01 | 346.01 | 348.235 | 12.66 |
| 347.02 | 347.06 | 348.236 | 12.71 |
| 347.03 | Repealed | 348.237 | 12.67 |
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NOTE: All sections in the new Criminal Code are indexed here. Terms used in the 1951 Statutes to describe crimes have been freely used and, where it seems helpful, the new title (if different) is added in parentheses. See, for example, "Criminal anarchy (sedition), 346.03". You will not find in this index crimes which are located in Chapters 1 to 336 or 353 to 372 of the Statutes or which have been transferred out of the Criminal Code into those chapters. For example, abandonment, nonsupport, corrupt practices, lobbying and miscellaneous business regulations no longer are dealt with in Title XXXII. See sections 3 to 280 of this act, for further detail as to transfers and miscellaneous amendments.

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