

CHAPTER 696

AN ACT to repeal ch. 623, laws of 1953, 29.63 (3) (e), 85.08 (36), 94.34, 159.14 (1), 175.04, 213.095 (2) and (3), 215.385, 221.20, the title to Title XXXII, the title to chapter 340, 340.01 to 340.48, 340.49 to 340.605, 340.62, 340.66, 340.69, 340.72 to 340.77, 340.80, 340.85, the title to chapter 343, 343.01 to 343.07, 343.09 to 343.183, 343.19 to 343.25, 343.252, 343.253, 343.27 to 343.321, 343.341 to 343.40, 343.401 (1), (2) and (3), 343.402 to 343.406, 343.41, 343.42, 343.422 to 343.44, 343.443 to 343.46, 343.463 to 343.472, 343.474, 343.486 (2), 343.49 to 343.65, 343.655, 343.661 to 343.68, 343.69, 343.71, 343.72, 343.74 (2) to (6) and (13) and (14), the title to chapter 346, 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, the title to chapter 347, 347.01 to 347.18, the title to chapter 348, 348.01 to 348.092, 348.11 to 348.14, 348.17 to 348.178, 348.201 (2), 348.219, 348.222, 348.232, 348.261 to 348.263, 348.28 to 348.311, 348.313, 348.33, 348.35 to 348.355, 348.386 (1), (1a) and (2), 348.387 to 348.412, 348.421, 348.423, 348.43 to 348.47, 348.477 to 348.485, 348.52, 348.57 to 348.61, the title to chapter 351, 351.01 to 351.23, 351.24 to 351.38, 351.40, 351.41, 351.52 to 351.56, 351.59 to 351.66, the title to chapter 352, 352.20 to 352.22, 352.50 (6), 352.67, the title to chapter 353, 353.01 to 353.08, 353.15 to 353.23, 353.27 (1), 353.28 to 353.33, 355.32, 359.12 (1) and (3) and 359.17, to renumber 13.20, 85.30, 86.03 (5), 86.17, 133.21, 175.03, 175.05, 175.06, 175.10, 175.12, 340.607, 340.608, 340.61, 340.63, 340.65, 340.67, 340.68, 340.70, 340.71, 340.79, 340.86, 343.08, 343.185, 343.251, 343.26, 343.322 to 343.339, 343.401 (2m), 343.407, 343.412, 343.421, 343.442, 343.462 (1), (2) and (4), 343.473, 343.48 to 343.488, 343.651, 343.66, 343.681 to 343.683, 343.70, 343.701, 343.721 to 343.729, 343.74 (1), (7), (8), (9), (10), (11) and (11a), 346.09 to 346.14, 346.16, 346.17, 346.19 to 346.23, 346.295 to 346.32, 346.42, 346.43, 346.47, 346.52 to 346.59, 348.10, 348.16, 348.179 to 348.20, 348.201 (1), 348.201 (3), 348.21 to 348.218, 348.22, 348.221, 348.223 to 348.231, 348.233 to 348.235, 348.237 to 348.26, 348.264 to 348.267, 348.269, 348.271 to 348.273, 348.312, 348.32, 348.325, 348.34, 348.36 to 348.384, 348.386 (3), 348.42, 348.422, 348.424 to 348.427, 348.471 to 348.476, 348.486 to 348.49, 348.53 to 348.56, 351.235, 351.39, 351.42 to 351.51, 351.57, 352.48, 352.50 (2), (3) and (4), 353.25 and 353.27 (2), to renumber and amend 340.485, 340.64, 343.254, 343.462 (3), 346.29, 348.236, 348.268, 348.27, 352.50 (5), 353.13, and 359.12 (2) and (4), to amend 26.05, 27.012 (1), 29.05 (1), (2) and (7), 57.01 (3), 57.06 (1), 59.47 (2), 73.035, 78.15, 85.08 (25) (a), 85.91 (1) and (2), 176.405 (3), 200.20 (1), (2) and (3), 213.095 (1), 215.38, 221.39, 235.701, 289.02 (4), 289.536, 312.05, 312.06 (1), 319.33, 355.24, 357.25, 359.05, 359.051 (1), 362.21, 363.025, 363.04 (1) and (5), 363.05, 366.01 and 366.11, to repeal and recreate 29.63 (3) (d), 66.051, the title to chapter 132, 355.31, 356.01 (8) and 363.02 (1), (2) and (3), and to create 12.55, 15.92, 29.515, 29.582 (4), 30.083, 66.112, 85.30 (2), 100.12, 133.01 (3), 133.21 (2), the title to chapter 134, 192.355, 280.16, 280.20, 325.18 (4), 331.057, 354.021, 356.01 (11) and (12), 359.01, 363.02 (12), 363.021 and Title XLV of the statutes, all for the purpose of and incident to the enactment of a new criminal code, and providing penalties.

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

SECTION 1. Title XLV of the statutes is created to read:

TITLE XLV
CRIMINAL CODE
CHAPTER 939
GENERAL PROVISIONS
PRELIMINARY PROVISIONS

939.01 NAME AND INTERPRETATION OF CODE. Title XLV may be cited as the criminal code but shall not be interpreted as a unit. Crimes committed prior to July 1, 1956 are not affected by the criminal code.

939.03 JURISDICTION OF STATE OVER CRIME. (1) A person is subject to prosecution and punishment under the law 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.

939.05 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 another to commit it or advises, hires, counsels or otherwise procures 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 person 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.

939.10 COMMON-LAW CRIMES ABOLISHED; COMMON-LAW RULES PRESERVED. Common-law crimes are abolished. The common-law rules of criminal law not in conflict with the criminal code are preserved.

939.12 CRIME DEFINED. A crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.

939.14 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.

939.20 PROVISIONS WHICH APPLY ONLY TO THE CRIMINAL CODE. Sections 939.22 and 939.23 apply only to crimes defined in the criminal code. Other sections in ch. 939 apply to crimes defined in other chapters of the statutes as well as to those defined in the criminal code.

939.22 WORDS AND PHRASES DEFINED. In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(2) "Airgun" means a weapon which expels a missile by the expansion of compressed air or other gas.

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

(6) "Crime" has the meaning designated in s. 939.12.

(8) "Criminal intent" has the meaning designated in s. 939.23.

(10) "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.

(12) "Felony" has the meaning designated in s. 939.60.

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

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

(18) "Intentionally" has the meaning designated in s. 939.23.

(20) "Misdemeanor" has the meaning designated in s. 939.60.

(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 female habitually engages in non-marital acts of sexual intercourse or 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 governmental 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.

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

(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 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 s. 939.23.

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

(a) Because the actor put the victim in fear by the use or threat of imminent use of physical violence on him, 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.

939.23 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".

(2) "Know" requires only that the actor believes that the specified fact exists.

(3) "Intentionally" means that the actor either has a purpose 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 sub. (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 has a purpose 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.

INCHOATE CRIMES

939.30 SOLICITATION. Whoever, with intent that a felony be committed, advises another to commit that crime under circumstances which indicate unequivocally that he has such intent may be fined not more than \$2,500 or imprisoned not to exceed the maximum provided for the completed crime, but in no event to exceed 5 years, or both; except that for a solicitation to commit a crime for which the penalty is life imprisonment the actor may be imprisoned not more than 10 years.

939.31 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.

939.32 ATTEMPT. (1) Whoever attempts to commit a felony or a battery as defined by s. 940.20 or theft as defined by s. 943.20 may be fined or imprisoned or both not to exceed one-half 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 perform acts and attain a result which, if accomplished, would constitute such crime and that he does acts toward the commission of the crime which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the crime except for the intervention of another person or some other extraneous factor.

DEFENSES TO CRIMINAL LIABILITY

939.42 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.

939.43 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.

939.45 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 ss. 939.46 or 939.47; or

(2) When the actor's conduct is in defense of persons or property under any of the circumstances described in ss. 939.48 or 939.49; or

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

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

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

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

939.46 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 and which causes him so to act is a defense to a prosecution for any crime based on that act except that if the prosecution is for murder the degree of the crime is reduced to manslaughter.

(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 sub. (1).

939.47 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 and which causes him so to act, is a defense to a prosecution for any crime based on that act except that if the prosecution is for murder the degree of the crime is reduced to manslaughter.

939.48 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 unintended infliction of harm amounts to the crime of injury by conduct regardless of life, injury by negligent use of weapon, 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.

939.49 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 condi-

tions 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

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

939.61 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.

939.62 INCREASED PENALTY FOR HABITUAL CRIMINALITY. (1) If the actor is a repeater, as that term is defined in sub. (2), and the present conviction is for any crime for which imprisonment may be imposed (except for an escape under s. 946.42) 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 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 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, which convictions remain of record and unreversed. 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 ch. 85 and offenses handled through juvenile court proceedings under ch. 48, but otherwise have the meanings designated in s. 939.60.

(b) In case of crimes committed in other jurisdictions, the terms do not include those crimes which are equivalent to motor vehicle offenses under ch. 85 or to offenses handled through juvenile court proceedings under ch. 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

939.65 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.

939.66 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 in violation of s. 939.32 to commit the crime charged; or

(5) The crime of attempted battery when the crime charged is rape, robbery, mayhem or aggravated battery or an attempt to commit any of them.

RIGHTS OF THE ACCUSED

939.70 PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF. No provision of the criminal code shall be construed as changing the existing law with respect to presumption of innocence or burden of proof.

939.71 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.

939.72 NO CONVICTION OF BOTH INCHOATE AND COMPLETED CRIME. A person shall not be convicted under both:

(1) Section 939.30 for solicitation and s. 939.05 as a party to a crime which is the objective of the solicitation; or

(2) Section 939.31 for conspiracy and s. 939.05 as a party to a crime which is the objective of the conspiracy; or

(3) Section 939.32 for attempt and the section defining the completed crime.

939.73 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.

939.74 TIME LIMITATIONS ON PROSECUTIONS. (1) Except as provided in sub. (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 sub. (1) has expired:

(a) A prosecution for murder may be commenced at any time;

(b) A prosecution for theft 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 in sub. (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 a summons has been issued, an indictment has been found, or an information has been filed.

CHAPTER 940

CRIMES AGAINST LIFE AND BODILY SECURITY LIFE

940.01 FIRST-DEGREE MURDER. (1) Whoever causes the death of another human being with intent to kill that person or another shall be sentenced to life imprisonment.

(2) In this chapter "intent to kill" means the mental purpose to take the life of another human being.

940.02 SECOND-DEGREE MURDER. Whoever causes the death of another human being by conduct imminently dangerous to another and evincing a depraved mind, regardless of human life, may be imprisoned not less than 5 nor more than 25 years.

940.03 THIRD-DEGREE MURDER. Whoever in the course of committing or attempting to commit a felony causes the death of another human being as a natural and probable consequence of the commission of or attempt to commit the felony, may be imprisoned not more than 15 years in excess of the maximum provided by law for the felony.

940.04 ABORTION. (1) Any person, other than the mother, who intentionally destroys the life of an unborn child may be fined not more than \$5,000 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. It is unnecessary to prove that the fetus was alive when the act so causing the mother's death was committed.

(3) 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.

(4) 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.

(5) 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.

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

940.05 MANSLAUGHTER. Whoever causes the death of another human being under any of the following circumstances may be imprisoned not more than 10 years:

- (1) Without intent to kill and while in the heat of passion; or
- (2) Unnecessarily, in the exercise of his privilege of self defense or defense of others or the privilege to prevent or terminate the commission of a felony; or
- (3) Because such person 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 imminent death to himself or another; or
- (4) Because the pressure of natural physical forces causes such person reasonably to believe that his act is the only means of preventing imminent public disaster or imminent death to himself or another.

940.06 HOMICIDE BY RECKLESS CONDUCT. (1) Whoever causes the death of another human being by reckless conduct may be fined not more than \$2,500 or imprisoned not more than 5 years or both.

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

940.07 HOMICIDE RESULTING FROM NEGLIGENT CONTROL OF VICIOUS ANIMAL. Whoever knowing the vicious propensities of any animal intentionally suffers it to go at large or keeps it without ordinary care, if such animal, while so at large or not confined, kills any human being who has taken all the precautions which the circumstances may permit to avoid such animal, may be fined not more than \$2,500 or imprisoned not more than 5 years.

940.08 HOMICIDE BY NEGLIGENT USE OF VEHICLE OR WEAPON. (1) Whoever causes the death of another human being by a high degree of negligence in the operation or handling of a vehicle, firearm, airgun, or bow and arrow may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

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

940.09 HOMICIDE BY INTOXICATED USER OF VEHICLE OR FIREARM. Whoever by the negligent operation or handling of a vehicle, firearm or airgun and while under the influence of an intoxicant causes the death of another may be fined not more than \$2,500 or imprisoned not more than 5 years or both. No person shall be convicted under this section except upon proof of causal negligence in addition to such operation or handling while under the influence of an intoxicant.

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

BODILY SECURITY

940.20 BATTERY. Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another may be fined not more than \$200 or imprisoned not more than 6 months or both.

940.21 **MAYHEM.** Whoever, with intent to disable or disfigure another, cuts or mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, may be fined not more than \$5,000 or imprisoned not more than 15 years or both.

940.22 **AGGRAVATED BATTERY.** Whoever intentionally causes great bodily harm to another may be fined not more than \$2,500 or imprisoned not more than 5 years or both.

940.23 **INJURY BY CONDUCT REGARDLESS OF LIFE.** Whoever causes great bodily harm to another human being by conduct imminently dangerous to another and evincing a depraved mind, regardless of human life, may be imprisoned not more than 10 years.

940.24 **INJURY BY NEGLIGENT USE OF WEAPON.** (1) Whoever causes bodily harm to another by a high degree of negligence in the operation or handling of a firearm, airgun, or bow and arrow, may be fined not more than \$1,000 or imprisoned not more than one year or both.

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

940.28 **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.

940.29 **ABUSE OF INMATES OF INSTITUTIONS.** Any person in charge of or employed in any of the following institutions who abuses, neglects or ill-treats any person confined in or an inmate of any such institution or who 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:

- (1) A penal or correctional institution or other place of confinement; or
- (2) A home for the aged; or
- (3) A hospital for the mentally ill; or
- (4) A school or institution for the mentally deficient; or
- (5) A state school for the blind or deaf; or
- (6) An institution operated by a licensed child welfare agency or by a public agency for the care of neglected, dependent, or delinquent children; or
- (7) A nursing home as defined in s. 146.30.

940.30 **FALSE IMPRISONMENT.** Whoever intentionally confines or restrains another without his consent and with knowledge that he has no lawful authority to do so, may be fined not more than \$1,000 or imprisoned not more than 2 years or both.

940.31 **KIDNAPING.** (1) Whoever does any of the following may be imprisoned not more than 15 years:

(a) By force or threat of imminent force carries another from one place to another without his consent and with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will; or

(b) By force or threat of imminent force seizes or confines another without his consent and with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will; or

(c) By deceit induces another to go from one place to another with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will.

(2) Whoever violates sub. (1) 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 physical injury prior to the time the first witness is sworn at the trial the defendant may be imprisoned not more than 30 years.

940.32 ABDUCTION. Whoever, for any unlawful or immoral purpose, does any of the following may be imprisoned not more than 15 years:

(1) By force or threat of imminent force, takes any child under 18 years of age from his home or the custody of his parent or guardian; or

(2) Entices any child under 18 years of age from his home or the custody of his parent or guardian; or

(3) By force or threat of imminent force, detains any child under 18 years of age who is away from his home or the custody of his parent or guardian.

CHAPTER 941

CRIMES AGAINST PUBLIC HEALTH AND SAFETY VEHICLES

941.01 NEGLIGENT OPERATION OF VEHICLE. (1) Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a public highway as defined in ch. 85, may be fined not more than \$200 or imprisoned not more than 6 months or both.

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

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

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

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

941.04 MOORING WATERCRAFT TO RAILROAD TRACKS OR FIXTURES. (1) Whoever does either of the following may be fined not more than \$1,000 or imprisoned not more than 30 days:

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

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

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

FIRE

941.10 NEGLIGENT HANDLING OF BURNING MATERIAL. (1) Whoever handles burning material in a highly negligent manner may be fined not more than \$200 or imprisoned not more than 6 months or both.

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

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

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

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

941.12 INTERFERING WITH OR FAILING TO ASSIST IN FIRE FIGHTING. Whoever does any of the following may be fined not more than \$50 or imprisoned not more than 30 days or both:

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

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

941.13 FALSE ALARMS AND INTERFERENCE WITH FIRE FIGHTING. Whoever intentionally does any of the following may be fined not more than \$500 or imprisoned not more than one year in county jail or both:

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

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

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

WEAPONS

941.20 RECKLESS USE OF WEAPONS. (1) Whoever does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

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

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

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

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

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

(b) Sets a spring gun.

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

941.22 POSSESSION OF PISTOL BY MINOR. (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

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

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

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

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

OTHER DANGEROUS INSTRUMENTALITIES AND PRACTICES

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

941.31 POSSESSION OF EXPLOSIVES FOR UNLAWFUL PURPOSE. Whoever makes, buys, transports, possesses, or transfers any explosive compound or offers to do the same, either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime, may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

941.32 ADMINISTERING DANGEROUS OR STUPEFYING DRUG. Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic, or anaesthetic substance with intent thereby to facilitate the commission of a crime may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

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

CHAPTER 942

CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES

942.01 DEFAMATION. (1) Whoever with intent to defame communicates any defamatory matter to a third person without the consent of the person defamed may be fined not more than \$1,000 or imprisoned not more than one year or both.

(2) Defamatory matter is anything which exposes the other to hatred, contempt, ridicule, degradation or disgrace in society or injury 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.

(4) No person shall be convicted on the basis of an oral communication of defamatory matter except upon the testimony of 2 other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty or nolo contendere.

942.02 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 or the identity of any living person who is the victim of the crime of rape, sexual intercourse without consent, sexual 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.

942.03 GIVING FALSE INFORMATION FOR PUBLICATION. Whoever, with intent that it be published and that it injure any person, and with knowledge that it is false, 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.

942.04 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. 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.

942.05 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 943

CRIMES AGAINST PROPERTY DAMAGE

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

(2) Any person violating sub. (1) may be fined not more than \$1,000 or imprisoned not more than 3 years or both under the following circumstances:

(a) The property damaged is a vehicle or highway as defined in s. 941.03 (2) and the damage is of a kind which is likely to cause injury to a person or further property damage; or

(b) The property damaged belongs to a public utility or common carrier and the damage is of a kind which is likely to impair the services of the public utility or common carrier.

(3) If the total property damaged in violation of this section is reduced in value by more than \$1,000, the person may be fined not more than \$1,000 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.

(4) Where more than one item of property is damaged pursuant to a single intent and design, the damage to all the property may be prosecuted as a single crime.

(5) In any case of criminal damage involving more than one act of criminal damage but prosecuted as a single crime, it is sufficient to allege generally criminal damage to property committed between certain dates. On the trial, evidence may be given of any such criminal damage committed on or between the dates alleged.

943.02 ARSON OF BUILDINGS; DAMAGE OF PROPERTY BY EXPLOSIVES. (1) Whoever does any of the following may be imprisoned not more than 15 years:

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

(b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or

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

(2) In this section "building of another" means a building 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 building.

943.03 ARSON OF PROPERTY OTHER THAN BUILDING. Whoever, by means of fire, intentionally damages any property (other than a building) of another without his consent, may, if the property is of the value of \$100 or more, be fined not more than \$1,000 or imprisoned not more than 3 years or both.

943.04 ARSON WITH INTENT TO DEFRAUD. Whoever, by means of fire, damages any property (other than a building) with intent to defraud an insurer of that property may be fined not more than \$1,000 or imprisoned not more than 5 years or both.

943.05 PLACING OF COMBUSTIBLE MATERIALS AN ATTEMPT. Whoever places any combustible or explosive material or device in or near any property with intent to set fire to or blow up such property is guilty of an attempt to violate either s. 943.01, 943.02, 943.03 or 943.04, depending on the facts of the particular case.

TRESPASS

943.10 BURGLARY. (1) Whoever intentionally enters any of the following places 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:

- (a) Any building or dwelling; or
- (b) An enclosed railroad car; or
- (c) An enclosed portion of any ship or vessel; or
- (d) A locked enclosed cargo portion of a truck or trailer; or
- (e) A room within any of the above.

(2) Whoever violates sub. (1) under any of the following circumstances may be imprisoned not more than 20 years:

- (a) While armed with a dangerous weapon; or
- (b) While unarmed, but arms himself with a dangerous weapon while still in the burglarized enclosure; or
- (c) While in the burglarized enclosure opens, or attempts to open, any depository by use of an explosive; or
- (d) While in the burglarized enclosure commits a battery upon a person lawfully therein.

(3) For the purpose of this section, entry into a place during the time when it is open to the general public is with consent.

943.11 ENTRY INTO LOCKED VEHICLE. Whoever intentionally enters the locked and enclosed portion or compartment of the vehicle of another without consent and with intent to steal therefrom may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

943.12 POSSESSION OF BURGLARIOUS TOOLS. Whoever has in his possession any device or instrumentality designed and adapted for use in breaking into any depository designed for the safekeeping of any valuables or into any building or room, with intent to use such device or instrumentality to break into a depository, building or room, and to steal therefrom, may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

943.13 CRIMINAL TRESPASS TO LAND. (1) Whoever does any of the following may be fined not more than \$50 and in default of payment thereof shall be imprisoned not more than 30 days:

(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 the express or implied 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) A person 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 sub. (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.

943.14 CRIMINAL TRESPASS TO DWELLINGS. Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, may be fined not more than \$200 or imprisoned not more than 6 months or both.

MISAPPROPRIATION

943.20 THEFT. (1) Whoever does any of the following may be penalized as provided in sub. (3) :

(a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.

(b) By virtue of his office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.

(c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(d) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

(2) DEFINITIONS. In this section:

(a) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

(b) "Movable property" is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

(c) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

(d) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

(3) PENALTIES. Penalties for violation of this section shall be as follows:

(a) If the value of the property 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 exceeds \$100 but not \$2,500, a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(c) If the value of the property exceeds \$2,500, a fine of not more than \$10,000 or imprisonment for not more than 15 years or both.

(d) If the value of the property is less than \$2,500 and any of the following circumstances exist, a fine of not more than \$5,000 or imprisonment for not more than 5 years or both:

1. The property is a domestic animal; or
2. The property is taken from the person of another or from a corpse; or
3. The property is taken from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle; or
4. The property is taken after physical disaster, riot, bombing, or the proximity of battle has necessitated its removal from a building.

943.21 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.

943.22 USE OF CHEATING TOKENS. Whoever obtains the property or services of another by depositing anything which he knows is not lawful money or an authorized token in any receptacle used for the deposit of coins or tokens may be fined not more than \$50 or imprisoned not more than 60 days or both.

943.23 OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Whoever intentionally takes and drives 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.

943.24 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 \$1,000 or imprisoned not more than one year or both.

(2) Any of the following is prima facie evidence that the person 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

(c) Proof that, when presentment was made within a reasonable time, the issuer 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 postdated check or to a check given for a past consideration, except a payroll check.

943.25 TRANSFER OF ENCUMBERED PROPERTY. (1) Whoever, with intent to defraud, conveys real property which he knows is encumbered, without informing the grantee of the existence of the encumbrance may be fined not more than \$5,000 or imprisoned not more than 3 years or both.

(2) (a) Whoever, with intent to defraud, conceals, removes or transfers any personal property in which he knows another has a security interest may be fined not more than \$1,000 or imprisoned not more than 2 years or both. It is prima facie evidence of an intent to defraud if a person, with knowledge that the security interest exists, removes or sells the property without either the consent of the holder of the security interest or authorization by law or by the agreement creating the security interest, and fails within 72 hours after service of written demand for the return of the property either to return it or, in the event that return is not possible, to make full disclosure to the holder of the security interest of all the information he has concerning its disposition, location and possession.

(b) In this section "security interest" means an interest in property which secures payment or other performance of an obligation.

943.26 REMOVING OR DAMAGING ENCUMBERED REAL PROPERTY. (1) Any mortgagor of real property or vendee under a land contract who, without the consent of the mortgagee or vendor, intentionally removes or damages the real property so as to substantially impair the mortgagee's or vendor's security may be fined not more than \$200 or imprisoned not more than 6 months or both.

(2) If the security is impaired by more than \$1,000, the mortgagor or vendee may be fined not more than \$1,000 or imprisoned not more than 5 years or both.

943.30 THREATS TO INJURE OR ACCUSE OF CRIME. Whoever, either verbally or by any written or printed communication, maliciously threatens to accuse another of any crime or offense, or to do any injury to the person, property, business, profession, calling or trade, or the profits and income of any business, profession, calling or trade of another, with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do any act against his will or omit to do any lawful act, may be fined not more than \$2,000 or imprisoned not more than 5 years or both.

943.31 THREATS TO COMMUNICATE DEROGATORY INFORMATION. Whoever threatens to communicate to anyone information, whether true or false, which would injure the reputation of the threatened person or another unless the threatened person transfers property to a person known not to be entitled to it may be fined not more than \$1,000 or imprisoned not more than one year or both.

943.32 ROBBERY. (1) Whoever, with intent to steal, takes 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 or carrying away of the property; or

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

(2) Whoever violates sub. (1) while armed with a dangerous weapon may be imprisoned not more than 30 years.

(3) In this section "owner" means a person in possession of property whether his possession is lawful or unlawful.

943.34 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 but not more than \$2,500, by a fine of not more than \$5,000 or by imprisonment for not more than 5 years or both.

(3) If the value of the property exceeds \$2,500, by a fine of not more than \$10,000 or by imprisonment for not more than 15 years or both.

943.35 RECEIVING PROPERTY FROM CHILDREN. Whoever does either of the following may be fined not more than \$100 or imprisoned not more than 6 months or both:

(1) As a dealer in second hand articles or junk, purchases any personal property, except old rags and waste paper, from any minor under 18 years of age, without the written consent of his parent or guardian; or

(2) As a pawn broker or other person who loans money and takes personal property as security therefor, receives personal property as security for a loan from any minor under 18 years of age without the written consent of his parent or guardian.

943.37 ALTERATION OF PROPERTY IDENTIFICATION MARKS. Whoever does any of the following with intent to prevent the identification of the property involved may be fined not more than \$200 or imprisoned not more than 6 months or both:

(1) Alters or removes any identification mark on any log or other lumber without the consent of the owner; or

(2) Alters or removes any identification mark from any receptacle used by the manufacturer of any beverage; or

(3) Alters or removes any manufacturer's identification number on personal property or possesses any personal property with knowledge that the manufacturer's identification number has been removed or altered. Possession of 2 or more similar items of personal property with the manufacturer's identification number altered or removed is prima facie evidence of knowledge of the alteration or removal and of an intent to prevent identification of the property.

943.38 FORGERY. (1) Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority, may be fined not more than \$5,000 or imprisoned not more than 10 years or both:

(a) A writing or object whereby legal rights or obligations are created, terminated or transferred, or any writing commonly relied

upon in business or commercial transactions as evidence of debt or property rights; or

(b) A public record or a certified or authenticated copy thereof or;

(c) An official authentication or certification of a copy of a public record; or

(d) An official return or certificate entitled to be received as evidence of its contents.

(2) Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, may be fined or imprisoned or both as provided in said subsection.

(3) Whoever, with intent to defraud, does any of the following may be fined not more than \$200 or imprisoned not more than 6 months or both:

(a) Falsely makes or alters any object so that it appears to have value because of antiquity, rarity, source or authorship which it does not possess; or possesses any such object knowing it to have been thus falsely made or altered and with intent to transfer it as original and genuine, by sale or for security purposes; or

(b) Falsely makes or alters any writing of a kind commonly relied upon for the purpose of identification or recommendation; or

(c) Without consent, places upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer or manufacturer; or

(d) Falsely makes or alters a membership card purporting to be that of a fraternal, business or professional association or of a labor union; or possesses any such card knowing it to have been thus falsely made or altered and with intent to use it or cause or permit its use to deceive another; or

(e) Falsely makes or alters any writing purporting to evidence a right to transportation on any common carrier; or

(f) Falsely makes or alters a certified abstract of title to real estate.

943.39 FRAUDULENT WRITINGS. Whoever, with intent to injure or defraud, does any of the following may be fined not more than \$2,500 or imprisoned not more than 3 years or both:

(1) Makes any written statement which he knows is false in a claim made for insurance benefits; or

(2) Being a director, officer, agent or employe of any corporation falsifies any record, account or other document belonging to that corporation by alteration, false entry or omission, or makes, circulates or publishes any written statement regarding the corporation which he knows is false; or

(3) By means of deceit obtains a signature to a writing which is the subject of forgery under s. 943.38 (1); or

(4) Makes a false written statement with knowledge that it is false and with intent that it shall ultimately appear to have been signed under oath.

943.40 FRAUDULENT DESTRUCTION OF CERTAIN WRITINGS. Whoever with intent to defraud does either of the following may be fined not more than \$2,500 or imprisoned not more than 3 years or both:

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

(2) Completely erases, obliterates or destroys any writing which is the subject of forgery under s. 943.38 (1) (a).

CHAPTER 944

CRIMES AGAINST SEXUAL MORALITY

SEXUAL CRIMES WITHOUT CONSENT

944.01 RAPE. (1) Any male who has sexual intercourse with a female he knows is not his wife, by force and against her will, may be imprisoned not more than 30 years.

(2) In this section the phrase "by force and against her will" means either that her utmost resistance is overcome or prevented by physical violence or that her will to resist is overcome by threats of imminent physical violence likely to cause great bodily harm.

944.02 SEXUAL INTERCOURSE WITHOUT CONSENT. Any male who has sexual intercourse under any of the following circumstances with a female he knows is not his wife may be imprisoned not more than 15 years:

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

(2) If she is mentally ill, mentally infirm or mentally deficient and he knows 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 him.

SEXUAL CRIMES WHICH AFFECT THE FAMILY

944.05 BIGAMY. (1) Whoever does any of the following may be fined not more than \$1,000 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.

944.06 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 by the law of this state may be imprisoned not more than 10 years.

SEXUAL CRIMES WHICH INVOLVE CHILDREN

944.10 SEXUAL INTERCOURSE WITH A CHILD. Any male who has sexual intercourse with a female he knows is not his wife may be penalized as follows:

(1) If the female is under the age of 18, fined not more than \$1,000 or imprisoned not more than 5 years or both; or

(2) If the female is under the age of 16, and the male is 18 years of age or over, imprisoned not more than 15 years; or

(3) If the female is under the age of 12, and the male is 18 years of age or over, imprisoned not more than 30 years.

944.11 INDECENT BEHAVIOR WITH CHILD. Any of the following may be fined not more than \$500 or imprisoned not more than 5 years or both:

(1) Any male who takes indecent liberties with a female under the age of 16; or

(2) Whoever takes indecent liberties with the privates of any person under the age of 18; or

(3) Whoever consents to the indecent use of his own privates by any person under the age of 18.

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

SEXUAL CRIMES BETWEEN ADULTS WITH CONSENT

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

944.16 ADULTERY. Either of the following may be fined not more than \$1,000 or imprisoned not more than 3 years or both:

(1) A married person who has sexual intercourse with a person not his spouse; or

(2) A person who has sexual intercourse with a person who is married to another.

944.17 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) Commits an abnormal act of sexual gratification involving the sex organ of one person and the mouth or anus of another; or

(2) Commits an act of sexual gratification involving his sex organ and the sex organ, mouth or anus of an animal.

OBSCENITY

944.20 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 indecent act of sexual gratification with another with knowledge that they are in the presence of others; or

(2) Publicly and indecently exposes a sex organ; or

(3) Openly cohabits and associates with a person he knows is not his spouse under circumstances that imply sexual intercourse.

944.21 LEWD, OBSCENE OR INDECENT MATTER, PICTURES AND PERFORMANCES. (1) Whoever intentionally does any of the following may be fined not more than \$5,000 or imprisoned not more than 5 years or both:

(a) Imports, prints, advertises, sells, has in his possession for sale, or publishes, exhibits, or transfers commercially any lewd, obscene or indecent written matter, picture, sound recording, or film; or

(b) Has in his possession any lewd, obscene or indecent sound recording or motion picture film; or

(c) Has in his possession, with intent to transfer or exhibit to a person under the age of 18 years, any matter prohibited by this section; or

(d) Advertises, produces or performs in any lewd, obscene or indecent performance.

(2) Whoever requires, as a condition to the purchase of periodicals, that a retailer accept material known by the distributor to be lewd, obscene or indecent may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

944.22 POSSESSION OF LEWD, OBSCENE OR INDECENT MATTER. Whoever knowingly has in his possession any lewd, obscene or indecent written matter or a lewd, obscene or indecent picture may be fined not more than \$1,000 or imprisoned in the county jail not more than one year or both.

944.23 MAKING LEWD, OBSCENE OR INDECENT DRAWINGS. Whoever makes any lewd, obscene or indecent drawing or writing in any public place may be fined not more than \$100 or imprisoned not more than 60 days or both.

PROSTITUTION

944.30 PROSTITUTION. Any female 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 non-marital 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.

944.31 PATRONIZING PROSTITUTES. Any male who enters or remains in any place of prostitution with intent to have non-marital sexual intercourse or to commit an act of sexual perversion may be fined not more than \$100 or imprisoned not more than 3 months or both.

944.32 SOLICITING PROSTITUTES. Whoever intentionally solicits or causes any female to practice prostitution or establishes any female in a place of prostitution may be fined not more than \$1,000 or imprisoned not more than 5 years or both. If the female is under the age of 18, the defendant may be fined not more than \$2,000 or imprisoned not more than 10 years or both.

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

- (a) Solicits another to have non-marital sexual intercourse or to commit an act of sexual perversion with a female he knows is a prostitute; or
- (b) With intent to facilitate another in having non-marital 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) If the accused received compensation from the earnings of the prostitute, he may be fined not more than \$5,000 or imprisoned not more than 10 years or both.

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

944.34 KEEPING PLACE OF PROSTITUTION. Whoever intentionally does any of the following may be fined not more than \$5,000 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.

944.35 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 945

GAMBLING

945.01 DEFINITIONS RELATING TO GAMBLING. (1) BET. A bet is a bargain in which the parties agree that, dependent upon chance even though accompanied by some skill, 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:

1. contracts for the purchase or sale at a future date of securities or other commodities, and

2. 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, even though accompanied by some skill.

(b) "Consideration" in this subsection means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant.

(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, even though accompanied by some skill and whether or not the prize is automatically paid by the machine.

(4) GAMBLING PLACE. (a) A gambling place is any building or tent, any vehicle (whether self-propelled or not) or any room within any of them, 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 ch. 280.

945.02 GAMBLING. Whoever does any of the following may be fined not more than \$500 or imprisoned not more than 6 months or both:

(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; or

(3) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so.

945.03 COMMERCIAL GAMBLING. Whoever intentionally does any of the following may be fined not more than \$5,000 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 where both the consideration and the prize are money, or with intent to conduct such a lottery, possesses facilities to do so; or
- (5) Sets up for use for the purpose of gambling or collects the proceeds of any gambling machine.

945.04 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) Permits any real estate owned or occupied by him or under his control to be used as a gambling place; or
- (2) Permits a gambling machine to be set up for use for the purpose of gambling in a place under his control.

945.05 DEALING IN GAMBLING DEVICES. (1) Whoever manufactures, transfers commercially or possesses with intent to transfer commercially either of the following may be fined not more than \$5,000 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 in a gambling place and is not set up for use, is prima facie evidence of possession with intent to transfer.

945.07 GAMBLING BY PARTICIPANTS IN CONTEST. (1) 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 \$1,000 or imprisoned not more than one year in county jail or both.

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

945.08 BRIBERY OF PARTICIPANT IN CONTEST. (1) Any person who, 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 may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

(2) Any 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 may be fined not more than \$1,000 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.

945.10 PRIZES FORFEITED. Anything of value received by any person as a prize in any lottery conducted in violation of this chapter shall be forfeited to the state and may be recovered in any proper action brought by the attorney general or any district attorney in the name and on behalf of the state.

CHAPTER 946

CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION

TREASON AND DISLOYAL ACTS

946.01 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 2 witnesses to the same overt act, or on his confession in open court.

946.02 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) Intentionally damages, interferes with, or tampers with any property with reasonable grounds to believe that his act will 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) Intentionally makes a defective article or on inspection omits to note any defect in an article with reasonable grounds to believe that such article is intended to be used in 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 under any state or federal statutes regulating labor relations.

946.03 SEDITION. (1) Whoever does any of the following may be fined not more than \$5,000 or imprisoned not more than 10 years or both:

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

(b) 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

(c) Advocates or teaches the duty, necessity, desirability 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 government be overthrown; or

(d) Organizes or assists in the organization of an assembly with knowledge that the purpose of the assembly is to advocate or teach the duty, necessity, desirability 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 government be overthrown.

(2) Whoever permits any premises under his care, control or supervision to be used by an assembly with knowledge that the purpose of the assembly is to advocate or teach the duty, necessity, desirability 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 government be overthrown or, after learning that the premises are being so used, permits such use to be continued may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

946.04 DISPLAY OF SEDITIOUS FLAG OR EMBLEM. Whoever at a public or private meeting or gathering of people or in a parade intentionally displays the red flag or any other 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.

946.05 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.

946.06 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 s. 946.05.

BRIBERY AND OFFICIAL MISCONDUCT

946.10 BRIBERY OF PUBLIC OFFICERS AND EMPLOYEES. Either of the following may be fined not more than \$1,000 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.

946.11 SPECIAL PRIVILEGES FROM PUBLIC UTILITIES. (1) The following may be fined not more than \$1,000 or imprisoned not more than 5 years or both:

(a) Whoever offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(b) Any public officer who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(c) Any public utility or agent or officer thereof who offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished or rendered by any public utility, or any free product or service whatsoever; or

(d) Any public officer who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered by any public utility.

(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 utility" has the meaning designated in s. 196.01.

(3) This section does not apply to notaries public and regular employes of a railroad or other public utility 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.

946.12 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 known 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, does an act which he knows is in excess of his lawful authority or which he knows he is forbidden by law to do in his official capacity; 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 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 which he knows is greater or less than is fixed by law.

946.13 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 \$1,000 in any year; or

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

(c) Contracts involving loans made pursuant to s. 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) A contract entered into in violation of this section is void and the state or the political subdivision in whose behalf the contract was made incurs no liability thereon.

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

946.14 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.

946.15 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 person'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.

946.16 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.

946.18 MISCONDUCT SECTIONS APPLY TO DE FACTO OFFICERS. SS. 946.10 to 946.16 apply to de facto as well as de jure public officers.

PERJURY AND FALSE SWEARING

946.31 PERJURY. (1) Whoever under oath or affirmation orally makes a false material statement which he does not believe to be true, in any matter, cause, action or proceeding, before any of the following, whether de jure or de facto, may be fined not more than \$5,000 or imprisoned not more than 5 years or both:

- (a) A court;
- (b) A magistrate;
- (c) A judge, referee or court commissioner;
- (d) An administrative agency or arbitrator authorized by statute to determine issues of fact;
- (e) A notary public while taking testimony for use in an action or proceeding pending in court;
- (f) An officer authorized to conduct inquests of the dead;
- (g) A grand jury;
- (h) A legislative body or committee.

(2) It is not a defense to a prosecution under this section that the perjured testimony was corrected or retracted.

946.32 FALSE SWEARING. (1) Whoever does either of the following may be fined not more than \$1,000 or imprisoned not more than 3 years or both:

(a) Under oath or affirmation makes or subscribes a false statement which he does not believe is true, when such oath or affirmation is authorized or required by law or is required by any public officer or governmental agency as a prerequisite to such officer or agency taking some official action.

(b) Makes or subscribes 2 inconsistent statements under oath or affirmation in regard to any matter respecting which an oath or affirmation is, in each case, authorized or required by law or required by any public officer or governmental agency as a prerequisite to such officer or agency taking some official action, under circumstances which demonstrate that the witness or subscriber knew at least one of the statements to be false when made. The period of limitations within which prosecution may be commenced runs from the time of the first statement.

(2) Whoever under oath or affirmation makes or subscribes a false statement which he does not believe is true, may be fined not more than \$200 or imprisoned not more than 6 months or both.

INTERFERENCE WITH LAW ENFORCEMENT

946.40 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.

946.41 RESISTING OFFICER. (1) Whoever knowingly resists an officer while such officer is doing any act in his official capacity and with lawful authority, may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

(2) In this section, officer means a peace officer or other public officer or public employe having the authority by virtue of his office or employment, to take another into custody.

946.42 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 in 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 state department of public welfare as a juvenile but placed by it in a state prison pursuant to s. 48.52 (2).

(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 person 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 prisoner 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.

946.43 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.

946.44 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; or

(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; or

(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 s. 946.42.

946.45 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 s. 946.42.

946.46 ENCOURAGING VIOLATION OF PROBATION OR PAROLE. Whoever intentionally aids or encourages a parolee or probationer or any person committed to the state 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.

946.47 HARBORING OR AIDING FELONS. (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 prevent the apprehension of a felon, harbors or aids him; or

(b) With intent to prevent the apprehension, prosecution or conviction of a felon, destroys, alters, hides, or disguises physical evidence or places false evidence.

(2) As used in this section "felon" means either of the following:

(a) A person who commits an act within the jurisdiction of this state which constitutes a felony under the law of this state; or

(b) A person who commits an act within the jurisdiction of another state which is punishable by imprisonment for one year or more in a state prison or penitentiary under the law of that state and would, if committed in this state, constitute a felony under the law of this state.

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

OTHER CRIMES AFFECTING THE ADMINISTRATION OF GOVERNMENT

946.61 BRIBERY OF WITNESSES. (1) Whoever does any 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 or criminal matter before any court, judge, grand jury, magistrate, court commissioner, referee or administrative agency authorized by statute to determine issues of fact, transfers to him or on his behalf, any property or any pecuniary advantage; or

(b) Accepts any property or any pecuniary advantage, knowing that such property or pecuniary advantage was transferred to him or on his behalf with intent to induce him to refrain from giving evidence or testifying in any civil or criminal matter before any court, judge, grand jury, magistrate, court commissioner, referee, or administrative agency authorized by state to determine issues of fact.

(2) This section does not apply to a person who is charged with a crime, or any person acting in his behalf, who transfers property to which he believes the other is legally entitled.

946.62 CONCEALING IDENTITY. Whoever commits a crime while his usual appearance has been concealed, disguised or altered, with intent to make it less likely that he will be identified with the crime, may in addition to the maximum punishment fixed for such crime, in case of conviction for a misdemeanor be imprisoned not to exceed one year in county jail, and in case of conviction for a felony be imprisoned not to exceed 5 years.

946.63 CONCEALING DEATH OF CHILD. Any woman who conceals the corpse of any issue of her body with intent 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.

946.64 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.

946.67 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 \$1,000 or imprisoned not more than 6 months or both.

(2) Subsection (1) does not apply if the act upon which the actual or supposed crime is based has caused a loss for which a civil action will lie and the person who has sustained such loss 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.

946.68 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.

(4) Violation of this section may be prosecuted in either the county where the document was sent or the county in which it was delivered.

946.69 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 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.

946.70 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.

946.71 INTERFERENCE WITH CUSTODY OF CHILD. Whoever intentionally does either of the following may be fined not more than \$500 or imprisoned not more than one year or both:

(1) Interferes with the custody or training of any minor who has been committed or whose legal custody has been transferred to the state department of public welfare or to any person, child welfare agency, institution or place pursuant to ch. 48; or

(2) Entices away or takes away any child under the age of 18 from the parent or other person having legal custody under an order or judgment in a divorce, annulment or habeas corpus action 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 without the consent of such parent or other person, unless the court which awarded custody has consented that the child be taken out of the state by the person who so takes him.

946.72 TAMPERING WITH PUBLIC RECORDS AND NOTICES.

(1) Whoever with intent to injure or defraud damages, removes or conceals any public record may be fined not more than \$1,000 or imprisoned not more than 2 years or both.

(2) Whoever intentionally damages, alters, removes or conceals any public notice, posted as authorized by law, before the expiration of the time for which the notice was posted, may be fined not more than \$200 or imprisoned not more than 6 months or both.

946.73 PENALTY FOR VIOLATING LAWS GOVERNING STATE OR COUNTY INSTITUTIONS. Whoever violates any state law or any lawful rule made pursuant to state law 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.

CHAPTER 947

CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

947.01 DISORDERLY CONDUCT. Whoever does any of the following may be fined not more than \$100 or imprisoned not more than 30 days:

(1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

(2) With intent to annoy another, makes a telephone call, whether or not conversation ensues.

947.02 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 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

(3) 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

(4) A person known to be a professional gambler or known as a frequenter of gambling places or who derives part of his support from begging or as a fortune teller or similar imposter.

947.03 DRUNKENNESS. (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 condition may be fined not more than \$50 or imprisoned not more than 30 days.

(2) A person who is an habitual drunkard 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 may be fined not more than \$100 or imprisoned not more than 6 months.

947.04 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 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 under circumstances tending to provoke a disturbance, except in those portions of the common carrier in which intoxicants are specifically authorized by law to be sold or consumed.

(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.

947.06 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 reason they may order all persons who are part of an assembly to disperse. An "unlawful assembly" is an assembly which consists of 3 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 persons 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.

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

947.10 CRUELTY TO ANIMALS. (1) 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:

(a) Intentionally tortures any animal, or without justification kills any domestic animal of another without the owner's consent; or

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

(c) Intentionally poisons any domestic animal of another without the owner's consent or places poison in any place with intent that it be taken by a domestic animal of another; or

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

(e) 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.

(2) As used in this section, "torture" does not include bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

SECTION 1A. 6.41 of the statutes is amended by substituting 939.61 for 353.27.

SECTION 2. 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 \$1,000 or imprisoned not more than 5 years or both:

(a) Whoever offers or gives for any purpose to any candidate for public office or any political committee or member or employe thereof or to any person at the request or for the advantage of such candidate or such committee or member or employe thereof, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(b) Any candidate for public office or any political committee or member or employe thereof who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(c) Any public utility or agent or officer thereof who offers or gives for any purpose to any candidate for public office or any political committee or member or employe thereof or to any person at the request or for the advantage of such candidate or such committee or member or employe thereof, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished or rendered by any public utility, or any free product or service whatsoever; or

(d) Any candidate for public office or any political committee or member or employe thereof who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered by any public utility.

(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 utility" has the meaning designated in s. 196.01.

(3) This section does not apply to notaries public and regular employes of a railroad or other public utility who are candidates for 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.

SECTION 3. 13.20 of the statutes is renumbered 13.20 (1).

SECTION 4. 15.92 of the statutes is created to read:

15.92 REGULATION OF CONDUCT IN CAPITOL PARK. (1) Any person who does any of the following shall be fined not more than \$25 or imprisoned not more than 10 days:

(a) Discharges any firearm or explosive substance in capitol park without consent of the state chief engineer; or

(b) Walks upon any part of capitol park except the walks or drive-ways; or

(c) Deposits any filth or commits any nuisance in capitol park; or

(d) Molests any of the birds or game in capitol park or permits any dog in his custody to do so.

(2) The state chief engineer or his agent is authorized to summarily kill any dog found running loose within the park.

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

26.05 TIMBER THEFT. Any person who unlawfully cuts or directs or contracts for the cutting of forest products on the lands of another as defined in * * * s. 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 the 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 s. * * * 943.20 for the * * * theft of property of the same value.

SECTION 5A. 26.06 (3) of the statutes is amended by substituting 943.34 for 343.19.

SECTION 6. 27.012 (1) of the statutes is amended to read:

27.012 (1) DESTRUCTION OF INDIAN MOUNDS. It is unlawful except as provided in sub. (2) to 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 educational 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. 29.05 (1), (2) and (7) of the statutes (as amended by Ch. 423, Laws 1955) are amended to read:

29.05 (1) The state conservation commission and its deputies are hereby authorized to execute and serve all warrants and processes issued

* * * under any law relating to wild animals and ss. * * * *29.221, 940.24, 941.20 and 947.03* in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter and ss. * * * *940.24, 941.20 and 947.03*, and to take such person before any court in the county where the offense was committed and make proper complaint.

(2) Such officers shall, upon receiving notice or information that any provision of this chapter or of ss. * * * *940.24, 941.20 or 947.03* has been violated, as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it.

(7) They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by any provision of this chapter to be a public nuisance, or which they shall have reason to believe is being used in violation of this chapter or ss. * * * *940.24 or 941.20*, and if it be proven that the same is, or has been within 6 months previous to such seizure, used in violation of this chapter or ss. * * * *940.24 or 941.20*, the same shall be confiscated if the court shall so direct in its order for judgment. Any seizure of perishable property made by the conservation commission or its wardens may be sold at the highest available price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court may direct. It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

SECTION 8. 29.515 of the statutes is created 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 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 9. 29.582 (4) of the statutes is created to read:

29.582 (4) The conservation commission is not required to enforce this section.

SECTION 10. 29.63 (3) (d) of the statutes is repealed and recreated 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 ss. 940.08 or 941.20 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 11. 29.63 (3) (e) of the statutes is repealed.

SECTION 12. 30.083 of the statutes is created to read:

30.083 CONVERSION 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 peaceable 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 12A. 49.12 (5) of the statutes is amended by substituting "946.13" for "348.28".

SECTION 12B. 50.051 (5) of the statutes is amended by substituting "947.01" for "343.463".

SECTION 12C. 56.07 (2) of the statutes is amended by substituting "939.62 (1) (a)" for "359.12 (3) (a)".

SECTION 12D. 56.07 (3) of the statutes is amended by substituting "s. 52.05 or s. 939.62" for "s. 351.30 or s. 359.12".

SECTION 12E. 56.07 (4) of the statutes is repealed.

SECTION 13. 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 14. 57.06 (1) of the statutes (as amended by ch. 260, Laws of 1955) is amended to read:

57.06 (1) The department may parole an inmate of the Wisconsin state prison or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07, when he has served the minimum *term prescribed by statute for the offense (which shall be one year unless a greater minimum is prescribed by the statute defining the crime)* or one-half of the maximum of an indeterminate term or 2 years, whichever is least * * *, or when he has served 20 years of a life term, less the deduction earned for good conduct as provided in s. 53.11. The district attorney and judge who tried the inmate shall be notified in writing at least 10 days before the first application for parole is acted upon and if they so request shall be given like notice of each subsequent application.

SECTION 15. 59.47 (2) of the statutes is amended to read:

59.47 (2) Prosecute all criminal actions, except for * * * battery *in violation of s. 940.20* or for * * * *disorderly conduct in violation of s. 947.01*, 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 15A. 59.77 (5) (f) of the statutes is amended by substituting "946.12" for "348.33".

SECTION 15B. 59.77 (8) (d) of the statutes is amended by substituting "946.12" for "348.33".

SECTION 16. 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 ss. 947.01 or 957.03.

SECTION 17. 66.112 of the statutes is created to read:

66.112 FEES OF OFFICERS APPREHENDING TRAMPS. If 2 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 17A. 73.035 of the statutes is amended to read:

73.035 The commissioner of taxation and such of his employes as are authorized to enforce * * * s. 66.054 and chs. 139 and 176 shall enforce the provisions of ss. * * * *944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 and 945.04* and shall be invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of such duties. Nothing herein shall deprive or relieve sheriffs, constables and other local police officers of the power and duty to enforce the provisions of said sections, and such officers shall likewise enforce the provisions of said sections.

SECTION 17B. 70.16 of the statutes is amended by substituting "946.12" for "348.29".

SECTION 17C. 74.44 (3) of the statutes is amended by substituting "943.34" for "343.19".

SECTION 18. 78.15 of the statutes is amended to read:

78.15 THEFT OF 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 motor fuel 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, is guilty of * * * *theft* and shall be punished as provided by law for the crime of * * * *theft*, irrespective of whether any such wholesaler has or claims to have any interest in such moneys so received by him.

SECTION 19. 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 ss. 940.06, 940.08 or 940.09.*

SECTION 20. 85.08 (36) of the statutes is repealed.

SECTION 21. 85.30 of the statutes is renumbered 85.30 (1).

SECTION 22. 85.30 (2) of the statutes is created to read:

85.30 (2) It is unlawful for any person to throw or deposit any type of debris or waste material on or along any highway.

SECTION 22A. 85.84 of the statutes is amended by substituting "946.12" for "348.28".

SECTION 23. 85.91 (1) and (2) of the statutes are amended to read:

85.91 (1) Any person violating any provision of ss. 85.11, 85.12 (2), (3), (4) and (6), 85.15 (4), 85.16 (1), (2) and (8), 85.17 (1), (2), (4) and (5), 85.175, 85.176, 85.177, 85.18 (1), (4) to (6) and (8) to (11), 85.19 (2), (3) and (4), 85.21 to 85.23, 85.25 to 85.28, *85.30 (2)*, 85.31, 85.33, 85.34 (1), (2) and (4), 85.35, 85.39 (1) and (2), 85.40 (6), 85.44 (2) to (9), 85.45 (6), 85.50, 85.61, 85.63 to 85.66, 85.67 (2) to (7) and 85.69 shall be fined not less than \$10 nor more than \$20 for the first offense and for the second or each subsequent conviction within one year thereafter, shall be fined not less than \$25 nor more than \$50.

(2) Any person violating any of the provisions of ss. 85.06, 85.14 (2), 85.15 (1), (2) and (3), 85.16 (3) to (7) and (9), (10), (11) and (12) (a), 85.18 (7), 85.19 (1), (5) and (9), 85.20, 85.24, 85.29, 85.30 (1), 85.32, 85.34 (3), 85.36 to 85.38, 85.39 (3), 85.40 (1) (a), (b), (g), (h) and (i) and (2) (c), 85.41 (2), 85.44 (1), 85.51, 85.55 to 85.60, 85.62, 85.67 (1) and 85.92 (1) shall be fined not less than \$10 nor more than \$200 or imprisoned for not more than 30 days or both.

SECTION 24. 86.03 (5) of the statutes is renumbered 86.03 (6).

SECTION 25. 86.17 of the statutes is renumbered 86.17 (1).

SECTION 25A. 93.06 (4) of the statutes is amended by substituting 134.01 and 939.31 for 343.681 and 348.40.

SECTION 26. 94.34 of the statutes is repealed.

SECTION 27. 100.12 of the statutes is 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 sub. (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 28. The title to chapter 132 of the statutes is repealed and recreated to read:

CHAPTER 132

TRADEMARKS, BADGES AND LABELED PRODUCTS

SECTION 29. 133.01 (3) of the statutes is created to read:

133.01 (3) Whoever violates sub. (1) may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

SECTION 30. 133.21 of the statutes is renumbered 133.21 (1).

SECTION 31. 133.21 (2) of the statutes is created to read:

133.21 (2) Whoever violates this section may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

SECTION 32. The title to chapter 134 of the statutes is created to read:

CHAPTER 134

MISCELLANEOUS TRADE REGULATIONS

SECTION 33. 159.14 (1) of the statutes is repealed.

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. 175.10 of the statutes is renumbered 134.50.

SECTION 43. 175.12 of the statutes is renumbered 134.51.

SECTION 44. 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 redistilled from denatured alcohol, shall be * * * *imprisoned not more than 10 years.*

SECTION 45. 192.355 of the statutes is created to read:

192.355 DEPOSITING DEBRIS ON RAILROAD RIGHT OF WAY. Whoever throws or deposits any type of debris or waste material on or along any railroad right of way shall be fined not more than \$10 or imprisoned not more than 10 days.

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

200.20 DUTIES OF STATE FIRE MARSHALL, ATTORNEY GENERAL, AND DISTRICT ATTORNEYS IN REGARD TO FIRES OF INCENDIARY ORIGIN. (1) The state fire marshall 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 ss. 941.11, 943.01, 943.02, 943.03 or 943.04 or with an attempt to commit any of those crimes*, 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 marshall* assist district attorneys in the prosecution of all * * * cases *referred to in sub. (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 marshall.

(3) The attorney general and district attorney shall make such reports to the state fire marshall, 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. * * * 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 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 THEFT, 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 51A. 224.07 of the statutes is amended by substituting "939.61" for "353.27".

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

235.701 The proceeds of any such mortgage referred to in * * * ss. 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 * * * *theft* 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 * * * *theft*.

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 damages 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 the 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 (as amended by ch. 78, Laws of 1955) is amended to read:

289.02 (4) THEFT 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 labor and materials used for such improvements 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 * * * *theft* of moneys so misappropriated.

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

289.536 THEFT 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 * * * *theft*.

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 ss. 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 60A. 325.26 of the statutes is repealed.

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 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. The title to Title XXXII and the title to chapter 340 of the statutes are repealed.

SECTION 63. 340.01 to 340.48 of the statutes are repealed.

SECTION 64. 340.485 of the statutes is renumbered 359.15 and as so renumbered 359.15 (1) is amended to read:

359.15 (1) RAPE AND RELATED CRIMES; COMMITMENT FOR PRESENCE EXAMINATION. If a person is convicted under ss. * * * 944.01, 944.02 or 944.11 or under s. 939.32 for attempting to violate ss. 944.01 or 944.02, the court shall commit him to the state department of public welfare for a presentence social, physical and mental examination. The court and all public officials shall make available to the department upon its request all pertinent data in their possession in respect to the case.

SECTION 65. 340.49 to 340.605 of the statutes are repealed.

SECTION 66. 340.607 of the statutes is renumbered 29.221.

SECTION 67. 340.608 of the statutes is renumbered 29.222.

SECTION 68. 340.61 of the statutes is renumbered 167.30.

SECTION 69. 340.62 of the statutes is repealed.

SECTION 70. 340.63 of the statutes is renumbered 192.295.

SECTION 71. 340.64 of the statutes is renumbered 192.291 and amended to read:

192.291 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 * * * fined not exceeding \$100 or imprisoned not more than 6 months.

SECTION 71A. 340.65 of the statutes is renumbered 167.25.

SECTION 71B. 340.66 of the statutes is repealed.

SECTION 72. 340.67 of the statutes is renumbered 167.26.

SECTION 73. 340.68 of the statutes is renumbered 167.18.

SECTION 74. 340.69 of the statutes is repealed.

SECTION 75. 340.70 of the statutes is renumbered 167.10.

SECTION 76. 340.71 of the statutes is renumbered 192.321.

SECTION 77. 340.72 to 340.77 of the statutes are repealed.

SECTION 78. 340.79 of the statutes is renumbered 167.151.

SECTION 79. 340.80 and 340.85 of the statutes are repealed.

SECTION 80. 340.86 of the statutes is renumbered 167.27.

SECTION 81. The title to chapter 343 of the statutes is repealed.

SECTION 82. 343.01 to 343.07 of the statutes are repealed.

SECTION 83. 343.08 of the statutes is renumbered 160.07.

SECTION 84. 343.09 to 343.183 of the statutes are repealed.

SECTION 85. 343.185 of the statutes (created by Ch. 57, Laws 1955) is renumbered 85.01 (9a).

SECTION 86. 343.19 to 343.25 of the statutes are repealed.

SECTION 87. 343.251 of the statutes is renumbered 132.17.

SECTION 88. 343.252 and 343.253 of the statutes are repealed.

SECTION 89. 343.254 of the statutes is renumbered 21.145 and amended to read:

21.145 No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the national guard of the state of Wisconsin, because of such membership in respect to the eligibility of such member of the said national guard to membership in such association or corporation, or in respect to his right to retain said last mentioned membership. It is the purpose of this section and s. 21.14 to protect a member of the said national guard from disadvantage in his means of livelihood and liberty therein but not to give him any preference or advantage on account of his membership in said national guard. A person who aids in enforcing any such provisions against a member of the said national guard with the intent to discriminate against him because of such membership, shall be * * * *fin*ed not less than * * * \$50 nor more than * * * \$200, or * * * *imprisoned* not * * * more than * * * 6 months, or both.

SECTION 90. 343.26 of the statutes is renumbered 134.20.

SECTION 91. 343.27 to 343.321 of the statutes are repealed.

SECTION 92. 343.322 of the statutes is renumbered 147.225.

SECTION 93. 343.33 of the statutes is renumbered 132.18.

SECTION 94. 343.331 of the statutes is renumbered 134.25.

SECTION 95. 343.332 of the statutes is renumbered 134.26.

- SECTION 96. 343.333 of the statutes is renumbered 134.27.
- SECTION 97. 343.334 of the statutes is renumbered 134.28.
- SECTION 98. 343.335 of the statutes is renumbered 134.29.
- SECTION 99. 343.336 of the statutes is renumbered 134.30.
- SECTION 100. 343.337 of the statutes is renumbered 134.31.
- SECTION 101. 343.338 of the statutes is renumbered 134.32.
- SECTION 102. 343.339 of the statutes is renumbered 134.33.
- SECTION 103. 343.341 to 343.40 of the statutes are repealed.
- SECTION 104. 343.401 (1) and (2) of the statutes are repealed.
- SECTION 105. 343.401 (2m) of the statutes is renumbered 118.66.
- SECTION 106. 343.401 (3) and 343.402 to 343.406 of the statutes are repealed.
- SECTION 107. 343.407 of the statutes is renumbered 134.19.
- SECTION 108. 343.41 of the statutes is repealed.
- SECTION 109. 343.412 of the statutes is renumbered 209.14.
- SECTION 110. 343.42 of the statutes is repealed.
- SECTION 111. 343.421 of the statutes is renumbered 29.582.
- SECTION 112. 343.422 to 343.44 of the statutes are repealed.
- SECTION 113. 343.442 of the statutes is renumbered 29.546.
- SECTION 114. 343.443 to 343.46 of the statutes are repealed.
- SECTION 115. 343.462 (1), (2) and (4) of the statutes are renumbered 15.93 (1), (2) and (4) respectively.
- SECTION 116. 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 violations * * * *of this section*.
- SECTION 117. 343.463 to 343.472 of the statutes are repealed.
- SECTION 118. 343.473 of the statutes is renumbered 174.025.
- SECTION 119. 343.474 of the statutes is repealed.
- SECTION 120. 343.48 of the statutes is renumbered 30.065.
- SECTION 121. 343.481 of the statutes is renumbered 86.192.
- SECTION 122. 343.482 of the statutes is renumbered 86.191.
- SECTION 123. 343.483 of the statutes is renumbered 86.021.
- SECTION 124. 343.484 of the statutes is renumbered 86.022.
- SECTION 125. 343.485 of the statutes is renumbered 86.025.
- SECTION 126. 343.486 (1) of the statutes is renumbered 86.03 (5).
- SECTION 126A. 343.486 (2) of the statutes is repealed.
- SECTION 127. 343.487 of the statutes is renumbered 192.292.

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- SECTION 128. ~~343.488~~ of the statutes is renumbered 134.52.
- SECTION 129. ~~343.49~~ to ~~343.65~~ of the statutes are repealed.
- SECTION 130. ~~343.651~~ of the statutes is renumbered 132.19.
- SECTION 131. ~~343.655~~ of the statutes is repealed.
- SECTION 132. ~~343.66~~ of the statutes is renumbered 132.20.
- SECTION 133. ~~343.661~~ to ~~343.68~~ of the statutes are repealed.
- SECTION 134. ~~343.681~~ of the statutes is renumbered 134.01.
- SECTION 135. ~~343.682~~ of the statutes is renumbered 134.02.
- SECTION 136. ~~343.683~~ of the statutes is renumbered 134.03.
- SECTION 137. ~~343.69~~ of the statutes is repealed.
- SECTION 138. ~~343.70~~ of the statutes is renumbered 21.155.
- SECTION 139. ~~343.701~~ of the statutes is renumbered 86.17 (2).
- SECTION 140. ~~343.71~~ and ~~343.72~~ of the statutes are repealed.
- SECTION 141. ~~343.721~~ of the statutes is renumbered 134.21.
- SECTION 142. ~~343.722~~ of the statutes is renumbered 134.17.
- SECTION 143. ~~343.723~~ of the statutes is renumbered 134.18.
- SECTION 144. ~~343.724~~ of the statutes is renumbered 134.41.
- SECTION 145. ~~343.729~~ of the statutes is renumbered 45.48.
- SECTION 146. ~~343.74 (1)~~ of the statutes is renumbered 175.05 (1).
- SECTION 147. ~~343.74 (2) to (6)~~ of the statutes are repealed.
- SECTION 148. ~~343.74 (7), (8), (9), (10), (11) and (11a)~~ of the statutes are renumbered 175.05 (2), (3), (4), (5), (6) and (7) respectively.
- SECTION 149. ~~343.74 (13) and (14)~~ of the statutes are repealed.
- SECTION 150. The title to chapter 346 of the statutes is repealed.
- SECTION 151. ~~346.01~~ to ~~346.08~~ of the statutes are repealed.
- SECTION 152. ~~346.09~~ of the statutes is renumbered 12.50.
- SECTION 153. ~~346.10~~ of the statutes is renumbered 12.51.
- SECTION 154. ~~346.11~~ of the statutes is renumbered 12.54.
- SECTION 155. ~~346.12~~ of the statutes is renumbered 12.56 (1).
- SECTION 156. ~~346.13~~ of the statutes is renumbered 12.56 (2).
- SECTION 157. ~~346.14~~ of the statutes is renumbered 12.56 (3).
- SECTION 158. ~~346.15~~ of the statutes is repealed.
- SECTION 159. ~~346.16~~ of the statutes is renumbered 12.56 (4).
- SECTION 160. ~~346.17~~ of the statutes is renumbered 12.52.
- SECTION 161. ~~346.18~~ of the statutes is repealed.
- SECTION 162. ~~346.19~~ of the statutes is renumbered 13.60.
- SECTION 163. ~~346.20~~ of the statutes is renumbered 13.61.

SECTION 164. 346.205 of the statutes is renumbered 13.62.

SECTION 165. 346.21 of the statutes is renumbered 13.63.

SECTION 166. 346.22 of the statutes is renumbered 13.64.

SECTION 167. 346.23 of the statutes is renumbered 13.65.

SECTION 168. 346.24 of the statutes is renumbered 13.66.

SECTION 169. 346.245 of the statutes is renumbered 13.67.

SECTION 170. 346.25 of the statutes is renumbered 13.68.

SECTION 171. 346.26 of the statutes is renumbered 13.69.

SECTION 172. 346.27 of the statutes is renumbered 13.70.

SECTION 173. 346.28 of the statutes is renumbered 13.71.

SECTION 174. 346.29 of the statutes is renumbered 13.70 (3) and amended to read:

13.70 (3) * * * *Whoever violates any provisions of this section*
* * * shall be * * * *fined not more than \$200 or imprisoned not more*
than 6 months * * * .

SECTION 175. 346.295 of the statutes is renumbered 13.72.

SECTION 176. 346.30 of the statutes is renumbered 13.73.

SECTION 177. 346.31 of the statutes is renumbered 13.74.

SECTION 178. 346.32 of the statutes is renumbered 13.75.

SECTION 179. 346.33 to 346.41 of the statutes are repealed.

SECTION 180. 346.42 of the statutes is renumbered 53.105.

SECTION 181. 346.43 of the statutes is renumbered 53.095.

SECTION 182. 346.44 to 346.46 of the statutes are repealed.

SECTION 183. 346.47 of the statutes is renumbered 53.375.

SECTION 184. 346.48 to 346.51 of the statutes are repealed.

SECTION 185. 346.52 of the statutes is renumbered 255.031.

SECTION 186. 346.53 of the statutes is renumbered 255.13 (3).

SECTION 187. 346.54 of the statutes is renumbered 255.095.

SECTION 188. 346.55 of the statutes is renumbered 255.041.

SECTION 189. 346.56 of the statutes is renumbered 13.20 (2).

SECTION 190. 346.57 of the statutes is renumbered 256.335.

SECTION 191. 346.58 of the statutes is renumbered 310.031.

SECTION 192. 346.59 of the statutes is renumbered 173.07.

SECTION 193. 346.60 to 346.64 of the statutes are repealed.

SECTION 194. The title to chapter 347 and 347.01 to 347.18 of the statutes are repealed.

SECTION 195. The title to chapter 348 and 348.01 to 348.092 of the statutes are repealed.

SECTION 196. 348.10 of the statutes is renumbered 331.056.

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- SECTION 197. 348.11 to 348.14 of the statutes are repealed.
- SECTION 198. 348.16 of the statutes is renumbered 331.055.
- SECTION 199. 348.17 to 348.178 of the statutes are repealed.
- SECTION 200. 348.179 of the statutes is renumbered 112.05.
- SECTION 201. 348.18 of the statutes is renumbered 134.15 (1).
- SECTION 202. 348.19 of the statutes is renumbered 134.16.
- SECTION 203. 348.20 of the statutes is renumbered 134.15 (2).
- SECTION 204. 348.201 (1) of the statutes is renumbered 5.012 (3).
- SECTION 205. 348.201 (2) of the statutes is repealed.
- SECTION 206. 348.201 (3) of the statutes is renumbered 5.05 (8m).
- SECTION 207. 348.21 of the statutes is renumbered 12.59.
- SECTION 208. 348.211 of the statutes is renumbered 12.60.
- SECTION 209. 348.213 of the statutes is renumbered 12.58 (1).
- SECTION 210. 348.214 of the statutes is renumbered 12.58 (2).
- SECTION 211. 348.215 of the statutes is renumbered 12.58 (3).
- SECTION 212. 348.216 (1), (2) and (3) of the statutes are renumbered 12.58 (4) (a), (b) and (c) respectively.
- SECTION 213. 348.217 of the statutes is renumbered 12.61.
- SECTION 214. 348.218 of the statutes is renumbered 6.591.
- SECTION 215. 348.219 of the statutes is repealed.
- SECTION 216. 348.22 of the statutes is renumbered 10.071.
- SECTION 217. 348.221 of the statutes is renumbered 6.048.
- SECTION 218. 348.222 of the statutes is repealed.
- SECTION 219. 348.223 of the statutes is renumbered 11.18.
- SECTION 220. 348.224 of the statutes is renumbered 11.19.
- SECTION 221. 348.225 of the statutes is renumbered 11.20.
- SECTION 222. 348.226 of the statutes is renumbered 12.70.
- SECTION 223. 348.23 of the statutes is renumbered 12.69.
- SECTION 224. 348.231 of the statutes is renumbered 12.62.
- SECTION 225. 348.232 of the statutes is repealed.
- SECTION 226. 348.233 of the statutes is renumbered 12.63.
- SECTION 227. 348.234 of the statutes is renumbered 12.64.
- SECTION 228. 348.235 of the statutes is renumbered 12.65.
- SECTION 229. 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 230. 348.237 of the statutes is renumbered 6.593.

SECTION 231. 348.24 of the statutes is renumbered 12.66.

SECTION 232. 348.241 of the statutes is renumbered 12.71.

SECTION 233. 348.25 of the statutes is renumbered 12.67.

SECTION 234. 348.26 of the statutes is renumbered 12.68.

SECTION 235. 348.261 to 348.263 of the statutes are repealed.

SECTION 236. 348.264 of the statutes is renumbered 70.501.

SECTION 237. 348.265 of the statutes is renumbered 70.502.

SECTION 238. 348.266 of the statutes is renumbered 70.503.

SECTION 239. 348.267 of the statutes is renumbered 16.301.

SECTION 240. 348.268 of the statutes is renumbered 12.57 and amended to read:

12.57 No officer, agent, clerk or employe of this state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk or employe of the state. Every said officer, agent, clerk or employe who has charge or control in any building, office or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same for the purpose of therein making, collecting, receiving or giving notice, of any political assessment, subscription or contribution, and no person shall enter, or remain in any said office, building or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution. Any person who violates * * * this section * * * is guilty of a misdemeanor *and shall be fined not less than \$50 nor more than \$1,000 or imprisoned not more than 2 years or both.*

SECTION 241. 348.269 of the statutes is renumbered 16.302.

SECTION 242. 348.27 of the statutes is renumbered 16.303 and amended to read:

16.303 Misdemeanors under the provisions of ss. * * * *16.301 or 16.302 are punishable by a fine of not less than \$50 nor more than \$1,000, or by imprisonment for * * * not more than 2 years, or * * * both* * * * .

SECTION 243. 348.271 of the statutes is renumbered 12.53.

SECTION 244. 348.272 of the statutes is renumbered 16.441.

SECTION 245. 348.273 of the statutes is renumbered 16.761.

SECTION 246. 348.28 to 348.311 of the statutes are repealed.

SECTION 246A. 348.312 of the statutes is renumbered 196.675.

SECTION 246B. 348.313 of the statutes is repealed.

SECTION 247. 348.32 of the statutes is renumbered 18.04.

SECTION 248. 348.325 of the statutes is renumbered 256.295.

SECTION 249. 348.33 of the statutes is repealed.

SECTION 250. 348.34 of the statutes is renumbered 29.61 (5).

SECTION 251. 348.35 to 348.355 of the statutes are repealed.

SECTION 252. 348.36 of the statutes is renumbered 134.36.

SECTION 253. 348.361 of the statutes is renumbered 134.37.

SECTION 254. 348.362 of the statutes is renumbered 134.38.

SECTION 255. 348.37 of the statutes is renumbered 134.39.

SECTION 256. 348.38 of the statutes is renumbered 134.40.

SECTION 257. 348.381 of the statutes is renumbered 29.641.

SECTION 258. 348.382 of the statutes is renumbered 29.643.

SECTION 259. 348.383 of the statutes is renumbered 29.642.

SECTION 260. 348.384 of the statutes is renumbered 29.644.

SECTION 261. 348.386 (1), (1a) and (2) of the statutes are repealed.

SECTION 262. 348.386 (3) of the statutes is renumbered 134.60.

SECTION 263. 348.387 to 348.412 of the statutes are repealed.

SECTION 264. 348.42 of the statutes is renumbered 31.025.

SECTION 265. 348.421 of the statutes is repealed.

SECTION 266. 348.422 of the statutes is renumbered 30.082.

SECTION 267. 348.423 of the statutes is repealed.

SECTION 268. 348.424 of the statutes is renumbered 30.06 (5a) and amended to read:

30.06 (5a) * * * *Whoever violates subs. (1) to (5) shall be fined not less than \$5 nor more than \$25 for the first offense, and not less than \$10 nor more than \$25 for each succeeding offense.* * * *

SECTION 269. 348.425 of the statutes is renumbered 23.095.

SECTION 270. 348.426 of the statutes is renumbered 75.375.

SECTION 271. 348.427 of the statutes is renumbered 175.25.

SECTION 272. 348.43 to 348.47 of the statutes are repealed.

SECTION 273. 348.471 of the statutes is renumbered 161.271.

SECTION 274. 348.472 of the statutes is renumbered 134.58.

SECTION 275. 348.473 of the statutes is renumbered 208.36.

SECTION 276. 348.474 of the statutes is renumbered 208.37.

SECTION 277. 348.475 of the statutes is renumbered 208.38.

SECTION 278. 348.476 of the statutes is renumbered 215.40.

SECTION 279. 348.477 to 348.485 of the statutes are repealed.

SECTION 280. 348.486 of the statutes is renumbered 134.05.

SECTION 281. 348.487 of the statutes is renumbered 134.06.

SECTION 282. 348.488 of the statutes is renumbered 209.15.

SECTION 283. 348.49 of the statutes is renumbered 134.57.

SECTION 284. 348.52 of the statutes is repealed.

SECTION 285. 348.53 of the statutes is renumbered 134.45.

SECTION 286. 348.54 of the statutes is renumbered 134.04.

SECTION 287. 348.55 of the statutes is renumbered 36.50.

SECTION 288. 348.56 of the statutes is renumbered 175.10.

SECTION 289. 348.57 to 348.61 of the statutes are repealed.

SECTION 290. The title to chapter 351 and 351.01 to 351.23 of the statutes are repealed.

SECTION 291. 351.235 of the statutes is renumbered 151.10.

SECTION 292. 351.24 to 351.38 of the statutes are repealed.

SECTION 293. 351.39 of the statutes is renumbered 143.075.

SECTION 294. 351.40 and 351.41 of the statutes are repealed.

SECTION 295. 351.42 of the statutes is renumbered 155.10.

SECTION 296. 351.43 of the statutes is renumbered 157.60.

SECTION 297. 351.50 of the statutes is renumbered 103.85.

SECTION 298. 351.51 of the statutes is renumbered 331.275.

SECTION 299. 351.52 to 351.56 of the statutes are repealed.

SECTION 300. 351.57 of the statutes is renumbered 175.20.

SECTION 301. 351.59 to 351.66 of the statutes are repealed.

SECTION 302. The title to chapter 352 and 352.20 to 352.22 of the statutes are repealed.

SECTION 303. 352.48 of the statutes is renumbered 175.15 and as so renumbered 175.15 (5) is amended to read:

175.15 (5) * * * *Section 945.01 (4) (c)* shall also apply to this section.

SECTION 304. 352.50 (2), (3) and (4) of the statutes are renumbered 134.65 (1), (2) and (3) respectively.

SECTION 305. 352.50 (5) of the statutes (as amended by Ch. 575, Laws of 1955) is renumbered 134.65 (4) and amended to read:

134.65 (4) Any person violating * * * this section shall be * * * *fined* not more than \$100 nor less than \$25 for the first offense and * * * not more than \$200 nor less than \$25 for the second or subsequent offense. * * * If upon such second or subsequent violation, the person so violating * * * this section * * * *was* personally guilty of a failure to exercise due care to prevent violation thereof, he shall be * * * *fined* not more than \$300 nor less than \$25 or * * * *imprisoned* not exceeding 60 days or * * * both * * * . Conviction shall immediately terminate

the license of the person * * * convicted of *being personally guilty of such failure to exercise due care* and such person shall not be entitled to another license hereunder for a period of 5 years thereafter, nor shall he in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license. * * * *This section shall not apply to the sales of jobbers or manufacturers doing an interstate business with customers outside of the state.*

SECTION 306. 352.50 (6) of the statutes is repealed.

SECTION 307. 352.67 of the statutes is repealed.

SECTION 308. The title to chapter 353 and 353.01 to 353.08 of the statutes are repealed.

SECTION 308A. 353.13 of the statutes is renumbered 355.395 and amended to read:

355.395 In the prosecution of a crime committed upon or in relation to or in any way affecting real property or any crime committed by stealing, * * * *damaging* or fraudulently receiving or concealing personal property, it * * * *is* sufficient if it is proved that at the time the crime was committed either the actual or constructive possession or the general or special property in any part of such property was in the person alleged to be the owner thereof.

SECTION 308B. 353.15 to 353.23 of the statutes are repealed.

SECTION 309. 353.25 of the statutes is renumbered 359.055.

SECTION 310. 353.27(1) of the statutes is repealed.

SECTION 311. 353.27 (2) of the statutes is renumbered 359.044.

SECTION 312. 353.28 to 353.33 of the statutes are repealed.

SECTION 313. 354.021 of the statutes is created 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 theft, 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 313A. 354.47 of the statutes is amended to read:

354.47 The conductor or other person in charge of a public passenger conveyance may arrest any person *on such conveyance* violating * * * *ss. 945.02 (1) and (3), 945.03 (2) to (5), 947.01 (1) or 947.04* and deliver him to any policeman, constable, or other peace officer at the earliest reasonable opportunity, and such officer shall bring the offender before a magistrate of the county where the crime was committed and make complaint against him. For such arrest the person in charge of the conveyance shall have the powers of a sheriff.

SECTION 313B. 354.48 of the statutes is amended by substituting "29.515" for "348.388, 348.389 or 348.39".

SECTION 314. 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 315. 355.31 of the statutes is repealed and recreated to read:

355.31 THEFT; PLEADING AND EVIDENCE; SUBSEQUENT PROSECUTIONS. (1) In any criminal pleading for theft 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 theft 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 theft 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 in possession of it; or

(c) The property belonged to more than one owner and was stolen from the same place pursuant to a single intent and design.

(4) In any case of theft involving more than one theft but prosecuted as a single crime, it is sufficient to allege generally a theft of property to a certain value committed between certain dates, without specifying any particulars. On the trial, evidence may be given of any such theft 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 or theft 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 theft are included in the charge and in that event such conviction does not bar a subsequent prosecution for any other acts of theft.

SECTION 316. 355.32 of the statutes is repealed.

SECTION 317. 356.01 (8) of the statutes is repealed and recreated to read:

356.01 (8) THEFT BY PERSON IN POSSESSION OF PROPERTY. Theft by a person 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 318. 356.01 (11) and (12) 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) **TRANSFER OF INCUMBERED PROPERTY.** A person charged with a violation of s. 943.25 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 319. 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 320. 359.01 of the statutes is created to read:

359.01 CONVICTION; JUDGMENT THEREON. (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 pronounce judgment and may adjourn the case from time to time for that purpose. In cases where s. 359.15 is applicable that section is controlling, but in all other cases the court must either impose or withhold sentence and, if the defendant is not fined or imprisoned, he must be placed on probation as provided in ch. 57. Execution of sentence may not be stayed except as provided in ch. 57 and s. 358.14.

SECTION 321. 359.05 of the statutes is amended to read:

359.05 * * * 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 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 322. 359.051 (1) of the statutes is amended to read:

359.051 (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 * * * more than . . . (the maximum as fixed by the court) years.”

* * * *The sentence shall have the force and 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 * * * 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 323. 359.12 (1) of the statutes is repealed.

SECTION 324. 359.12 (2) of the statutes is renumbered 359.12 (1) and amended to read:

359.12 (1) HOW PRIOR CONVICTION CHARGED AND DETERMINED. Whenever a person charged with a crime will be a repeater *as defined in s. 939.62* 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 * * * s. 939.62 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 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 * * * s. 939.62.

SECTION 325. 359.12 (3) of the statutes is repealed.

SECTION 326. 359.12 (4) of the statutes is renumbered 359.12 (2) and amended to read:

359.12 (2) FORM OF SENTENCE; ERRORS CURED. In every * * * case of a sentence under s. 939.62, 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 * * * s. 939.62, 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 327. 359.17 of the statutes is repealed.

SECTION 328. 362.21 of the statutes is amended to read:

362.21 If a magistrate has knowledge that * * * a battery is about to be committed or that * * * a fight 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 the peace 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 329. 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, obscene or indecent written matter, picture, sound recording or motion picture film prohibited by ss. 944.21 or 944.22 or which may be evidence in any case arising under those sections.

SECTION 330. 363.02 (12) of the statutes is created to read:

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

SECTION 331. 363.021 of the statutes is created 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 the keeper thereof, arrest all persons found therein under circumstances indicating that they entered therein for the purpose of prostitution, arrest all persons found therein playing for money or otherwise, and take into custody all gambling devices found therein.

SECTION 332. 363.025 of the statutes is amended to read:

363.025 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 333. 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, obscene or indecent written matter, pictures, sound recordings or motion picture 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 * * * *are* 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 s. 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 334. 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 335. 366.01 of the statutes is amended to read:

366.01 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 *resulting from negligent control of vicious animal, 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 336. 366.11 of the statutes is amended to read:

366.11 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 337. Chapter 623, Laws of 1953, is repealed.

SECTION 338. This act shall take effect upon July 1, 1956.

Approved December 16, 1955.

CROSS REFERENCE TABLE NO. 1

(Old to new)

This table shows what happens to all statutory sections repealed or renumbered by Ch. 696. It does not include statutory sections which are amended, repealed and recreated, or created. Statutory sections amended or repealed and recreated are treated in numerical order, beginning with SECTION 1A at page 1426, and consequently can easily be found without the assistance of a cross reference table. Statutory sections created by Ch. 696 (other than those in the criminal code) also are treated in numerical order, beginning with SECTION 2 at page 1426. The origin and history of sections in the new criminal code can be traced by using Cross Reference Table No. 2 which immediately follows this table.

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. Whenever the word "None" appears in the table below, it denotes that the substance of the old section has no counterpart in the new law, but this does not necessarily mean that the conduct prohibited by the old section would not be criminal under the new law.

<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
13.20	13.20 (1)	340.095	940.04
29.63 (3) (e)	29.63 (3) (d)	340.10	None
56.07 (4)	946.42	340.11	940.04
85.08 (36)	946.32	340.12	940.12
85.30	85.30 (1)	340.13	None
86.03 (5)	86.03 (6)	340.14	940.05
86.17	86.17 (1)	340.15	940.05
94.34	943.20	340.17	940.05
133.21	133.21 (1)	340.18	940.05
159.14 (1)	946.31 or 946.32	340.19	None
175.03	173.31	340.20	940.07
175.04	None	340.21	940.02 or 940.06
175.05	134.35	340.22	940.02 or 940.06 or 940.08
175.06	196.625		
175.10	134.50		
175.12	134.51	340.23	None
213.095 (2), (3)	341.12	340.24	None
215.385	946.31	340.25	940.05
221.20	946.31	340.26	940.06
325.26	325.34	340.27	None
340.01	None	340.271 (1)	940.09
340.02	940.01		939.65
340.03	940.02	340.271 (2), (3)	940.08
340.04	940.01 or 940.02 or 940.03 or 940.05 or 940.06 or 947.07	340.28	939.48
340.05	939.05	340.29	None
340.06	940.01 or 940.02 or 940.06 or 941.03	340.30	939.45
340.07	940.01 or 940.02 or 940.03 or 940.06	340.31	None
340.08	940.02	340.32	947.07
340.09	940.03	340.33	939.30
			939.05
			939.30
		340.34	None
		340.35	940.21
		340.36	939.32
		340.37	939.32
		340.38	940.23
		340.39	943.32
		340.40	939.32
		340.41	939.32

<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
340.42 -----	941.20	343.05 (1) -----	939.32
340.43 -----	943.32	343.05 (2) -----	943.05
340.44 -----	939.32	343.06 -----	943.02 (2)
340.445 -----	939.66		939.22 (28)
340.45 -----	943.30	343.07 -----	941.10
340.46 -----	944.01		85.30 (2)
340.47 -----	944.10		192.355
340.48 -----	939.32	343.08 -----	160.07
340.485 -----	359.15	343.09 -----	943.10
340.49 -----	939.32	343.10 -----	943.10
340.50 -----	941.32	343.11 -----	943.10
340.51 -----	939.30		943.11
	939.32	343.12 -----	943.10
340.52 -----	939.30		943.11
	939.32	343.121 -----	943.10
340.53 -----	941.03	343.122 -----	943.10
	943.01		943.32
340.535 -----	941.04	343.13 -----	None
340.54 -----	940.31	343.131 -----	943.12
	946.71	343.14 -----	943.20
	940.30	343.15 -----	943.20
	356.01 (10)	343.16 -----	943.20
340.55 (1) -----	940.32	343.17 -----	943.20
340.55 (2) -----	944.12	343.172 -----	943.20
340.56 -----	940.31	343.173 -----	943.20
340.57 -----	940.20	343.174 -----	943.20
340.58 -----	940.29	343.175 -----	943.20
340.59 -----	None		939.32
340.60 -----	941.20		98.25 (2)
	939.45	343.18 -----	943.23
340.605 (1) -----	940.24	343.183 -----	943.37
340.605 (2) -----	941.20	343.185 -----	85.01 (9a)
	29.63 (3) (d)	343.19 -----	943.34
340.607 -----	29.221	343.20 -----	943.20
340.608 -----	29.222		356.01 (8)
340.61 -----	167.30	343.21 -----	943.20
340.62 -----	943.01 or	343.22 -----	None
	943.02	343.23 -----	None
340.63 -----	192.295	343.24 -----	943.20
340.64 -----	192.291	343.241 -----	None
340.65 -----	167.25	343.25 -----	943.20
340.66 -----	941.20		943.39
340.67 -----	167.26	343.251 -----	132.17
340.68 -----	167.18	343.252 -----	946.70
340.69 -----	941.20	343.253 -----	943.20
	941.22		939.30
	941.23		939.32
340.70 -----	167.10	343.254 -----	21.145
340.71 -----	192.321	343.26 -----	134.20
340.72 -----	940.20	343.27 -----	943.01 or
	947.01		943.03 or
340.73 -----	940.31		943.04
340.74 -----	939.05	343.28 -----	939.05
340.75 -----	942.04	343.29 -----	120.44
340.76 -----	None		120.45
340.77 -----	940.02 or	343.30 -----	943.38
	940.03 or		943.39
	940.06 or	343.31 -----	943.20
	941.03	343.315 -----	943.26
340.79 -----	167.151	343.32 -----	943.20
340.80 -----	947.01	343.321 -----	943.25
340.85 -----	941.33	343.322 -----	147.225
340.86 -----	167.27	343.33 -----	132.18
343.01 -----	943.02	343.331 -----	134.25
	939.05	343.332 -----	134.26
343.02 -----	943.02	343.333 -----	134.27
	939.05	343.334 -----	134.28
343.03 -----	943.03	343.335 -----	134.29
	939.05	343.336 -----	134.30
343.04 -----	943.04	343.337 -----	134.31
	939.05	343.338 -----	134.32
		343.339 -----	134.33

<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
343.341 (1)	None	343.51 (1)	943.20
343.341 (2)	943.22	343.51 (2)	30.083
343.35	943.20	343.53	943.01
	939.32	343.54	943.01
343.36	None	343.55	943.01
343.37	943.39	343.551	None
	943.40	343.56	943.38
	943.20	343.561	943.38
	943.34	343.57	943.38
343.38	943.38	343.571	943.20
343.39	943.20		943.38
343.40	None		943.39
343.401 (1), (2), (3)	943.24	343.58	None
343.401 (2m)	118.66	343.59	943.38
343.402	943.21	343.60	943.38
343.405	943.20	343.61	943.38
	939.05	343.62	943.38
	939.32	343.63	None
343.406	943.39	343.64	943.40
343.407	134.19	343.65	943.38
343.41	943.20	343.651	132.19
	943.39	343.655	28.06 (4)
343.412	209.14	343.66	132.20
343.42	943.01	343.661	943.38
	947.01	343.662	943.38
343.421	29.582	343.663	943.38
343.422	943.02	343.664	943.38
343.424	943.01	343.665	943.38
343.43	943.01	343.666	943.38
	947.01	343.67	946.72
343.431	943.01	343.68	943.38
	947.01	343.681	134.01
343.432	943.01	343.682	134.02
	947.01	343.683	134.03
343.44	943.01	343.69	943.25
	947.01	343.70	21.155
343.442	29.546	343.701	86.17 (2)
343.443	943.01	343.71	None
	947.01	343.72	942.05
343.45	943.01	343.721	134.21
	943.20	343.722	134.17
343.451	943.01	343.723	134.18
343.452	943.01	343.724	134.41
	943.37	343.729	45.48
343.453	27.012	343.74 (1)	175.05 (1)
343.454	943.01	343.74 (2), (3)	946.02
	62.18 (15) (c)	343.74 (4)	939.32
343.455	943.01	343.74 (5)	939.31
	947.01	343.74 (6)	325.34
343.46	943.01	343.74 (7) to (11a)	175.05 (2) to (7)
	15.92	343.74 (13), (14)	None
343.462	15.93	346.01	946.31
343.463	946.73		939.05
	947.01	346.02	946.32
	939.65	346.03	939.30
343.47	947.10	346.06	946.10
343.471	947.10		325.34
343.472	947.10	346.07	946.10
343.473	174.025	346.08	946.10
343.474	947.10	346.09	12.50
343.48	30.065	346.10	12.51
343.481	86.192	346.11	12.54
343.482	86.191	346.12	12.56 (1)
343.483	86.021	346.13	12.56 (2)
343.484	86.022	346.14	12.56 (3)
343.485	86.025	346.15	939.05
343.486	86.03	346.16	12.56 (4)
343.487	192.292	346.17	12.52
343.488	134.52	346.18	17.03
343.49	None	346.19	13.60
343.50	943.20	346.20	13.61
		346.205	13.62

<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
346.21 -----	13.63	348.03 -----	945.03
346.22 -----	13.64		945.05
346.23 -----	13.65	348.04 -----	945.05
346.24 -----	13.66	348.05 -----	None
346.245 -----	13.67	348.06 -----	945.10
346.25 -----	13.68	348.07 -----	945.03
346.26 -----	13.69		945.05
346.27 -----	13.70	348.08 -----	945.02
346.28 -----	13.71	348.085 -----	280.20
346.29 -----	13.70 (3)		945.01
346.295 -----	13.72		945.02
346.30 -----	13.73	348.09 -----	945.04
346.31 -----	13.74	348.091 -----	363.02
346.32 -----	13.75	348.092 -----	945.01 (4)
346.33 -----	946.44		945.02
346.34 (1) -----	946.44		280.20
346.34 (2) -----	946.46	348.10 -----	331.056
346.35 -----	946.44	348.11 -----	945.04
346.36 -----	946.45		280.20
346.37 -----	946.12	348.12 -----	325.34
346.38 -----	946.40	348.13 -----	945.02
346.39 -----	946.41	348.14 -----	945.02
346.40 -----	946.42		192.16
346.41 -----	946.44		356.01 (11)
346.42 -----	53.105	348.16 -----	331.055
346.43 -----	53.095	348.17 -----	363.021
346.44 -----	946.42		363.04
346.45 -----	946.42	348.171 -----	945.02
346.46 -----	946.42		945.03
346.47 -----	53.375		325.34
346.48 -----	946.40	348.172 -----	945.03
346.49 -----	946.69		945.04
346.50 -----	946.41		939.05
346.51 -----	946.67	348.173 -----	945.03
346.52 -----	255.031		945.04
346.53 -----	255.13 (3)	348.174 -----	945.02
346.54 -----	255.095	348.175 -----	945.03
346.55 -----	255.041	348.176 -----	945.03
346.56 -----	13.20 (2)	348.177 -----	939.05
346.57 -----	256.335	348.178 -----	100.12
346.58 -----	310.031	348.179 -----	112.05
346.59 -----	173.07	348.18 -----	134.15 (1)
346.60 -----	946.69	348.19 -----	134.16
346.61 -----	946.15	348.20 -----	134.15 (2)
346.62 -----	946.16	348.201 (1) -----	5.012 (3)
	331.057	348.201 (2) -----	943.38
346.63 -----	946.72	348.201 (3) -----	5.05 (8m)
346.64 -----	180.88	348.21 -----	12.59
347.01 -----	946.01	348.211 -----	12.60
347.02 -----	947.06	348.213 -----	12.58 (1)
347.03 -----	None	348.214 -----	12.58 (2)
347.04 -----	947.06	348.215 -----	12.58 (3)
347.05 -----	946.40	348.216 -----	12.58 (4)
347.06 -----	946.12	348.217 -----	12.61
347.07 -----	21.11	348.218 -----	6.591
	59.24	348.219 -----	946.12
347.08 -----	None	348.22 -----	10.071
347.09 -----	None	348.221 -----	6.048
347.10 -----	943.01	348.222 -----	946.12
347.11 -----	None	348.223 -----	11.18
347.12 -----	None	348.224 -----	11.19
347.13 -----	None	348.225 -----	11.20
347.14 -----	946.03	348.226 -----	12.70
347.15 -----	946.03	348.23 -----	12.69
347.16 -----	None	348.231 -----	12.62
347.17 -----	946.03	348.232 -----	946.12
347.18 -----	946.03	348.233 -----	12.63
348.01 -----	945.03	348.234 -----	12.64
	945.04	348.235 -----	12.65
348.02 -----	945.03	348.236 -----	6.592
	945.05	348.237 -----	6.593
	939.05	348.24 -----	12.66

<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
348.241	12.71	348.44	947.01
348.25	12.67	348.46	None
348.26	12.68	348.47	None
348.261	946.10	348.471	161.271
348.262	946.10	348.472	134.58
348.263	946.10	348.473	208.36
348.264	70.501	348.474	208.37
348.265	70.502	348.475	208.38
348.266	70.503	348.476	215.40
348.267	16.301	348.477	943.35
348.268	12.57	348.478	943.35
348.269	16.302	348.479	946.06
348.27	16.303	348.48	946.05
348.271	12.53	348.481	946.06
348.272	16.441	348.482	946.05
348.273	16.761	348.483	946.05
348.28	946.12		946.06
	946.13	348.484	None
348.281	946.12	348.485	946.04
348.29	946.12	348.486	134.05
	946.14	348.487	134.06
348.291	946.12	348.488	209.15
348.30	946.13	348.49	134.57
348.301	946.12	348.52	None
348.31	946.10	348.53	134.45
	17.03	348.54	134.04
348.311	946.11	348.55	36.50
	12.55	348.56	175.10
348.312	196.675	348.57 (1) (a), (1) (b),	
348.313	946.11	(2)	945.08
	12.55	348.57 (1) (c)	945.07
348.32	18.04	348.57 (3)	325.34
348.325	256.295	348.58	942.03
348.33	946.12	348.60	946.68
348.34	29.61 (5)	348.61	None
348.35	947.01	351.01	944.16
348.351	947.02		939.74
348.352	None	351.02	944.05
348.353	66.112	351.03	944.05
348.355	66.112	351.04	944.20
348.36	134.36	351.05	944.15
348.361	134.37		944.10
348.362	134.38	351.06	944.02
348.37	134.39		944.06
348.38	134.40		944.15
348.381	29.641		944.16
348.382	29.643	351.07	944.15
348.383	29.642	351.08	944.32
348.384	29.644		939.05
348.386 (1), (1a), (2)	943.13	351.09	944.32
348.386 (3)	134.60		939.05
348.387	943.13	351.10	944.32
348.388	29.515		939.05
348.389	29.515	351.11	944.32 or
348.39	29.515		940.30 or
348.40	939.31		941.31
348.401	133.01 (3)	351.12	944.34
	133.21 (2)	351.13	944.32
348.402	943.20		939.05
348.403	None	351.14	944.35
348.41	942.01	351.15	325.34
348.411	942.01	351.16	944.33
348.412	942.02	351.17	939.03
348.42	31.025		356.01
348.421	29.29 (3)	351.18	325.18 (4)
348.422	30.082	351.19	944.30
348.423	29.29 (3)		944.31
348.424	30.06 (5a)		944.33
348.425	23.095		944.35
348.426	75.375		325.34
348.427	175.25	351.21	944.06
348.43	None		

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<i>Old section</i>	<i>New section</i>	<i>Old section</i>	<i>New section</i>
351.22 -----	940.04	351.62 -----	947.04
	939.30	351.63 -----	947.04
	939.32	351.64 -----	947.01
351.23 -----	940.04	351.65 -----	941.13
	939.32	351.66 -----	None
351.235 -----	151.10	352.20 -----	143.10 or
351.24 -----	946.63		940.20 or
351.25 -----	939.65		940.22
351.27 -----	940.28	352.21 -----	None
351.29 -----	946.71	352.22 -----	939.32
351.32 -----	940.20	352.48 -----	175.15
351.33 -----	944.20	352.50 (2) to (5) -----	134.65
	947.01	352.50 (6) -----	None
351.34 -----	944.11	352.67 -----	176.405
351.35 -----	944.34	353.01 -----	939.73
	944.30		357.25
	944.31		359.01
	280.16	353.05 -----	939.05
351.36 -----	363.021		939.66
351.37 -----	None	353.08 -----	946.47
351.38 -----	944.21	353.13 -----	355.395
	944.22	353.15 -----	939.05
	944.23	353.16 -----	354.021
351.39 -----	143.075	353.17 -----	354.021
351.40 -----	944.17	353.20 -----	939.74
351.41 -----	944.11	353.21 -----	939.74
351.42 -----	155.10	353.22 -----	939.74
351.43 -----	157.60	353.23 -----	939.74
351.50 -----	103.85	353.25 -----	359.055
351.51 -----	331.275	353.27 (1) -----	939.61
351.52 -----	None	353.27 (2) -----	359.044
351.53 -----	947.01	353.28 -----	939.03
351.54 -----	176.05 (9m)	353.29 -----	939.03
351.55 -----	947.01	353.31 -----	939.60
	945.02	353.33 -----	939.46
	354.47	355.32 -----	355.31
351.56 -----	None	359.12 (1) -----	939.62 (2)
351.57 -----	175.20	359.12 (2) -----	359.12 (1)
351.59 -----	947.03	359.12 (3) -----	939.62 (1)
	66.051	359.12 (4) -----	359.12 (2)
351.60 -----	947.04	359.17 -----	946.62

CROSS REFERENCE TABLE NO. 2

(New to old)

This table takes each section of the new criminal code created by Ch. 696 and indicates its counterpart in the 1953 code (Ch. 623, Laws of 1953) and in the 1953 statutes. It complements Table No. 1 in that Table No. 1 is designed to assist in tracing old into new sections while this table is designed to assist in tracing new into old.

<i>1955 Code</i>	<i>1953 Code</i>	<i>1953 Statutes</i>
939.01 -----	339.01 -----	None
939.03 -----	339.03 -----	353.23
		353.29
939.05 -----	339.05 -----	353.05
939.10 -----	339.11 -----	None
939.12 -----	339.11 -----	None
939.14 -----	339.13 -----	None
939.20 -----	339.20 -----	None
939.22 -----	339.22 -----	None
939.23 -----	339.23 -----	None
939.30 -----	339.30 -----	340.51
		340.52
939.31 -----	339.31 -----	348.40
939.32 -----	339.32 -----	340.51
		340.52
939.42 -----	339.42 -----	None
939.43 -----	339.43 -----	None
939.45 -----	339.45 -----	340.29
		340.30
939.46 -----	339.46 -----	353.33
939.47 -----	339.47 -----	None
939.48 -----	339.48 -----	340.29 (2)
939.49 -----	339.49 -----	None
939.60 -----	339.60 -----	353.31
939.61 -----	339.61 -----	353.27 (1)
939.62 -----	339.62 -----	359.12 (1), (3)
939.65 -----	339.65 -----	None
939.66 -----	339.66 -----	357.09
		340.445
939.70 -----	339.70 -----	None
939.71 -----	339.71 -----	None
939.72 -----	339.72 -----	None
939.73 -----	339.73 -----	353.01
939.74 -----	339.74 -----	353.20
		353.21
		353.22
		353.23
		351.01
940.01 -----	340.01 -----	340.02
940.02 -----	340.02 -----	340.03
		340.06
		340.07
940.03 -----	None -----	340.09
940.04 -----	340.08 -----	340.095
	340.09 -----	351.22
		351.23
940.05 -----	340.03 -----	340.14
		340.15
		340.18
		340.25
940.06 -----	340.04 -----	340.26
		340.06
		340.07
		340.20
		340.21
		340.22
		340.23

<i>1955 Code</i>	<i>1953 Code</i>	<i>1953 Statutes</i>
940.07	None	340.20
940.08	340.05	340.271 (2), (3)
940.09	340.06	340.271 (1)
940.12	340.07	340.12
940.20	340.20	340.57
940.21	None	340.35
940.22	340.21	340.35 340.41
940.23	340.22	340.38
940.24	341.20	340.605 (1)
940.28	340.23	351.27
940.29	340.24	340.58
940.30	340.25	None
940.31	340.26	340.54
	340.27	340.56
940.32	340.26	340.55
941.01	341.01	None
941.03	341.03	340.53 340.77
941.04	None	340.535
941.10	341.10	343.07
941.11	341.11	343.01 343.02
941.12	341.12	213.095
941.13	341.13	351.65
941.20	341.20	340.42
	341.21	340.60 340.605 340.66 340.69
941.22	341.22	340.69
941.23	341.23	340.69
941.30	341.30	None
941.31	341.31	340.73
941.32	341.32	340.50
941.33	341.33	340.85
942.01	342.01	348.41 348.411
942.02	342.02	348.412
942.03	342.03	348.58
942.04	342.04	340.75
942.05	342.05	343.72
943.01	343.01	343.42 343.43 343.431 343.44 343.443 343.451 343.454 343.455 343.53 347.10
943.02	343.02	343.01 343.02 343.22
943.03	None	343.03
943.04	343.03	343.04
943.05	343.04	343.05 (2)
943.10	343.10	343.09 343.10 343.11 343.12 343.121 343.122
943.11	343.10	343.11
943.12	343.12	343.131
943.13	343.13	348.386 (1), (1a), (2) 348.387
943.14	343.14	None

<i>1955 Code</i>	<i>1953 Code</i>	<i>1953 Statutes</i>
943.20 -----	343.20 -----	343.14
	343.21 (2), (3)	343.15
		343.17
		343.175
		343.172
		343.173
		343.174
		343.20
		343.21
		343.24
		343.31
		343.32
		343.341
		343.35
		343.37
		343.405
		343.41
		343.45
		343.50
		343.51
		343.571
		348.402
943.21 -----	343.22 -----	343.402
943.22 -----	343.21 (1) -----	343.341 (2)
943.23 -----	343.23 -----	343.18
943.24 -----	343.24 -----	343.401
943.25 -----	343.25 -----	343.321
		343.69
943.26 -----	None -----	*343.315
943.30 -----	343.26 -----	340.45
943.31 -----	343.26 -----	None
943.32 -----	343.27 -----	340.39
	343.28	340.43
943.34 -----	343.29 -----	343.19
943.35 -----	343.30 -----	348.477
		348.478
943.37 -----	343.31 -----	343.183
		343.452
		343.54
943.38 -----	343.32 -----	343.38
		343.54
		343.56
		343.561
		343.57
		343.59
		343.60
		343.65
		343.661
		343.662
		343.663
		343.664
		343.665
		343.666
		343.68
		348.201 (2)
943.39 -----	343.33 -----	343.25
		343.30
		343.37
		343.406
943.40 -----	343.34 -----	343.37
		343.64
944.01 -----	344.01 -----	340.46
944.02 -----	344.02 -----	340.46
		351.06
944.05 -----	344.05 -----	351.02
		351.03
944.06 -----	344.06 -----	351.21
944.10 -----	344.10 -----	340.47
944.11 -----	344.11 -----	351.34
		351.40
		351.41

* Created by Ch. 143, Laws 1955.

<i>1955 Code</i>	<i>1953 Code</i>	<i>1953 Statutes</i>
944.12 -----	344.12 -----	340.55 (2)
944.15 -----	344.15 -----	351.05
944.16 -----	344.16 -----	351.01
944.17 -----	344.17 -----	351.40
944.20 -----	344.20 -----	351.04
944.21 -----	344.21 -----	351.38
944.22 -----	None -----	351.38 (1)
944.23 -----	344.21 (1) (c) -----	351.38 (2)
944.30 -----	344.25 -----	351.19 (3), (4) 351.35
944.31 -----	344.26 -----	351.19 (3)
944.32 -----	344.27 -----	351.08 351.09 351.10 351.13
944.33 -----	344.28 -----	351.16 351.19 (1), (2)
944.34 -----	344.29 -----	351.35 (1)
944.35 -----	344.30 -----	351.15
945.01 -----	345.01 -----	348.092 (2) 348.175
945.02 -----	345.02 -----	348.08 348.092 (3) 348.13 348.171 348.174
945.03 -----	345.03 -----	348.01 348.02 348.03 348.07 348.171 348.172 348.173
945.04 -----	345.04 -----	348.01 348.09 348.11 348.172
945.05 -----	345.05 -----	348.04 348.07 (2)
945.07 -----	345.07 -----	348.57 (1) (c)
945.08 -----	345.08 -----	348.57
945.10 -----	None -----	348.06
946.01 -----	346.01 -----	347.01
946.02 -----	346.02 -----	343.74 (2) to (6) & (11)
946.03 -----	346.03 -----	347.14 347.15 347.16 347.17 347.18
946.04 -----	346.04 -----	348.485
946.05 -----	346.05 -----	348.48 348.482 348.483 (2)
946.06 -----	346.06 -----	348.479 348.481 348.483 (1)
946.10 -----	346.10 -----	346.06 346.07 346.08 348.261 348.262 348.263
946.11 -----	346.11 -----	348.311 348.313

<i>1955 Code</i>	<i>1953 Code</i>	<i>1953 Statutes</i>
946.12 -----	346.12 -----	348.28 348.29 346.36 346.37 348.281 348.301 348.33 348.291 348.219 348.22 348.232
946.13 -----	346.13 -----	348.28 348.30
946.14 -----	346.14 -----	348.29
946.15 -----	346.15 -----	346.61
946.16 -----	346.16 -----	346.62
946.18 -----	346.18 -----	None
946.31 -----	346.31 -----	346.01
946.32 -----	346.31 -----	346.02
946.40 -----	346.40 -----	346.38 346.48
946.41 -----	346.41 -----	346.39
946.42 -----	346.42 -----	346.40 346.44 346.45 346.46 346.33 346.34
946.43 -----	346.43 -----	346.40 (1), (2)
946.44 -----	346.44 -----	346.33 346.35 346.41
946.45 -----	346.45 -----	346.36
946.46 -----	346.46 -----	346.34 (2)
946.47 -----	346.47 -----	353.08
	346.60	
946.61 -----	346.61 -----	None
946.62 -----	346.62 -----	359.17
946.63 -----	346.63 -----	351.24
946.64 -----	346.64 -----	None
946.67 -----	346.67 -----	346.51
946.68 -----	346.68 -----	348.60
946.69 -----	346.69 -----	346.49 346.60
946.70 -----	346.70 -----	343.252
946.71 -----	346.71 -----	340.54 (2) 351.29
946.72 -----	346.72 -----	343.67 346.63
946.73 -----	346.73 -----	343.463
947.01 -----	347.01 -----	348.35 351.55 351.64 343.463 340.72
947.02 -----	347.02 -----	348.351
947.03 -----	347.03 -----	351.59 348.351
947.04 -----	347.04 -----	351.60 351.62 351.63
947.06 -----	347.06 -----	347.02 347.04
947.07 -----	347.07 -----	340.32
947.10 -----	347.10 -----	343.47 343.471 343.472