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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 296**

**Senate  
Amendment 1**

### 2021 SENATE BILL 296

2021 Senate Bill 296 creates a definition of “riot” and provides criminal penalties associated with various actions concerning riots.

The bill defines “riot” to mean a public disturbance involving an unlawful assembly and one of the following:

- An act of violence by one or more persons who are part of the unlawful assembly that constitutes a clear and present danger of, or would result in, damage to the property of any other person or injury to another person.
- A threat to commit an act of violence made by one or more persons who are part of the unlawful assembly that has, individually or collectively, the ability to immediately execute the threat, if the performance of the threatened act of violence would constitute a clear and present danger of, or would constitute a clear and present danger of, or would result in, damage to the property of any other person or injury to another person.
- An act of violence by one or more persons who are part of the unlawful assembly that substantially obstructs law enforcement or another governmental function.

The bill provides the following penalties associated for actions related to riots:

- A person who attends a riot or who refuses an order to disperse a riot is guilty of a Class A misdemeanor. The bill requires a court to sentence a person who commits this offense to a minimum term of confinement in a county jail or state correctional institution of 30 days.
- A person who incites or urges three or more persons to create or engage in a riot is guilty of a Class A misdemeanor.
- A person who, while participating in a riot, blocks or obstructs the lawful use by any other person of any private or public thoroughfare, or blocks or obstructs any positions of access or exit to any private or public building or dwelling, is guilty of a Class A misdemeanor.
- A person who knowingly participates in a riot that results in substantial damage to the property of another or bodily injury to another person is guilty of a Class I felony. The bill requires a court to sentence a person who commits this offense to a mandatory term of confinement in a county jail or a state correctional institution of 45 days.

## **SENATE AMENDMENT 1**

Senate Amendment 1 adds the mental element of intent to the first three penalty provisions above. The amendment also replaces the mental element “knowingly” in the fourth penalty provision above with “intentionally.”

## **BILL HISTORY**

Senator Wanggaard offered Senate Amendment 1 to Senate Bill 296 on September 14, 2021. On September 23, 2021, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of the amendment and passage of Senate Bill 296, as amended, both on votes of Ayes, 4; Noes, 2.

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