

CHAPTER 947.

CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS.

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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.

History: 1955 c. 696.

§48.35 (Stats. 1949) does not merely prohibit offensive language but makes it an offense to use such language or to engage by acts in disorderly conduct tending to the result described. The term "disorderly conduct" embraces all such acts and conduct as are of a nature to corrupt the public morals or to outrage the sense of public decency, whether committed by words or by acts. *Teske v. State*, 256 W 440, 41 NW (2d) 642.

A city ordinance prohibiting "any fighting" is not invalid as unlawfully enlarging on the definition of "disorderly conduct", authorizing the enactment of municipal ordinances for the punishment of the same or similar offenses set forth in such section. *Stoughton v. Powers*, 264 W 582, 60 NW (2d) 405.

See note to §59.15, citing *Wood v. Hansen*, 268 W 165, 66 NW (2d) 722.

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.

History: 1955 c. 696.

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.

History: 1955 c. 696.

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.

History: 1955 c. 696.

947.045 Drinking in motor vehicles on highways. Whoever drinks from or opens a container of fermented malt beverage or intoxicating liquor in a moving motor vehicle on a public highway may be fined not more than \$100. This section does not apply to a motor bus as defined in s. 340.01 (31).

History: 1957 c. 577.

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.

History: 1955 c. 696.

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

History: 1955 c. 696.

947.08 Crime comics. (1) LEGISLATIVE FINDING AND DECLARATION. It is declared as a legislative finding of fact that exercise of this state's police power to minimize all incentives to crime, particularly in the field of sanguinary or salacious publications with their stimulation of juvenile delinquency is important; and that the publication, sale and distribution to minors or possession by minors of books, magazines, or other printed matter consisting of narrative material in pictorial form, commonly known as comic books and which depict, in substantial part, acts of indecency, horror, terror, physical torture or brutality, have the effect of inciting, encouraging, or advocating the commission of crime, and are a source of crime, particularly among minors, and a contributing factor in impairing the moral and ethical development of our youth and a danger to the health, safety, morals and well-being of the people of the state. Therefore, the provisions hereinafter prescribed are enacted and their necessity in the public interest is hereby declared as a matter of legislative determination.

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

- (a) Sells or distributes commercially a crime comic to a minor; or
- (b) Has a crime comic in his possession with intent to sell or distribute it commercially to a minor; or
- (c) Distributes a crime comic commercially to a retailer with knowledge that such retailer intends to distribute it to a minor.

(3) In this section "crime comic" means any book, magazine or other printed matter consisting of narrative material in pictorial form, commonly known as a comic book and which depicts, in substantial part, acts of indecency, horror, terror, physical torture or brutality.

(4) This section does not apply to the portrayal of historical or current events or of literary works of recognized merit unless acts are so depicted as to demonstrate a purpose to incite, advocate or encourage the commission of crime or to exploit minors' interest in the commission of acts of indecency, horror, terror, physical torture or brutality.

History: 1957 c. 648.

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.

History: 1955 c. 696.

See note to 174.10, citing *State v. Garbe*, 256 W 86, 39 NW (2d) 743. The purpose of the provision in 174.10 (1), that "no action" shall be maintained

for injury to or destruction of a dog without a tag unless it appears affirmatively that the dog was duly licensed and that a tag had been properly attached to its collar, etc., was to penalize the dog owner who fails to purchase a license, and not to relieve from criminal liability the person who cruelly maims or tortures a dog, and the words "no action" as used therein refer to civil actions only, so that such provision does not preclude a criminal prosecution under 343.47 (Stats. 1951) for maliciously maiming and killing a dog although the dog did not have a license tag affixed to its collar at the time of the commission of the offense. (State v. Garbe, 256 W 86, overruled so far as construing 174.10 (1) as applying to criminal as well as to civil actions.) State v. Surma, 263 W 338, 57 NW (2d) 370.

947.15 Contributing to the delinquency or neglect of children. (1) The following persons may be fined not more than \$500 or imprisoned not more than one year in county jail or both:

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

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

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

History: 1957 c. 38.