



1995 SENATE BILL 497

January 23, 1996 - Introduced by Senators SCHULTZ, RUDE, WELCH, DARLING, PANZER, GROBSCHMIDT, C. POTTER and RISSER, cosponsored by Representatives FREESE, BOYLE, HUBER, DOBYNS, KRUG, HASENOHRL, OTTE, BAUMGART, WIRCH, SILBAUGH, BLACK, LAZICH, GOETSCH, LORGE, ROBSON, GREEN, MUSSER, OTT, RILEY, JOHNSRUD, GRONEMUS, WASSERMAN, GUNDERSON, SERATTI and BALDWIN. Referred to Committee on Judiciary.

1 **AN ACT to amend** 943.01 (2) (intro.), 943.01 (2) (a) 2. and 943.01 (2) (b); and **to**
2 **create** 943.01 (2) (f) of the statutes; **relating to:** criminal damage to certain
3 property.

Analysis by the Legislative Reference Bureau

Under current law, whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor. However, a person is guilty of a Class D felony if he or she intentionally causes damage to any physical property of another without the person's consent under any of the following circumstances: 1) the property damaged is a vehicle or highway and the damage is of a kind which is likely to cause injury to a person or further property damage; 2) 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) the property damaged belongs to a person who is or was a witness or a juror and the damage was caused by reason of the owner's having attended or testified as a witness or by reason of any verdict or indictment assented to by the owner; 4) the total property damaged is reduced in value by more than \$1,000; or 5) the property damaged is on state-owned land and is listed on a registry maintained by the department of natural resources of prominent features in the landscape of state-owned land.

This bill provides that a person is guilty of a Class D felony if he or she intentionally causes damage to a rock art site, any portion of a rock art site or an object that is part of an rock art site, if the rock art site is listed on the national register of historic places or the state register of historic places. The bill defines "rock art site" as an archaeological site that contains paintings, carvings or other deliberate modifications of an immobile rock surface, such as a cave, overhang, boulder or bluff face, to produce symbols, stories, messages, designs or pictures. "Rock art site" includes artifacts and other cultural items, modified soils, bone and

other objects of archaeological interest that are located adjacent to the paintings, carvings or other deliberate rock surface modifications.

The maximum penalties for persons convicted of the crime classifications mentioned are:

<u>Crime classification</u>	<u>Maximum imprisonment</u>	<u>Maximum fine</u>
Class D felony	5 years	\$10,000
Class A misdemeanor	9 months	\$10,000

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

1 **SECTION 1.** 943.01 (2) (intro.) of the statutes is amended to read:

2 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
3 circumstances is guilty of a Class D felony:

4 **SECTION 2.** 943.01 (2) (a) 2. of the statutes is amended to read:

5 943.01 (2) (a) 2. The property damaged is a vehicle or highway and the damage
6 is of a kind which is likely to cause injury to a person or further property damage;
7 ~~or.~~

8 **SECTION 3.** 943.01 (2) (b) of the statutes is amended to read:

9 943.01 (2) (b) The property damaged belongs to a public utility or common
10 carrier and the damage is of a kind which is likely to impair the services of the public
11 utility or common carrier; ~~or.~~

12 **SECTION 4.** 943.01 (2) (f) of the statutes is created to read:

13 943.01 (2) (f) 1. In this paragraph, “rock art site” means an archaeological site
14 that contains paintings, carvings or other deliberate modifications of an immobile
15 rock surface, such as a cave, overhang, boulder or bluff face, to produce symbols,
16 stories, messages, designs or pictures. “Rock art site” includes artifacts and other
17 cultural items, modified soils, bone and other objects of archaeological interest that

1 are located adjacent to the paintings, carvings or other deliberate rock surface
2 modifications.

3 2. The property damaged is a rock art site, any portion of a rock art site or any
4 object that is part of a rock art site, if the rock art site is listed on the national register
5 of historic places in Wisconsin, as defined in s. 44.31 (5), or the state register of
6 historic places under s. 44.36.

7 **SECTION 5. Initial applicability.**

8 (1) This act first applies to offenses committed on the effective date of this
9 subsection.

10 (END)