



2005 ASSEMBLY BILL 944

January 26, 2006 - Introduced by Representatives MUSSER, TURNER, LOEFFELHOLZ, J. FITZGERALD, LOTHIAN, PETTIS, DAVIS, OTT, RHOADES, MONTGOMERY, GRONEMUS, NELSON, KREUSER, KERKMAN, HINES, LEHMAN, LEMAHIEU, ZEPNICK, M. WILLIAMS, KRAWCZYK, BIES, VAN ROY, GUNDERSON, KREIBICH and PETROWSKI, cosponsored by Senators BROWN, DECKER, SCHULTZ, A. LASEE, ZIEN, HARSDORF, LAZICH, COWLES, OLSEN and CARPENTER. Referred to Committee on Military Affairs.

1 **AN ACT** *to renumber* 947.01; and *to create* 947.01 (2) of the statutes; **relating**
2 **to:** disrupting a funeral or memorial service or a funeral procession and
3 providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct, which is defined as engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A person who commits disorderly conduct is guilty of a Class B misdemeanor and may be fined up to \$1,000 or imprisoned in the county jail for up to 90 days or both.

Under this bill, no person may do any of the following during a funeral or memorial service (including a wake), during the 60 minutes immediately preceding a funeral or memorial service that has a scheduled starting time, or during the 60 minutes immediately following a funeral or memorial service: 1) engage in a loud protest that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 500 feet of any entrance to a facility being used for the service (including a cemetery) if the protest is intended to disrupt the service; 2) display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service; or 3) intentionally block access to a facility being used for the service. In addition, under the bill, no person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession. In general, a person who

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violates either of these prohibitions is guilty of a Class A misdemeanor and may be fined up to \$10,000 or imprisoned in the county jail for up to nine months or both. But if a person violates one of these prohibitions after having been convicted of a prior violation of either of them, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 947.01 of the statutes is renumbered 947.01 (1).

2 **SECTION 2.** 947.01 (2) of the statutes is created to read:

3 947.01 (2) (a) In this subsection:

4 1. “Facility” includes a cemetery in which a funeral or memorial service takes
5 place.

6 2. “Funeral or memorial service” includes a wake but does not include a service
7 that is not intended to honor or commemorate one or more specific decedents.

8 (b) No person may do any of the following during a funeral or memorial service,
9 during the 60 minutes immediately preceding a funeral or memorial service that has
10 a scheduled starting time, or during the 60 minutes immediately following a funeral
11 or memorial service:

12 1. Engage in a loud protest, with or without using an electric sound
13 amplification device, that involves singing, chanting, whistling, yelling, or honking
14 a motor vehicle horn within 500 feet of any entrance to a facility being used for the
15 service if the protest is intended to disrupt the service.

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1 2. Display any visual image that conveys fighting words or actual or veiled
2 threats against any other person within 500 feet of any entrance to a facility being
3 used for the service.

4 3. Intentionally block access to a facility being used for the service.

5 (c) No person, with the intent to disrupt a funeral procession, may impede
6 vehicles that he or she knows are part of the procession.

7 (d) 1. Except as provided in subd. 2., any person who violates this subsection
8 is guilty of a Class A misdemeanor.

9 2. Any person who violates par. (b) after having been convicted of a violation
10 of this subsection is guilty of a Class I felony.

11

(END)