

State of Misconsin 2009 - 2010 LEGISLATURE

LRB-3905/1 CMH:nwn:md

2009 ASSEMBLY BILL 678

January 22, 2010 – Introduced by Representatives STASKUNAS, STEINBRINK, BIES, TURNER, ZEPNICK, SINICKI, FIELDS, A. OTT and RIPP, cosponsored by Senators LEHMAN, LASSA, DARLING, CARPENTER and OLSEN. Referred to Committee on Education.

AN ACT to create 943.142 of the statutes; relating to: trespass on school 1 2

premises and providing a penalty.

Analysis by the Legislative Reference Bureau

Generally under current trespass law, subject to a number of exceptions, a person who enters the land of another, without permission, is subject to a Class B forfeiture. If a person intentionally enters the dwelling of another without consent under circumstances tending to create or provoke a breach of the peace, he or she is guilty of a Class A misdemeanor. If a person intentionally enters a medical facility without consent under circumstances tending to create or provoke a breach of the peace, he or she is guilty of a Class B misdemeanor.

Under this bill a person who intentionally goes onto school premises without the consent of a school district official, employee, or agent lawfully on the school premises under circumstances tending to create or provoke a breach of the peace is guilty of a Class B misdemeanor.

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.

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

ASSEMBLY BILL 678

1	SECTION 1. 943.142 of the statutes is created to read:
2	943.142 Criminal trespass on school premises. (1) In this section, "school
3	premises" has the meaning given in s. 939.632 (1) (c).
4	(2) Whoever intentionally goes onto school premises without the consent of a
5	school district official, employee, or agent lawfully upon the school premises, under
6	circumstances tending to create or provoke a breach of the peace, is guilty of a Class
7	B misdemeanor.
8	(3) Subsection (2) does not apply to conduct that is protected by the person's
9	right to free speech or to peacefully assemble with others under the state and U.S.
10	constitutions.
11	(END)

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