

JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bills 395, 396, and 397

September 21, 2017

Testimony from Rep. Spiros

Good afternoon, and thank you Chairman Ott and members of the Assembly Committee on Judiciary for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bills 395, 396, and 397, which address the issue of rioting and provide penalties for participating in a riot.

Our country's first amendment rights and history of peaceful demonstrations have been an important cornerstone of American progress. However, over the last several years we have seen an increase in the number of high-profile, violent riots across the country that have terrorized our big cities, often leaving in their wake damage to businesses and personal property, not to mention the personal injuries and even fatalities that have been inflicted. And despite the increasing number of riots, Wisconsin is still one of just a handful of states that does not provide a definition for the term riot in statute or provide a penalty for participating in a riot.

Assembly Bill 395 would define a riot as "a public disturbance that involves an act of violence, as part of an assembly of at least three persons, that constitutes a clear and present danger of property damage or personal injury or a threat of an act of violence, as part of an assembly of at least three persons having the ability of immediate execution of the threat, if the threatened action would constitute a clear and present danger of property damage or personal injury". The bill would set the penalty for participating in a riot as a Class I felony. This definition was taken directly from the US Code, and is in line with the definition used in 16 other states.

Assembly Bill 396 would create a criminal penalty for anyone who blocks or obstructs the lawful use of a private or public thoroughfare or access to entrances and exits of any private or public building or dwelling while participating in a riot. The penalty for this offense would be a Class A misdemeanor, which is consistent with the penalty for committing the same crime in the course of an unlawful assembly.

In addition to the personal and property damage we have seen publicized in riots, we have also seen countless circumstances of rioters shutting down traffic on major roads. Not only does this create an inconvenience for everyone in the area, but also creates a safety risk as emergency vehicles are also prevented from passing through. This is an issue of public safety for everyone, including first responders, bystanders, and even the rioters themselves.

Assembly Bill 397 would prohibit participating in a riot while armed with a dangerous weapon, including a firearm, and would provide a penalty of a Class G felony. Riots already present an

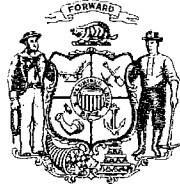
inherent danger to public safety, often resulting in personal and property damage. This risk is exponentially increased when those participating in the riot are armed with firearms.

During the riot that took place in Milwaukee in August 2016, an 18-year-old bystander was shot in the neck by an individual who was participating in the riot and armed with a firearm. During the same riot, firefighters were initially unable to put out fires at local businesses because of shots being fired at them and bricks being thrown at their trucks. Keep in mind that unlike police officers, firefighters aren't armed to protect themselves against this type of violence. In just one night during this riot, Milwaukee's ShotSpotter recorded 30 different instances of gunfire. This type of violent behavior creates a risk for those participating in and witnessing the riot, as well as our law enforcement officers whose job it is to keep the rest of us safe.

As a former law enforcement officer, my priority is public safety. That means protecting the safety of law enforcement, the safety of individuals who have to live and work in the neighborhoods where these riots take place, and the safety of those participating in the riots. Our goal should be to make sure everyone goes home safely at the end of the night, and addressing a problem like rioting, which has grown more and more prevalent in the last few years, is a big step in the right direction.

Many of the public safety bills I introduce are focused on prevention of crime. By setting parameters for what is and is not acceptable behavior during a demonstration, we can encourage demonstrators to remain peaceful, while also giving law enforcement officers and prosecutors the tools they need to properly address these crimes. These bills are in no way meant to suppress peaceful protests or assemblies, but rather to encourage that they remain peaceful.

Thank you again for allowing me the opportunity to share testimony in support of these bills, and I welcome any questions.



Van H. Wanggaard

Wisconsin State Senator

September 21, 2017

Testimony on Assembly Bills 395, 396, and 397

Thank you Chairman Ott and committee members for hearing Assembly Bills 395, 396, and 397 today. This package of bills addresses the growing popularity of riots and the damage that they perpetrate in our communities.

Current law does not specifically criminalize the act of rioting or some of the harmful actions that are often associated with it. In the wake of recent disruptions both in our state and across the nation, it is important to focus on keeping the public safe and holding those responsible accountable.

Wisconsin is one of few states that does not define riot in statute. Under Assembly Bill 395, a riot would be defined as a public disturbance that involves an act of violence, as part of an assembly of at least three persons, that constitutes a clear and present danger of property damage or personal injury or a threat of an act of violence, as part of an assembly of at least three person having the ability of immediate execution of the threat, if the threatened action would constitute a clear and present danger or property damage or personal injury. Engaging in such an activity would result in a Class I felony.

In addition to the property damage that occurs during these riots, shutting down major roadways has also become a popular tactic. This is an issue of public safety that affects not only those on the freeways and highways, but first responders trying to get to an emergency, innocent bystanders and even the rioters themselves. Assembly Bill 396 addresses this by classifying blocking a thoroughfare as a Class A misdemeanor.

For the safety of everyone, including those involved, we also need to put a penalty on being armed with a firearm while participating in a riot. Riots are already dangerous, and adding a deadly weapon into the mix only increases the likelihood of a tragedy. Assembly Bill 397 makes this a Class G felony.

Passing Assembly Bills 395, 396, and 397 will insure the safety of our communities and protect the public. This package has the support of several law enforcement groups. I encourage you to support the passage of these bills as well.

Serving Racine and Kenosha Counties - Senate District 21