



JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 279
August 24, 2021
Testimony from Rep. Spiros

Hello, and thank you Chairman Tusler and members of the Assembly Committee on Judiciary for allowing me to testify on Assembly Bill 279 related to participation in a riot and providing a penalty.

This is a bill that Senator Wanggaard and I have been working on for a couple sessions, and has become especially relevant this session after the rioting that has happened over the course of the last year around our state. I want to be extremely clear that as authors, we understand there is a fundamental difference between a protest and a riot. Protests are peaceful, pre-organized demonstrations, while riots end up risking people's safety and livelihoods of local businesses.

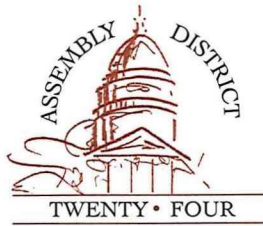
Currently, "riot" is not defined in Wisconsin State Statutes. This bill would define a "riot" as a public disturbance that includes one of the following:

1. An act of violence by at least one person in the unlawful assembly that constitutes a clear and present danger of property damage or personal injury or would result in property damage or personal injury.
2. A threat to commit an act of violence made by at least one person in the unlawful assembly if there was an ability to immediately execute the threat and if the threatened act would constitute a clear and present danger of property damage or personal injury or would result in property damage or personal injury.
3. An act of violence by at least one person in the unlawful assembly that substantially obstructs law enforcement or another governmental function.

Using this definition, AB 279 sets the penalty for attending a riot as a Class A misdemeanor and the penalty for knowingly participating in a riot that causes substantial damage or personal injury as a Class I felony. Additionally, this bill adds members of the National Guard to the list of protected individuals for whom intentionally causing bodily harm or throwing or expelling a bodily substance results in increased penalties.

This bill is not meant to affect the peaceful protests like some we witnessed last summer, but instead is designed to discourage destructive behavior and create a path of recourse for the riots that cause harm to our communities. Last year, riots created safety risks for those trying to peacefully protest, first responders, and even one of our own legislative colleagues who was a bystander, all on top of thousands in damage for local business owners. Stores were looted, roads shut down, and bystanders injured. We witnessed firsthand that penalties and definitions need to be put in place to provide clarity on the recourse for riots in our state, and this bill accomplishes that objective.

Again, thank you for allowing me to share testimony in support of this bill.



DAN KNODL

STATE REPRESENTATIVE • 24TH ASSEMBLY DISTRICT

August 24, 2021

Chairman Tusler and Members Assembly Committee on the Judiciary,

Thank you for holding a hearing on Assembly Bill 279. This bill defines what a riot is in state law and creates new penalties for participating in or inciting a riot. Under the bill, it would be a Class A misdemeanor to attend or incite a riot and a Class I felony to “knowingly participate in a riot that results in substantial damage to the property of another person or bodily injury to another person.”

Currently, Wisconsin is one of seven states without such a definition.

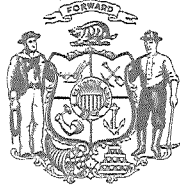
Our state has not been immune to the damage and destruction of the past year caused by protests that turned into violent riots. Those who harm others or destroy property in order to make a point are also making a mockery of our sacred First Amendment rights. Too many Wisconsinites have lost their livelihoods at no fault of their own and innocent people have been hurt. This bill protects free speech while establishing common-sense boundaries.

We have also seen incidents where rioters have shut down traffic. This creates serious safety risks for everyone involved, and this bill prudently establishes penalties for such reckless and dangerous behavior.

Finally, the bill extends protections already granted to first responders to members of the National Guard. This is only reasonable, as the Guard has been activated multiple times in response to these riots. They merit the same protections that we afford to our law enforcement, firefighters, and emergency medical personnel.

Sincerely,

State Representative Dan Knodl
24th Assembly District



Van H. Wanggaard

Wisconsin State Senator

August 24, 2021

Testimony on Assembly Bill 279

Thank you committee members for hearing Assembly Bill 279 today. This bill addresses the growing popularity of riots and the damage that they perpetrate in our communities.

Current law addresses the harmful actions that are often associated with rioting only when violating unlawful assembly laws and after refusing to disperse when ordered. 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 the very few states that does not define riot in statute. Under Assembly Bill 279, a person who is part of a group of at least three people that commits an act of violence constituting a clear and present danger of property damage or personal injury, or threatens to do so, would be guilty a Class I felony.

In addition to damaging property, shutting down major roadways has also become a popular tactic during riots. This is an issue of public safety that is not only dangerous to people on the freeways and highways, but also first responders trying to get to an emergency, innocent bystanders, and even the rioters themselves. This bill addresses that by classifying intentionally blocking a thoroughfare as a Class A misdemeanor.

To be clear, the intention of this bill is not to punish peaceful protestors participating in lawful gatherings. The language in this bill is substantially similar to those in 46 other states. This bill is meant to address bad actors that seek to damage property, commit acts of violence, and incite other unlawful behavior.

Passing Assembly Bill 279 will insure the safety of our communities and protect the public. This bill has the support of several law enforcement groups. I encourage you to support the passage of this bill as well.

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