



# Van H. Wanggaard

Wisconsin State Senator

September 16, 2021

## Testimony on Senate Bill 296

Thank you committee members for hearing Senate Bill 296 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 Senate Bill 296, 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. This bill is meant to address bad actors that seek to damage property, commit acts of violence, and incite other unlawful behavior.

Passing Senate Bill 296 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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## *Senate Bill 296*

September 16, 2021

Testimony from Rep. Spiros

Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for allowing me to submit testimony on Senate Bill 296 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 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.