



2025 ASSEMBLY BILL 88

February 28, 2025 - Introduced by Representatives SORTWELL, BEHNKE, BRILL, DITTRICH, DONOVAN, GOEBEN, GUNDRUM, B. JACOBSON, KNODL, MAXEY, MOSES, MURPHY, MURSAU, O'CONNOR, TUSLER and WICHGERS, cosponsored by Senators FEYEN, CABRAL-GUEVARA, NASS, TOMCZYK and WANGGAARD. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 66.0511 (5), 895.4465 and 947.065 of the statutes; **relating**
2 **to:** civil action for injury or damages resulting from riot or vandalism,
3 participation in a riot, prohibiting certain limitations or restrictions on law
4 enforcement responses to riot or vandalism activity, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it a Class I felony to urge, promote, organize, encourage, or instigate others to commit a riot and a Class H felony to intentionally commit an act of violence while participating in a riot.

The bill defines 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 constitutes a clear and present danger of property damage or personal injury.

The bill establishes a civil cause of action for any person who suffers injury or loss to person or property as a result of conduct that violates the criminal prohibitions on vandalism or participation in a riot. The bill allows a person to bring a civil action against a person who committed the violation and against any person or organization that provided material support or resources with the intent

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that such support or resources would be used to perpetrate the offense. The person bringing the action may obtain an order requiring the offender to fix or repair the damage caused to the person's property if certain requirements set forth in the bill are met.

The bill also prohibits any government official with authority over any law enforcement agency or law enforcement officers from limiting or restricting the authority of the agency to have its officers, or certain officers, arrest or detain individuals involved in a riot or vandalism activity or take action to quell a riot or vandalism activity. The bill also prohibits any government official with authority over any law enforcement agency from limiting or restricting the authority of law enforcement officers, or certain designated law enforcement officers, to arrest or detain individuals involved in a riot or vandalism activity or to take action to quell a riot or vandalism activity. Finally, the bill provides that no government official, law enforcement agency, or law enforcement officer may discharge, demote, reassign, or take any punitive action against any employee because the employee made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing regarding a violation of the prohibitions on government officials set forth in the bill.

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.

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

1 **SECTION 1.** 66.0511 (5) of the statutes is created to read:

2 66.0511 (5) RIOT OR VANDALISM ACTIVITY POLICIES. (a) In this subsection:

3 1. "Government entity" means the state, a state agency, a political
4 subdivision, or any entity of local government.

5 2. "Government official" means any elected or appointed officer, employee, or
6 agent of a government entity, other than a law enforcement officer, whether in a
7 temporary or permanent capacity.

8 3. "Law enforcement officer" means any person employed by the state or any
9 political subdivision of the state, for the purpose of detecting and preventing crime

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1 and enforcing laws or ordinances and who is authorized to make arrests for
2 violations of the laws or ordinances that the person is employed to enforce.

3 4. "Political subdivision" means a city, village, town, or county.

4 5. "Riot or vandalism activity" means any conduct that is in violation of s.
5 943.01 or 947.065 or in violation of any ordinance that is substantially equivalent to
6 either of those sections.

7 (b) No government official with authority over any law enforcement agency or
8 law enforcement officers may do any of the following:

9 1. Limit or restrict the authority of the law enforcement agency to have its law
10 enforcement officers, or certain designated law enforcement officers of the agency,
11 arrest or detain individuals involved in a riot or vandalism activity or take action to
12 quell a riot or vandalism activity.

13 2. Limit or restrict the authority of law enforcement officers, or certain
14 designated law enforcement officers of a law enforcement agency, to arrest or detain
15 individuals involved in a riot or vandalism activity or to take action to quell a riot or
16 vandalism activity.

17 (c) No government official, law enforcement agency, or law enforcement officer
18 may discharge, demote, reassign, or take any punitive action against any employee
19 because the employee made a charge, testified, assisted, or participated in any
20 manner in any investigation, proceeding, or hearing regarding a violation of par. (b).

21 **SECTION 2.** 895.4465 of the statutes is created to read:

22 **895.4465 Action for injury or loss caused by riot or vandalism activity.**

23 (1) In this section, "material support or resources" means currency, payment

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1 instruments, other financial securities, funds, transfer of funds, financial services,
2 communications, lodging, training, safe houses, false documentation or
3 identification, communications equipment, facilities, weapons, lethal substances,
4 explosives, personnel, transportation, and other physical assets, except medicine or
5 religious materials.

6 (2) (a) Any person who suffers injury or loss to person or property as a result
7 of an act committed in violation of s. 943.01 or 947.065 has a civil action against any
8 person who committed the violation and against any person or organization that
9 provided material support or resources with the intent that the material support or
10 resources would be used to perpetrate the offense. In the action, the person
11 bringing the action may obtain an order requiring the offender to fix or repair the
12 damage to property that was suffered by the person and may recover other damages
13 as set forth in pars. (b) and (c).

14 (b) 1. In a civil action brought under par. (a), if the person who brings the
15 action proves that the offender's conduct is in violation of s. 943.01 or 947.065, or
16 that the conduct of any person in violation of either of s. 943.01 or 947.065 that
17 occurred at the same time as, was part of a common scheme or plan with, or was
18 part of a course of criminal conduct with the offender's violation of either of those
19 sections and damage to property that was suffered by the person was a natural and
20 probable consequence of that person's conduct, there is a presumption that the
21 offender shall be required to fix or repair the damage to property that occurred as a
22 natural and probable consequence of that conduct. The presumption applies with

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1 respect to each item of property that was damaged as a natural and probable
2 consequence of that conduct.

3 2. The presumption set forth in subd. 1. does not apply with respect to a
4 particular item of property, and the court may not issue an order requiring the
5 offender against whom the civil action is brought to fix or repair damage to that
6 item of property that occurred as a natural and probable consequence of the conduct
7 described in subd. 1. if the offender proves by clear and convincing evidence that the
8 offender did not personally engage in conduct in violation of s. 943.01 or 947.065 the
9 natural and probable consequence of which was damage to that item of property.

10 3. If the presumption described in subd. 1. applies, the court shall issue an
11 order requiring the offender against whom the civil action is brought to fix or repair
12 the damage to property that occurred as a natural and probable consequence of the
13 conduct described in subd. 1.

14 (c) In a civil action brought under par. (a), in addition to obtaining an order as
15 described in par. (b) requiring the offender against whom the action is brought to fix
16 or repair the damage to property that occurred as a natural and probable
17 consequence of conduct described in par. (b) 1., if applicable, the person who brings
18 the action may recover full compensatory damages, including damages for
19 emotional distress, and may recover court costs, other reasonable expenses incurred
20 in maintaining the action, and, notwithstanding s. 814.04 (1), reasonable attorney's
21 fees incurred in maintaining the action.

22 (d) A person may bring a cause of action for violation of this section regardless

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1 of whether any person has been charged with or convicted of a violation of s. 943.01
2 or 947.065.

3 (e) For purposes of this subsection, when issuing an order for a person to fix or
4 repair the damage to property, the court may order the person either to personally
5 fix or repair the damage to the property that occurred as a natural and probable
6 consequence of the person's conduct in violation of s. 943.01 or 947.065, to the
7 extent practicable, or to pay the cost of fixing or repairing the damage to the
8 property that occurred as a natural and probable consequence of the person's
9 conduct in violation of s. 943.01 or 947.065.

10 **SECTION 3.** 947.065 of the statutes is created to read:

11 **947.065 Rioting.** (1) In this section:

12 (a) "Incite" means to urge, promote, organize, encourage, or instigate other
13 persons. "Incite" does not mean to advocate, orally or in writing, ideas or
14 expressions of belief that do not involve urging, promoting, organizing, encouraging,
15 or instigating or to assert, orally or in writing, the rightness of, or the right to
16 commit, an act.

17 (b) "Riot" means a public disturbance involving at least one of the following:

18 1. An act of violence by one or more persons that are part of an assembly of at
19 least 3 persons, that results in or constitutes a clear and present danger of damage
20 to the property of any other person or injury to another person.

21 2. A threat of the commission of an act of violence by one or more persons that
22 are part of an assembly of at least 3 persons having, individually or collectively, the
23 ability to immediately execute the threat, if the performance of the threatened act

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1 of violence constitutes a clear and present danger of damage to the property of any
2 other person or injury to another person.

3 (2) Whoever intentionally incites another to commit a riot is guilty of a Class
4 I felony.

5 (3) Whoever intentionally commits an act of violence while participating in a
6 riot is guilty of a Class H felony.

7 (END)