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4 **A RESOLUTION**

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6 Opposing Wisconsin Assembly Bill 279 and its companion Senate Bill 296, legislation  
7 which would effectively criminalize an entire crowd as a riot for the negative actions of a  
8 few  
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10 WHEREAS, Wis. Stat. § 947.06 relates to “Unlawful assemblies and their  
11 suppression.”; and  
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13 WHEREAS, Wisconsin Assembly Bill 279 and its companion Senate Bill 296 (AB  
14 279/SB 296) would substantially modify Wis. Stat. § 947.06 to statutorily define the  
15 meaning of a “riot” in a new § 947.06(1m)(a); and  
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17 WHEREAS, most disturbingly, AB 279 would create a Wis. Stat. § 947.06(6)(a)  
18 which would make, “A person who attends a riot or who refuses an order to disperse a  
19 riot is guilty of a Class A misdemeanor. . .”; and  
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21 WHEREAS, the addition of Wis. Stat. § 947.06(6)(a) is problematic because the  
22 actions of one individual who may cause personal injury or property damage will then  
23 statutorily label the entire protest as a riot when the action(s) of the individual is not  
24 representative of the whole group; and  
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26 WHEREAS, the First Amendment to the Constitution of the United States,  
27 applied to state and local governments via the Twelfth Amendment, states:  
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29 “Congress shall make no law respecting an establishment of religion, or prohibiting the  
30 free exercise thereof; or abridging the freedom of speech, or of the press; or the right of  
31 the people peaceably to assemble, and to petition the government for a redress of  
32 grievances.”  
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34 ; and  
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36 WHEREAS, unscrupulous law enforcement officers and prosecutors could  
37 plausibly apply AB 279 to a peaceful assembly of people with a single or small minority  
38 of bad actors, thereby violating the inherent right of the majority to petition their  
39 government; and  
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41 WHEREAS, in a time when Americans are engaged in a conversation regarding  
42 policing in the United States, this legislation is counterproductive to addressing the role  
43 of law enforcement; and  
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45 WHEREAS, the Committee on Intergovernmental Relations (IGR), at its meeting  
46 of January 20, 2022, laid over File No. 21-1013 for one meeting (vote 3-1); and

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WHEREAS, the Committee on IGR, at its meeting of March 10, 2022, recommended adoption of File No. 21-1013 (vote 4-0); now, therefore,

BE IT RESOLVED, Milwaukee County hereby opposes Wisconsin Assembly Bill 279, and its companion Senate Bill 296, due to the chilling effect such a law would have on the people's inherent right to peacefully assemble to voice their concerns to their government, should a bad actor perform criminal acts amid an otherwise peaceful crowd; and

BE IT FURTHER RESOLVED, Office of Government Affairs staff is authorized and requested to communicate the contents of this resolution to the Wisconsin Governor and State policymakers, and support legislation that achieves the criteria outlined in this resolution.

03/10/22  
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