

1316 GIVING A FALSE ALARM — § 941.13**Statutory Definition of the Crime**

Giving a false alarm, as defined in § 941.13 of the Criminal Code of Wisconsin, is committed by one who intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

Elements of the Crime That the State Must Prove

1. The defendant gave an alarm to a public (officer) (employee) by means of fire alarm system or otherwise.¹
2. The alarm was false.
3. The defendant intentionally gave the false alarm.

"Intentionally" requires that the defendant acted with the mental purpose² to give a false alarm to a public (officer) (employee). It further requires that the defendant knew that the person was a public (officer) (employee) and knew the alarm was a false alarm.

Deciding About Intent and Knowledge

You cannot look into a person's mind to find intent and knowledge. Intent and knowledge must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all three elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI-Criminal 1316 was originally published in 1974 and revised in 1977 and 1995. This revision was approved by the Committee in December 2006 and involved adoption of a new format and nonsubstantive changes to the text.

1. If a definition of "public officer" or "public employee" is needed, see § 939.23(30) which provides definitions of those terms.
2. When appropriate add: "or was aware that his conduct was practically certain to cause that result." See § 939.23(3) and Wis JI-Criminal 923B.