

1318 INTERFERENCE WITH FIRE FIGHTING — § 941.12(1)**Statutory Definition of the Crime**

Interference with fire fighting, as defined in § 941.12(1) of the Criminal Code of Wisconsin, is committed by one who intentionally interferes with the lawful efforts of fire fighters to extinguish a fire.

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 interfered with the lawful efforts of fire fighters to extinguish a fire.
2. The defendant intentionally interfered with the lawful efforts of fire fighters to extinguish a fire.

"Intentionally" requires that the defendant acted with the mental purpose¹ to interfere with the lawful efforts of fire fighters to extinguish a fire.

3. The defendant knew that (he) (she) was interfering with the lawful efforts of fire fighters to extinguish a fire.²

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 1318 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.

Section 941.12(1) also prohibits interference with the proper functioning of a fire alarm system.. See Wis JI-Criminal 1317.

1. 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.

2. Section 939.23(3) provides that when the word "intentionally" is used in a criminal statute, it requires knowledge of those facts necessary to make the conduct criminal and which follow the word "intentionally" in the statute. Here, this requires knowledge that those with whom the defendant interfered were fire fighters and knew that they were engaged in lawful efforts to extinguish a fire.