

1319 INTERFERENCE WITH FIRE FIGHTING EQUIPMENT — § 941.12(2)**Statutory Definition of the Crime**

Interference with fire fighting equipment, as defined in § 941.12(2) of the Criminal Code of Wisconsin, is committed by one who intentionally¹ (interferes with) (tampers with) (removes)² any (fire extinguisher) (fire hose) (fire fighting equipment)³ without authorization.

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 four elements were present.

Elements of the Crime That the State Must Prove

1. The defendant (interfered with) (tampered with) (removed) (a fire extinguisher) (a fire hose) (fire fighting equipment).
2. The defendant did so without authorization.
3. The defendant intentionally⁴ (interfered with) (tampered with) (removed) (a fire extinguisher) (a fire hose) (fire fighting equipment).

"Intentionally" requires that the defendant acted with the mental purpose to (interfere with) (tamper with) (remove) (a fire extinguisher) (a fire hose) (fire fighting equipment).

4. The defendant knew that (he) (she) was (interfering with) (tampering with) (removing) (a fire extinguisher) (a fire hose) (fire fighting equipment) without authorization.⁵

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 four 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 1319 was originally published in 1974 and revised in 1977 and 1995. This revision was approved by the Committee in February 2007 and involved adoption of a new format and nonsubstantive changes to the text.

1. The statement of the definition of the offense includes "intentionally" even though sec. 941.12(2) does not include the word. When the instruction was reviewed in 2007, the Committee decided not to delete the reference to "intentionally" – and its definition in element 4. – because it had been included in the instruction since its original publication in 1974.

2. Use only the term which appropriately describes the form of action alleged or indicated by the evidence. Continue to do so throughout the instruction.

3. Use only the description which appropriately describes the item involved. Continue to do so throughout the instruction.

4. The instruction includes an element defining "intentionally" even though sec. 941.12(2) does not include the word. See sec. 939.23(3) and note 1, supra.

5. The knowledge element flows from the Committee's conclusion that "intentionally" should be included in the offense definition despite its absence from the offense definition. See sec. 939.23(3) and note 1, supra.