

1901A DISRUPTING A FUNERAL OR MEMORIAL SERVICE: IMPEDING VEHICLES — § 947.011(2)(b)**Statutory Definition of the Crime**

Disrupting a funeral or memorial service, as defined in § 947.011(2)(b) of the Criminal Code of Wisconsin, is committed by a person who, with intent to disrupt a funeral procession, impedes vehicles that he or she knows are part of the procession.

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 two elements were present.

Elements of the Crime That the State Must Prove

1. The defendant impeded vehicles that he or she knew were part of a funeral procession.
2. The defendant impeded vehicles with intent to disrupt a funeral procession.

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 both 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 1901A was approved by the Committee in June 2006.

This instruction is drafted for violations of § 947.011(2)(b). Section 947.01 was created by 2005 Wisconsin Act 114; effective date: March 1, 2006.

Act 114 created six offenses. Subsection (2)(b) prohibits impeding vehicles with intent to disrupt a funeral process. This is the offense addressed by this instruction. Subsection (2)(a) defines two offenses: subd. 1. prohibits engaging in disorderly conduct within 500 feet and 60 minutes of a funeral service with intent to disrupt the service. See Wis JI-Criminal 1901. Subsection (2)(a)2. prohibits intentionally blocking access to a facility being used for a service; an instruction has not been drafted for this violation. Subsections (2)(c) and (d) define offenses that are the same as subs. (2)(a) and (b), respectively, except that they do not include an intent element. Wis JI Criminal 1901 or 1901A could be adapted for use for those offenses by deleting the intent elements.

Violations of § 947.011 are Class A misdemeanors except that: "Any person who violates sub. (2)(a) or (b) after having been convicted of a violation of this section is guilty of a Class I felony." See sub. (3). Thus, only second offenses charged under sub. (2)(a) or (b) become felonies if the defendant has a prior conviction under any subsection of § 947.011.