

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 SENATE BILL NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising AS 11, Criminal Law; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 11 is amended by adding new chapters to read:

10 CHAPTER 6. GENERAL PROVISIONS.

11 Sec. 11.06.010. GENERAL PURPOSES. The provisions of this Code  
12 shall be construed in accordance with the following purposes:

13 (1) forbid and prevent the commission of offenses;

14 (2) define adequately the act and mental state which con-  
15 stitute each offense, and limit the condemnation of conduct as  
16 criminal when it is without fault;

17 (3) prescribe penalties which are proportionate to the  
18 seriousness of offenses and which permit recognition of differences  
19 in rehabilitation possibilities among individual offenders;

20 (4) prevent arbitrary or oppressive treatment of persons  
21 accused or convicted of offenses.

22 Sec. 11.06.020. APPLICABILITY OF COMMON LAW. No conduct con-  
23 stitutes an offense unless it is described as an offense in this Code  
24 or in another statute of this state. However, this provision does  
25 not affect the power of a court to punish for contempt or to employ  
26 any sanction authorized by law for the enforcement of an order, civil  
27 judgment, or decree.

28 Sec. 11.06.030. CIVIL REMEDIES PRESERVED. This Code does not  
29 bar, suspend, or otherwise affect any right or liability to damages,

1 penalty, forfeiture, or other remedy authorized by law to be re-  
2 covered or enforced in a civil action, for any conduct which this  
3 Code makes punishable; and the civil injury is not merged in the  
4 offense.

5 Sec. 11.06.040. STATE CRIMINAL JURISDICTION. (a) A person is  
6 subject to prosecution in this state for an offense which he commits,  
7 either within or outside the state, by his own conduct or that of  
8 another for which he is legally accountable, if

9 (1) the offense is committed either wholly or partly with-  
10 in the state;

11 (2) the conduct outside the state constitutes an attempt  
12 to commit an offense within the state;

13 (3) the conduct outside the state constitutes a conspiracy  
14 to commit an offense within the state, and an act in furtherance of  
15 the conspiracy occurs in the state; or

16 (4) the conduct within the state constitutes an attempt,  
17 solicitation or conspiracy to commit in another jurisdiction an  
18 offense under the laws of both this state and the other jurisdiction.

19 (b) An offense is committed partly within this state, if either  
20 the conduct which is an element of the offense, or the result which  
21 is an element, occurs within the state. In homicide, the "result"  
22 is either the physical contact which causes death, or the death  
23 itself; and if the body of a homicide victim is found within the state,  
24 the death is presumed to have occurred within the state.

25 (c) An offense which is based on an omission to perform a duty  
26 imposed by the law of this state is committed within the state, re-  
27 gardless of the location of the offender at the time of the omission.

28 Sec. 11.06.050. PUNISHMENT FOR MISDEMEANORS. Whenever an act  
29 is declared to be a misdemeanor, and no punishment is prescribed,

1 the person, upon conviction, is punishable by imprisonment in a jail  
2 for not more than one year, or by a fine of not more than \$500.

3 Sec. 11.06.060. COMPUTATION OF TERM OF IMPRISONMENT. When a  
4 person is sentenced to imprisonment, his term of confinement begins  
5 from the day of his sentence. A person who is sentenced shall re-  
6 ceive credit toward service of his sentence for time spent in  
7 custody pending trial or sentencing, or appeal, if that detention was  
8 in connection with the offense for which sentence was imposed. The  
9 time during which the person is voluntarily absent from the peni-  
10 tentiary, reformatory, jail, or from the custody of an officer after  
11 his sentence, shall not be estimated or counted as a part of the  
12 term for which he was sentenced.

13 Sec. 11.06.070. DUTY OF COURT TO DETERMINE AND IMPOSE PUNISH-  
14 MENT. The court authorized to pass sentence shall determine and  
15 impose the punishment prescribed. When punishment is left unde-  
16 termined between certain limits or kinds of punishment, the court  
17 shall determine the punishment to be inflicted.

18 Sec. 11.06.080. JUDGMENT OF IMPRISONMENT. A judgment of im-  
19 prisonment in the penitentiary need only specify the duration and  
20 place of confinement. The manner of the confinement and the treat-  
21 ment and employment of the person sentenced shall be regulated and  
22 governed by the law in force prescribing the discipline of the  
23 penitentiary in which he is confined and the treatment and employment  
24 of persons sentenced to confinement in it.

25 Sec. 11.06.090. CONSECUTIVE SENTENCES. If the defendant is  
26 convicted of two or more crimes, before judgment on either, the  
27 judgment may be that the imprisonment upon one conviction begins at  
28 the expiration of the imprisonment of any other of the crimes. If  
29 the defendant is imprisoned upon a previous judgment on a conviction

1 for a crime, the judgment may be that the imprisonment commences at  
2 the expiration of the term limited by the previous judgment.

3 Sec. 11.06.100. EFFECT OF JUDGMENT OF IMPRISONMENT IN PENI-  
4 TENTIARY. A judgment of imprisonment in the penitentiary for a term  
5 less than for life suspends the civil rights of the person sentenced,  
6 and forfeits all public offices and all private trusts, authority,  
7 or power during the term or duration of imprisonment.

8 Sec. 11.06.110. EFFECT OF SENTENCE TO LIFE IMPRISONMENT. A  
9 person sentenced to imprisonment in the penitentiary for life is  
10 thereafter considered civilly dead.

11 Sec. 1106.120. EMPLOYMENT OF IMPRISONED PERSONS. The attorney  
12 general may prescribe regulations governing the employment on public  
13 works of persons sentenced to imprisonment in jail or the peni-  
14 tentiary inside the state.

15 Sec. 11.06.130. CREDIT FOR LABOR WHILE IMPRISONED. For the  
16 purpose of satisfying a judgment given against a prisoner for a fine,  
17 or for the costs and disbursements in the proceeding against him,  
18 the prisoner shall be credited with \$5 for every day's labor per-  
19 formed by him under sec. 120 of this chapter.

20 Sec. 11.06.140. FORFEITURE OF PROPERTY UPON CONVICTION AND LIEN  
21 FOR FINE AND COSTS. A conviction of a person for a crime does not  
22 work a forfeiture of property, except in cases where a forfeiture is  
23 expressly provided by law. However, in all cases of the commission  
24 or attempt to commit a felony the state has a lien, from the time of  
25 the commission or attempt, upon all the property of the defendant for  
26 the purpose of satisfying a judgment which may be given against him  
27 for a fine and for the costs and disbursements in the proceedings  
28 against him for the crime.

29 Sec. 11.06.150. PUNISHMENT FOR FELONIES. Whenever an act is a

1 felony, and no minimum term of imprisonment is prescribed, the  
2 minimum term is one year;

3 Sec. 11.06.160. IMPOSING LESS THEN PRESCRIBED PENALTY. Except  
4 in a case of murder or rape, the court may, upon conviction, when in  
5 its opinion the facts and circumstances make the minimum penalty  
6 provided in this title manifestly too severe, impose a lesser  
7 penalty, either of a fine or imprisonment or both. When less than  
8 the minimum penalty is imposed, the court shall set out the reasons  
9 for its action on the record in the case.

10 CHAPTER 11. PARTIES TO CRIME

11 Sec. 11.11.010. ACCOUNTABILITY FOR CONDUCT OF ANOTHER. A  
12 person is responsible for conduct which is an element of an offense  
13 if the conduct is either that of the person himself, or that of  
14 another and he is legally accountable for the conduct.

15 Sec. 11.11.020. WHEN ACCOUNTABILITY EXISTS. A person is  
16 legally accountable for the conduct of another when

17 (1) having a mental state described by the statute de-  
18 fining the offense, he causes another to perform the conduct, and the  
19 other person in fact or by reason of legal incapacity lacks such a  
20 mental state; or

21 (2) the statute defining the offense makes him accountable;  
22 or;

23 (3) either before or during the commission of an offense,  
24 and with the intent to promote or facilitate such commission, he  
25 solicits, aids, abets, agrees or attempts to aid, such other person  
26 in the planning or commission of the offense. However, a person is  
27 not accountable unless the statute defining the offense provides  
28 otherwise, if:

29 (A) he is a victim of the offense committed; or

1 (B) the offense is so defined that his conduct was  
2 inevitably incident to its commission; or

3 (C) before the commission of the offense, he termi-  
4 nates his effort to promote or facilitate such commission, and  
5 does one of the following: wholly deprives his prior efforts  
6 of effectiveness in the commission, or gives timely warning to  
7 the proper law enforcement authorities, or makes proper effort  
8 to prevent the commission of the offense.

9 Sec. 11.11.030. PUNISHMENT FOR OMISSION WHERE ACT DONE BY  
10 ANOTHER. A person is not punishable for an omission to perform an  
11 act where the act has been performed by another person acting in his  
12 behalf, and competent by law to perform it.

13 Sec. 11.11.040. SEPARATE CONVICTION OF PERSON ACCOUNTABLE.  
14 A person who is legally accountable for the conduct of another which  
15 is an element of an offense may be convicted upon proof that the  
16 offense was committed and that he was so accountable, although the  
17 other person claimed to have committed the offense has not been  
18 prosecuted or convicted, or has been convicted of a different offense  
19 or degree of offense, or is not amenable to justice, or has been  
20 acquitted.

## 21 CHAPTER 21. RESPONSIBILITY

22 Sec. 11.21.010. INFANCY. No person shall be convicted of any  
23 offense unless he had attained his thirteenth birthday at the time  
24 the offense was committed.

25 Sec. 11.21.020. INSANITY. (a) A person is not criminally  
26 responsible for conduct if at the time of such conduct, as a result  
27 of mental disease or mental defect, he lacks substantial capacity  
28 either to appreciate the criminality of his conduct or to conform  
29 his conduct to the requirements of law.

1 (b) The terms "mental disease or mental defect" do not include  
2 an abnormality manifested only by repeated criminal or otherwise  
3 antisocial conduct.

4 Sec. 11.21.030. INTOXICATED OR DRUGGED CONDITION. A person who  
5 is in an intoxicated or drugged condition is criminally responsible for  
6 conduct unless the condition

7 (1) negatives the existence of a mental state which is an  
8 element of the offense; or

9 (2) is involuntarily produced and deprives him of sub-  
10 stantial capacity either to appreciate the criminality of his conduct  
11 or to conform his conduct to the requirements of law.

12 Sec. 11.21.040. AFFIRMATIVE DEFENSE. A defense based upon any of  
13 the provisions of this chapter is an affirmative defense.

14 CHAPTER 31. JUSTIFIABLE USE OF FORCE

15 Sec. 11.31.010. USE OF FORCE IN DEFENSE OF PERSON. A person is  
16 justified in the use of force against another when and to the extent  
17 that he reasonably believes that the conduct is necessary to defend  
18 himself or another against the other's imminent use of unlawful force.  
19 However, he is justified in the use of force which is intended  
20 or likely to cause death or great bodily harm only if he reasonably  
21 believes that force is necessary to prevent imminent death or great  
22 bodily harm to himself or another, or the commission of a forcible  
23 felony.

24 Sec. 11.31.020. USE OF FORCE IN DEFENSE OF DWELLING. A person  
25 is justified in the use of force against another when and to the ex-  
26 tent that he reasonably believes that the conduct is necessary to  
27 prevent or terminate the other's unlawful entry into or attack upon a  
28 dwelling. However, he is justified in the use of force which is  
29 intended or likely to cause death or great bodily harm only if

1 (1) the entry is made or attempted in a violent, riotous,  
2 or tumultuous manner, and he reasonably believes that force is  
3 necessary to prevent an assault upon, or offer of personal violence  
4 to, him or another in the dwelling, or

5 (2) he reasonably believes that force is necessary to  
6 prevent the commission of a forcible felony in the dwelling.

7 Sec. 11.31.030. USE OF FORCE IN DEFENSE OF OTHER PROPERTY. A  
8 person is justified in the use of force against another when and to  
9 the extent that he reasonably believes that the conduct is necessary  
10 to prevent or terminate the other's trespass on or other tortious or  
11 criminal interference with either real property (other than a dwelling)  
12 or personal property, lawfully in his possession or in the possession  
13 of another who is a member of his immediate family or household or of  
14 a person whose property he has a legal duty to protect. However, he  
15 is justified in the use of force which is intended or likely to cause  
16 death or great bodily harm only if he reasonably believes that force  
17 is necessary to prevent the commission of a forcible felony.

18 Sec. 11.31.040. USE OF FORCE BY AGGRESSOR. The justification  
19 described in the preceding sections of this chapter is not available  
20 to a person who

21 (1) is attempting to commit, committing, or escaping  
22 after the commission of a forcible felony; or

23 (2) initially provokes the use of force against himself,  
24 with the intent to use that force as an excuse to inflict bodily harm  
25 upon the assailant; or

26 (3) otherwise initially provokes the use of force against  
27 himself, unless

28 (A) the force is so great that he reasonably believes  
29 that he is in imminent danger of death or great bodily harm,

1 and that he has exhausted every reasonable means to escape  
2 danger other than the use of force which is likely to cause  
3 death or great bodily harm to the assailant; or

4 (B) in good faith, he withdraws from physical contact  
5 with the assailant and indicates clearly to the assailant that  
6 he desires to withdraw and terminate the use of force, but the  
7 assailant continues or resumes the use of force.

8 Sec. 11.31.050. PEACE OFFICER'S USE OF FORCE IN MAKING ARREST.

9 (a) A peace officer need not retreat or desist from efforts to make  
10 a lawful arrest because of resistance or threatened resistance to the  
11 arrest. He is justified in the use of any force which he reasonably  
12 believes to be necessary to effect the arrest, except force likely to  
13 cause death or great bodily harm, and of any force which he reasonably  
14 to be necessary to defend himself or another from bodily harm while  
15 making the arrest. However, he is justified in using force likely  
16 to cause death or great bodily harm only when he reasonably believes  
17 that force is necessary to prevent death or great bodily harm to  
18 himself or another, or when he reasonably believes both that

19 (1) the force is necessary to prevent the arrest from  
20 being defeated by resistance or escape; and

21 (2) the person to be arrested has committed or attempted  
22 a forcible felony or is attempting to escape by use of a deadly  
23 weapon, or otherwise indicates that he will endanger human life or  
24 inflict great bodily harm unless arrested without delay.

25 (b) a peace officer making an arrest pursuant to an invalid  
26 warrant is justified in the use of any force which he would be  
27 justified in using if the warrant were valid, unless he knows that  
28 the warrant is invalid.

29 Sec. 11.31.060. COMPULSION. (a) A person is not guilty of an

1 offense which he performs under the compulsion of threat or menace  
2 of the imminent infliction of death or great bodily harm, if he  
3 reasonably believes that death or great bodily harm will be inflicted  
4 upon him if he does not commit the offense.

5 (b) A married woman is not entitled, by reason of the presence  
6 of her husband, to any presumption of compulsion, or to any defense  
7 of compulsion except that stated in (a) of this section.

8 Sec. 11.31.070. ENTRAPMENT. A person is not guilty of an  
9 offense if his conduct is incited or induced by a public officer or  
10 employee, or agent of either, for the purpose of obtaining evidence  
11 for the prosecution of the person. This section is inapplicable if a  
12 public officer or employee, or agent of either, merely affords to the  
13 person the opportunity or facility for committing an offense in  
14 furtherance of a criminal purpose which the person has originated.

15 Sec. 11.31.080. NECESSITY. Conduct which would otherwise be an  
16 offense is justifiable by reason of necessity if the accused was  
17 without blame in occasioning or developing the situation and reasonably  
18 believed his conduct was necessary to avoid a public or private injury  
19 greater than the injury which might result from his own conduct.

20 Sec. 11.31.090. AFFIRMATIVE DEFENSE. A defense of justifiable  
21 use of force, or of exoneration, based on the provisions of this  
22 chapter is an affirmative defense.

#### 23 CHAPTER 41. INCHOATE OFFENSES

24 Sec. 11.41.010. SOLICITATION. A person who, with intent that  
25 an offense be committed, commands, encourages or requests another to  
26 commit that offense, is guilty of solicitation and upon conviction is  
27 punishable by a fine or imprisonment or both, not to exceed the  
28 maximum provided for the offense solicited. No penalty for solicitation  
29 shall exceed imprisonment for one year.

1           Sec. 11.41.020. CONSPIRACY. (a) A person is guilty of  
2 conspiracy when, with intent that an offense be committed, he agrees  
3 with another to the commission of that offense. No person may be  
4 convicted of conspiracy to commit an offense unless an act in  
5 furtherance of the agreement is alleged and proved to have been  
6 committed by him or by a co-conspirator.

7           (b) It shall not be a defense to conspiracy that the person or  
8 persons with whom the accused is alleged to have conspired:

9                   (1) has not been prosecuted or convicted,

10                   (2) has been convicted of a different offense,

11                   (3) is not amenable to justice,

12                   (4) has been acquitted,

13                   (5) lacked the capacity to commit an offense.

14           (c) A person guilty of conspiracy, upon conviction, is  
15 punishable by a fine or imprisonment or both, not to exceed the  
16 maximum provided for the offense which is the object of the con-  
17 spiracy. No penalty for conspiracy to commit treason, murder, or  
18 aggravated kidnaping shall exceed imprisonment for twenty years, and  
19 no penalty for conspiracy to commit any other offense shall exceed  
20 imprisonment for five years.

21           Sec. 11.41.030. INCAPACITY. It is a defense to a charge of  
22 solicitation or conspiracy that if the criminal object were achieved  
23 the accused would not be guilty of an offense under this Code.

24           Sec. 11.41.040. ATTEMPT. (a) A person who, with intent to  
25 commit a specific offense, does any act which constitutes a substantial  
26 step toward the commission of that offense is guilty of an attempt.

27           (b) It shall not be a defense to a charge of attempt that  
28 because of a misapprehension of the circumstances it would have been  
29 impossible for the accused to commit the offense attempted.

1 (c) A person who is guilty of an attempt, upon conviction,  
2 is punishable by a fine or imprisonment or both, not to exceed the  
3 maximum provided for the offense attempted, provided that

4 (1) the penalty for attempt to commit treason, murder or  
5 aggravated kidnaping shall not exceed imprisonment for twenty years,  
6 and

7 (2) that the penalty for attempt to commit any other  
8 forcible felony shall not exceed imprisonment for fourteen years, and

9 (3) that the penalty for attempt to commit any offense  
10 other than those specified in subsections (1) and (2) shall not  
11 exceed imprisonment for five years.

12 Sec. 11.41.050. MULTIPLE CONVICTIONS. No person shall be  
13 convicted of both the inchoate and the principal offense.

14 Sec. 11.41.060. OFFENSE. In this chapter, "offense" means  
15 conduct which if performed in another state would be criminal by the  
16 laws of that state and conduct which if performed in this state  
17 would be an offense under the laws of this state.

18 CHAPTER 51. OFFENSES AGAINST THE PERSON

19 Sec. 11.51.010. MURDER. (a) A person who kills an individual  
20 without lawful justification is guilty of murder if

21 (1) he either intends to kill or do great bodily harm to  
22 that individual or another, or knows that his acts will cause death  
23 to that individual or another;

24 (2) he knows that his acts create a strong probability of  
25 death or great bodily harm to that individual or another; or

26 (3) he is attempting or committing a forcible felony other  
27 than voluntary manslaughter.

28 (b) A person who is convicted of violating this section is  
29 punishable by imprisonment for a term of not less than one year to

1 life.

2 Sec. 11.51.020. VOLUNTARY MANSLAUGHTER. (a) A person who  
3 kills an individual without lawful justification is guilty of  
4 voluntary manslaughter if at the time of the killing he is acting  
5 under a sudden and intense passion resulting from serious provocation  
6 by

7 (1) the individual killed, or

8 (2) another whom the offender endeavors to kill, but he  
9 negligently or accidentally causes the death of the individual  
10 killed.

11 (b) A person who is convicted of violating this section is  
12 punishable by imprisonment for not less than one nor more than 20  
13 years.

14 (c) A person who purposely and deliberately procures another  
15 to commit self-murder or assists another in the commission of self-  
16 murder is guilty of manslaughter, and is punishable accordingly.

17 Sec. 11.51.030. INVOLUNTARY MANSLAUGHTER AND RECKLESS HOMICIDE.

18 (a) A person who kills an individual without lawful justification  
19 is guilty of involuntary manslaughter if his acts, whether lawful or  
20 unlawful, are likely to cause death or great bodily harm to some  
21 individual, and he performs them recklessly.

22 (b) If the acts which cause the death consist of the driving of  
23 a motor vehicle, the person may be prosecuted for reckless homicide  
24 or if he is prosecuted for involuntary manslaughter, he may be found  
25 guilty of the included offense of reckless homicide.

26 (c) A person who is convicted of involuntary manslaughter is  
27 punishable by imprisonment for not less than one nor more than ten  
28 years.

29 (d) A person who is convicted of reckless homicide is

1 punishable by a fine of not more than \$1,000, or by imprisonment for  
2 not less than one nor more than five years, or by both.

3 Sec. 11.51.040. CONCEALING DEATH OF BASTARD. (a) A woman who  
4 conceals the death of any issue of her body which if born alive would  
5 be a bastard, is guilty of concealing the death of a bastard.

6 (b) Nothing contained in this section shall be construed to  
7 prevent a mother from being indicted for the murder or manslaughter  
8 of her bastard child.

9 (c) A person who is convicted of concealing the death of a  
10 bastard is guilty of a misdemeanor.

11 Sec. 11.51.050. KIDNAPING. (a) A person is guilty of  
12 kidnaping when he knowingly

13 (1) and secretly confines another against his will;

14 (2) by force or threat of imminent force carries another  
15 from one place to another with intent secretly to confine him against  
16 his will; or

17 (3) by deceit or enticement induces another to go from one  
18 place to another with intent secretly to confine him against his will.

19 (b) A person who is convicted of kidnaping is punishable by  
20 imprisonment for not less than one nor more than five years.

21 Sec. 11.51.060. AGGRAVATED KIDNAPING. (a) A person who kidnaps for  
22 the purpose of obtaining ransom money, benefit, or other valuable  
23 thing or concession from the person kidnapped or from any other  
24 person, or takes as his victim a child under the age of twelve years,  
25 or commits a felony upon his victim, is guilty of aggravated kidnaping  
26 and upon conviction is punishable by imprisonment for a term of not  
27 less than one year to life.

28 (b) A person who receives, possesses, or disposes of money or  
29 other property or a portion of it which at any time has been delivered

1 as ransom or reward in connection with a kidnapping under Sec. 060 of  
2 this chapter, knowing it to be money or property delivered as ransom  
3 or reward, is punishable by a fine of not more than \$10,000, or by  
4 imprisonment for not less than one year nor more than 10 years, or  
5 by both.

6 Sec. 11.51.070. UNLAWFUL RESTRAINT. (a) A person who knowingly  
7 detains another without legal authority is guilty of unlawful re-  
8 straint and upon conviction is punishable by a fine not to exceed  
9 \$500, or by imprisonment for a term not to exceed one year, or by both.

10 t (b) Any merchant, his agent or employee, who has probably cause  
11 to believe that a person has wrongfully taken or has actual  
12 possession of merchandise from a mercantile establishment, may, if  
13 the person is about to leave the establishment, detain the person in  
14 a reasonable manner for a reasonable length of time to investigate  
15 the ownership of the merchandise. A detention under this section  
16 shall not constitute an arrest or an unlawful restraint.

17 Sec. 11.51.080. RAPE. A person 14 years of age or more, who  
18 has sexual intercourse with a female, not his wife, by force and  
19 against her will is guilty of rape and upon conviction is punishable  
20 by imprisonment for not less than one year to life.

21 Sec. 11.51.090. DEVIATE SEXUAL ASSAULT. A person 14 years of  
22 age or more who by force or threat of force compels another to  
23 perform or submit to an act of deviate sexual conduct is guilty of  
24 deviate sexual assault and upon conviction is punishable for not  
25 less than one nor more than 14 years.

26 Sec. 11.51.100. INDECENT LIBERTIES. (a) A person 17 years of  
27 age or more who performs or submits to any of the following acts  
28 with a child under the age of 16 is guilty of indecent liberties:

29 (1) any act of sexual intercourse;

1 (2) any act of deviate sexual conduct; or

2 (3) any lewd fondling or touching of either the child or  
3 the person done or submitted to with the intent to arouse or to  
4 satisfy the sexual desires of either the child or the person.

5 (b) It shall be an affirmative defense to indecent liberties  
6 that

7 (1) the accused reasonably believed the child was age 16  
8 or more at the time of the act;

9 (2) the child is a prostitute;

10 (3) the child has previously been married.

11 (c) A person who is convicted of violating this section is  
12 punishable by imprisonment for not less than one nor more than 20  
13 years.

14 Sec. 11.51.110. CONTRIBUTING TO THE SEXUAL DELINQUENCY OF A  
15 CHILD. (a) A person 14 years of age or more who performs or  
16 submits to any of the following acts with any person under the age of  
17 18 contributes to the sexual delinquency of a child:

18 (1) any act of sexual intercourse;

19 (2) any act of deviate sexual conduct;

20 (3) any lewd fondling or touching of either the child or  
21 the person done or submitted to with the intent to arouse or to  
22 satisfy the sexual desires of either the child or the person or both;  
23 or

24 (4) any lewd act done in the presence of the child with the  
25 intent to arouse or to satisfy the sexual desires of either the person  
26 or the child.

27 (b) A person who is convicted of violating this section is  
28 guilty of a misdemeanor and upon conviction is punishable by a fine  
29 not to exceed \$1,000, or by imprisonment for a term not to exceed one

1 year, or by both.

2 Sec. 11.51.120. INDECENT SOLICITATION OF A CHILD. A person 17  
3 years of age or more who solicits a child under the age of 13 to do  
4 any act, which if done would be an indecent liberty with a child or an  
5 act of contributing to the sexual delinquency of a child is guilty of  
6 indecent solicitation of a child and upon conviction is punishable  
7 by a fine not to exceed \$500 or by imprisonment for a term not to  
8 exceed six months, or by both.

9 Sec. 11.51.130. PUBLIC INDECENCY. (a) A person age 17 or more  
10 who performs any of the following acts in a public place is guilty of  
11 a public indecency:

- 12 (1) an act of sexual intercourse;  
13 (2) an act of deviate sexual conduct;  
14 (3) a lewd exposure of the body done with intent to  
15 arouse or to satisfy the sexual desire of the person; or  
16 (4) a lewd fondling or caress of the body of another  
17 person of the same sex.

18 (b) A person who is convicted of a public indecency is  
19 punishable by a fine not to exceed \$500, or by imprisonment for a term  
20 not to exceed six months or by both.

21 (c) In this section "public place" means any place where the  
22 conduct may reasonably be expected to be viewed by others.

23 Sec. 11.51.140. INCEST. (a) A person who has sexual inter-  
24 course or performs an act of deviate sexual conduct with another to  
25 whom he knows he is related as follows is guilty of incest:

- 26 (1) mother or son; or  
27 (2) brother or sister, either of the whole blood or the  
28 half blood.

29 (b) A person convicted of violating this section is punishable

1 by imprisonment for not less than one nor more than 10 years.

2 Sec. 11.51.150. AGGRAVATED INCEST. (a) A male person who  
3 performs any of the following act with his daughter is guilty of  
4 aggravated incest:

5 (1) an act of sexual intercourse; or

6 (2) an act of deviate sexual conduct.

7 (b) A person convicted of aggravated incest is punishable by  
8 imprisonment for not less than one nor more than 20 years.

9 (c) In this section "daughter" means a blood daughter regardless  
10 of legitimacy or age and a step-daughter or adopted daughter under 18.

11 Sec. 11.51.160. BIGAMY. (a) A person having a husband or wife  
12 who marries another is guilty of bigamy and upon conviction is  
13 punishable by imprisonment for not less than one nor more than five  
14 years.

15 (b) It is an affirmative defense to bigamy that

16 (1) the prior marriage was dissolved by divorce or  
17 annulment;

18 (2) the defendant reasonably believed the prior spouse to  
19 be dead;

20 (3) the persons spouse had been continually absent for a  
21 period of five years during which time the defendant did not know  
22 the prior spouse to be alive; or

23 (4) the accused reasonably believed that he was legally  
24 eligible to remarry.

25 Sec. 11.51.170. MARRYING A BIGAMIST. An unmarried person who  
26 knowingly marries another under circumstances which would make the  
27 other person guilty of bigamy is guilty of marrying a bigamist and  
28 upon conviction is punishable by imprisonment for a term not to exceed  
29 one year.

1           Sec. 11.51.180. PROSTITUTION. A person who performs, offers or  
2 agrees to perform an act of sexual intercourse or an act of deviate  
3 sexual conduct for money is guilty of prostitution and upon con-  
4 viction is punishable by a fine not to exceed \$200, or by imprisonment  
5 for a term not to exceed one year, or by both.

6           Sec. 11.51.190. SOLICITING FOR A PROSTITUTE. A person who  
7 performs any of the following acts is guilty of soliciting for a  
8 prostitute:

9                   (1) solicits another for the purpose of prostitution;

10                   (2) arranges or offers to arrange a meeting of persons for  
11 the purpose of prostitution; or

12                   (3) directs another to a place knowing the direction is  
13 for the purpose of prostitution.

14           (b) A person convicted of violating this section is punishable  
15 by a fine not to exceed \$200, or by imprisonment for a term not to  
16 exceed one year, or by both.

17           Sec. 11.51.200. PANDERING. (a) A person who performs any of  
18 the following acts for money is guilty of pandering:

19                   (1) compels a female to become a prostitute; or

20                   (2) arranges or offers to arrange a situation in which a  
21 female may practice prostitution.

22           (b) A person who is convicted under (a)(1) of this section is  
23 punishable by imprisonment for not less than one nor more than ten  
24 years.

25           (c) A person convicted of violating (a)(2) of this section is  
26 punishable by imprisonment for a term not to exceed one year.

27           (d) Under Secs. 190 and 200 of this chapter, a husband or wife  
28 is a competent witness against the other, and the wife may be compelled  
29 to testify on behalf of the state in a prosecution in which her husband

1 is a defendant.

2 Sec. 11.51.210. KEEPING A PLACE OF PROSTITUTION. (a) A person  
3 who owns or exercises control over the use of any place which could  
4 offer seclusion or shelter for the practice of prostitution and  
5 performs any of the following acts keeps a place of prostitution:

6 (1) knowingly grants or permits the use of the place for  
7 the purpose of prostitution;

8 (2) grants or permits the use of the place under  
9 circumstances from which he could reasonably know that the place is  
10 used for purposes of prostitution; or

11 (3) permits the continued use of a place after becoming  
12 aware that the place is being used for purposes of prostitution.

13 (b) A person convicted of violating this section is punishable  
14 by a fine not to exceed \$500, or by imprisonment for a term not to  
15 exceed one year, or by both.

16 (c) When a lessee or occupant of a house is convicted of the  
17 crime defined in this section, the lease or contract for the hiring  
18 or occupance of the house may, at the option of the lessor or owner,  
19 become void, and the lessor or owner is entitled to recover the  
20 possession as in the case of a tenant holding over after the expira-  
21 tion of a lease.

22 Sec. 11.51.220. PIMPING. A person who receives money or other  
23 property from a prostitute, not for a lawful consideration, knowing  
24 it was earned in whole or in part from the practice of prostitution,  
25 is guilty of pimping and upon conviction is punishable by a fine not  
26 to exceed \$500, or by imprisonment for a term not to exceed one year.

27 Sec. 11.51.230. ASSAULT. A person who places another in  
28 reasonable apprehension of receiving a battery without lawful  
29 authority is guilty of assault and upon conviction is punishable by

1 a fine not to exceed \$500.

2 Sec. 11.51.240. AGGRAVATED ASSAULT. A person who, in committing  
3 an assault uses a deadly weapon or is hooded, robed, or masked is  
4 guilty of aggravated assault and upon conviction is punishable by a  
5 fine not to exceed \$1,000, or by imprisonment for a term not to exceed  
6 one year, or by both.

7 Sec. 11. 51.250. BATTERY. A person who intentionally or  
8 knowingly without legal justification causes bodily harm to an  
9 individual or makes physical contact of an insulting or provoking  
10 nature with an individual is guilty of battery and upon conviction  
11 is punishable by a fine not to exceed \$500, or by imprisonment for a  
12 term not to exceed six months, or by both.

13 Sec. 11.51.260. AGGRAVATED BATTERY. A person who, in committing  
14 a battery, intentionally or knowingly causes great bodily harm or  
15 pErmanent disability or disfigurement is guilty of aggravated battery  
16 and upon conviction is punishable by imprisonment for not less than  
17 one nor more than ten years.

18 Sec. 11.51.270. RECKLESS CONDUCT. (a) A person who causes  
19 bodily harm to another or endangers the bodily safety of an individual  
20 by any means commits reckless conduct if he performs recklessly the  
21 acts which cause the harm or endanger safety. The acts may be lawful  
22 or unlawful.

23 (b) A person who is convicted of violating this section is  
24 punishable by a fine not to exceed \$1,000, or by imprisonment for a  
25 term not to exceed one year, or by both.

26 Sec. 11.51.280. INTIMIDATION. (a) A person who, without lawful  
27 authority, communicates to another a threat, with the intent to  
28 cause another to perform or to omit the performance of any of the  
29 following acts is guilty of intimidation:

- 1 (1) inflict physical harm on the person threatened or any  
2 other person or on property;
- 3 (2) subject any person to physical confinement or restraint;
- 4 (3) commit any criminal offense;
- 5 (4) accuse any person of an offense;
- 6 (5) expose any person to hatred, contempt or ridicule;
- 7 (6) take action as a public official against anyone or  
8 anything or withhold official action; or
- 9 (7) bring about or continue a strike, boycott or other  
10 collective action.

11 (b) A person convicted of violating this section is punishable  
12 by a fine not to exceed \$500, or by imprisonment for a term not to  
13 exceed six months, or by both.

14 Sec. 11.51.290. COMPELLING CONFESSION. A person who, with  
15 intent to obtain a confession, statement or information regarding any  
16 offense, inflicts or threatens to inflict physical harm on the person  
17 threatened or on any other person is guilty of compelling a confession  
18 and upon conviction is punishable by imprisonment for a term not to  
19 exceed one year.

20 Sec. 11.51.300. DUELING. A person who engages in a duel is  
21 guilty of dueling and upon conviction is punishable by imprisonment  
22 for a term not to exceed one year.

23  
24 CHAPTER 61. OFFENSES AGAINST PROPERTY

25 Sec. 11.61.010. THEFT. (a) A person who knowingly does any of  
26 the following acts is guilty of theft:

- 27 (1) obtains or exerts unauthorized control over property of  
28 the owner;
- 29 (2) obtains by deception control over property of the

1 owner;

2 (3) obtains by threat control over property of the owner; or

3 (4) obtains control over stolen property knowing the  
4 property to have been stolen by another;

5 (A) intends to deprive the owner permanently of the  
6 use or benefit of the property;

7 (B) knowingly uses, conceals or abandons the property  
8 in a manner as to deprive the owner permanently of the use or  
9 benefit; or

10 (C) uses, conceals, or abandons the property knowing  
11 the use, concealment or abandonment will probably deprive the  
12 owner permanently of the use or benefit.

13 (b) A person convicted of violating this section is punishable  
14 by a fine not to exceed \$500, or by imprisonment not to exceed one  
15 year, or by both, if the value of the property did not exceed \$100 in  
16 value; or by imprisonment in the penitentiary for not less than one  
17 year nor more than 10 years if the value of the property exceeds \$100.

18 (c) A person who is convicted of theft under \$100 in value a  
19 second or subsequent time, or after a prior conviction of any type of  
20 theft, is punishable by imprisonment for not less than one nor more  
21 than five years.

22 Sec. 11.61.020. THEFT OF LOST OR MISLAID PROPERTY. (a) A  
23 person who obtains control over lost or mislaid property and does any  
24 of the following acts is guilty of theft of lost or mislaid property:

25 (1) knows the identity of the owner or knows or is aware of  
26 a reasonable method of identifying the owner;

27 (2) fails to take reasonable measures to restore the  
28 property to the owner; or

29 (3) intends to deprive the owner permanently of the use or

1 benefit of the property.

2 (b) A person convicted of violating this section is punishable  
3 by a fine not to exceed \$500, or in an amount double the value of the  
4 property, whichever is greater.

5 Sec. 11.61.030. THEFT OF LABOR OR SERVICES OR USE OF PROPERTY.  
6 A person who obtains the temporary use of property, labor or service  
7 of another which are available only for hire by means of threat or  
8 deception or knowing that the use is without the consent of the person  
9 providing the property, labor or services is guilty of theft and upon  
10 conviction is punishable by a fine not to exceed \$500, or by imprison-  
11 ment not to exceed one year, or by both.

12 Sec. 11.61.040. OFFENDERS INTEREST IN THE PROPERTY. (a) It is  
13 not a defense to a charge of theft of property that the offender has  
14 an interest therein when the owner also has an interest to which the  
15 offender is not entitled.

16 (b) Where the property involved is that of the offenders spouse  
17 no prosecution for theft may be maintained unless the parties were not  
18 living together as man and wife and were living in separate abodes at  
19 the time of the alleged theft.

20 Sec. 11.61.050. DECEPTIVE PRACTICES. (a) A person who does any  
21 of the following acts is guilty of deceptive practices:

22 (1) causes another, by deception or threat, to execute a  
23 document disposing of property or a document by which a pecuniary  
24 obligation is incurred;

25 (2) being an officer, manager or other person participating  
26 in the direction of a financial institution, knowingly receives or  
27 permits the receipt of a deposit or other investment knowing that the  
28 institution is insolvent;

29 (3) knowingly makes or directs another to make a false or

1 deceptive statement addressed to the public for the purpose of  
2 promoting the sale of property or services; or

3 (4) with intent to obtain control over property or to pay  
4 for property, labor or services of another issues or delivers a check  
5 or other order upon a depository for the payment of money knowing that  
6 it will not be paid by the depository. Under this subsection, failure  
7 to have sufficient funds or credit with the depository when the check  
8 or other order is issued or delivered is prima facie evidence that the  
9 offender knows that it will not be paid by the depository.

10 (b) A person who is convicted of violating this section is  
11 punishable by a fine not to exceed \$500, or by imprisonment not to  
12 exceed one year, or by both.

13 Sec. 11.61.060. FORGERY OF RECORDS OR CERTIFICATE AND UTTERING  
14 FORGED INSTRUMENT. (a) A person who knowingly and with intent to  
15 defraud does and of the following acts is guilty of forgery:

16 (1) makes or alters any document apparently capable of  
17 defrauding another in a manner so that it purports to have been made  
18 by another or at another time, or with different provisions, or by  
19 authority of one who did not give authority;

20 (2) issues or delivers the document knowing it to have been  
21 thus made or altered; or

22 (3) possesses any document knowing it to have been made or  
23 altered with intent to use or deliver the document.

24 (b) A person convicted of violating this section is punishable  
25 by a fine not to exceed \$1,000, or by imprisonment for not less than  
26 one nor more than 15 years, or by both.

27 Sec. 11.61.070. IMPERSONATING MEMBER OF FRATERNAL ORGANIZATION.  
28 A person who falsely represents himself to be a member of any  
29 fraternal or veteran's organization is guilty of false personation and

1 upon conviction is punishable by a fine not to exceed \$200.

2 Sec. 11.61.080. ROBBERY. A person who takes property from the  
3 person or presence of another by the use of force or by threatening  
4 the use of force is guilty of robbery and upon conviction is  
5 punishable by imprisonment for not less than one nor more than 20  
6 years.

7 Sec. 11.61.090. ARMED ROBBERY. (a) A person who commits robbery  
8 while armed with a dangerous weapon is guilty of armed robbery and  
9 upon conviction is punishable by imprisonment for not less than one  
10 nor more than 30 years.

11 (b) A person who, other than by force and violence or by putting  
12 in fear, steals and takes from the person of another anything of value,  
13 is punishable by imprisonment for not less than one nor more than five  
14 years.

15 Sec. 11.61.100. BURGLARY. A person without authority who  
16 knowingly enters into a building, housetrailer, watercraft, aircraft,  
17 railroad car, or any part thereof, or remains therein, with intent to  
18 commit a felony or theft is guilty of burglary and upon conviction  
19 is punishable by imprisonment for not less than one year nor more than  
20 20 years.

21 Sec. 11.61.110. POSSESSION OF BURGLARY TOOLS. A person who  
22 possesses any key, tool, instrument, device, or any explosive suitable  
23 for use in breaking into a building, housetrailer, watercraft, aircraft,  
24 railroad car, or any depository designed for the safekeeping of  
25 property, or any part thereof, with the intent to enter a place to  
26 commit a felony or theft is guilty of a felony and upon conviction is  
27 punishable by imprisonment for not less than one nor more than two  
28 years.

29 Sec. 11.61.120. ARSON. (a) A person who knowingly, by the use

1 of fire or an explosive does any of the following acts is guilty of  
2 arson:

- 3 (1) damages any building of another without his consent;  
4 (2) damages any vehicle, aircraft, or watercraft of  
5 another designed for use as a dwelling without his consent;  
6 (3) damages any property with intent to defraud an  
7 insurer; or  
8 (4) damages any property of another without his consent.

9 (b) A person who is convicted of violating this section is  
10 punishable by imprisonment for not less than one year nor more than  
11 20 years.

12 (c) In this section building or property "of another" means a  
13 building or property in which a person other than the offender has an  
14 interest which the offender has no authority to defeat or impair,  
15 even though the offender may also have an interest in the building or  
16 property.

17 Sec. 11.51.130. POSSESSION OF EXPLOSIVES. A person who  
18 possesses, manufactures or transports any explosive compound and who  
19 intends to use the explosive to commit any offense or knows that  
20 another intends to use the explosive to commit an offense is guilty  
21 of a felony and upon conviction is punishable by imprisonment for not  
22 less than one year nor more than 20 years.

23 Sec. 11.61.140. CRIMINAL DAMAGE TO PROPERTY. (a) A person who  
24 does any of the following acts is guilty of criminal damage to  
25 property:

- 26 (1) knowingly damages any property of another without his  
27 consent;  
28 (2) recklessly by means of fire or explosive damages  
29 property of another;

1 (3) knowingly starts a fire on the land of another without  
2 his consent;

3 (4) knowingly injures a domestic animal of another without  
4 his consent; or

5 (5) knowingly deposits on the land or in the building of  
6 another any stink bomb or any offensive smelling compound without his  
7 consent with intent to interfere with the use by another of the land  
8 or building.

9 (b) A person convicted of violating this section is punishable  
10 by a fine not to exceed \$500 or by imprisonment for a term not to  
11 exceed one year or by both.

12 Sec. 11.61.150. CRIMINAL TRESPASS TO VEHICLES. A person who  
13 without authority enters any vehicle, aircraft or watercraft, or any  
14 part thereof of another without his consent is guilty of a misdemeanor  
15 and upon conviction is punishable by a fine not to exceed \$500, or by  
16 imprisonment for a term not to exceed one year, or by both.

17 Sec. 11.61.160. CRIMINAL TRESPASS TO LAND. (a) A person who  
18 enters on the land or any part thereof of another after receiving  
19 notice from the owner or occupant that the entry is forbidden or who  
20 remains on the land of another after receiving notice from the owner  
21 or occupant to leave is guilty of a misdemeanor and upon conviction is  
22 punishable by a fine not to exceed \$100, or by imprisonment for a term  
23 not to exceed 10 days, or by both.

24 Sec. 11.61.170. DEFINITIONS. In this chapter

25 (1) "property" means anything of value, including but not  
26 limited to real estate, money, commercial instruments, admission or  
27 transportation tickets, written instruments representing or embodying  
28 rights concerning anything of value, labor or services, or otherwise  
29 of value to the owner; things growing on, affixed to, or found on or

1 a part of or affixed to any building, electricity, gas and water; birds,  
2 animals and fish which are ordinarily kept in a state of confinement;  
3 food and drink;

4 (2) "owner" means a person other than the offender who has  
5 possession of or any other interest in the property involved, even  
6 though the interest or possession is unlawful, and without whose  
7 consent the offender has no authority to exert control over the  
8 property;

9 (3) "permanently deprive" means to

10 (A) defeat all recovery of the property by the owner;

11 (B) deprive the owner permanently of the beneficial  
12 use of the property;

13 (C) retain the property with the intent to restore it  
14 to the owner only if the owner purchases or leases it back or  
15 pays a reward or other compensation for its return;

16 (D) sell, give, pledge, or otherwise transfer any  
17 interest in the property, or subject it to the claim of a person  
18 other than the owner.

19 (4) "deception" means to knowingly

20 (A) create or confirm another's impression which is  
21 false and which the offender does not believe to be true;

22 (B) fail to correct a false impression which the  
23 offender previously has created or confirmed;

24 (C) prevent another from acquiring information  
25 pertinent to the disposition of the property involved;

26 (D) sell or otherwise transfer or encumber property,  
27 failing to disclose a lien, adverse claim or other legal  
28 impediment to the enjoyment of the property whether the impediment  
29 is or is not valid, or is or is not a matter of official record;

1 (E) promise performance which the offender does not  
2 intend to perform or knows will not be performed but a failure to  
3 perform is not evidence that the offender did not intend to  
4 perform.

5 (5) "threat" means a menace, however communicated to

6 (A) inflict physical harm on the person threatened or  
7 any other person or on property;

8 (B) subject any person to physical confinement or  
9 restraint;

10 (C) commit any criminal offense;

11 (D) accuse any person of a criminal offense;

12 (E) expose any person to hatred, contempt or ridicule;

13 (F) harm the credit or business repute of any person;

14 (G) reveal any information sought to be concealed by  
15 the person threatened;

16 (H) take actions as an official against anyone or  
17 anything, or withhold official action, or cause the action or  
18 withholding;

19 (I) bring about or continue a strike, boycott or other  
20 similar collective action if the property is not demanded or  
21 received for the benefit of the group which he purports to  
22 represent;

23 (J) testify or provide information or withhold  
24 testimony or information with respect to another's legal claim or  
25 defense; or

26 (K) inflict any other harm which would not benefit  
27 the offender.

28 (6) "stolen property" means property over which control  
29 has been obtained by theft.

1 (7) "obtain" means

2 (A) to bring about a transfer of interest or  
3 possession, whether to the offender or to another in relation to  
4 property; or

5 (B) to secure the performance of an act in relation  
6 to labor or services.

7 (8) "obtains or exerts control" means control over property  
8 and includes but is not limited to the taking, carrying away, or the  
9 sale, conveyance, or transfer of title to, or interest in, or  
10 possession of property.

11 CHAPTER 66. OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

12 Sec. 11.66.010. ABORTION. (a) A person who uses any instrument,  
13 medicine, drug or other substance with the intent to procure a mis-  
14 carriage of any woman is guilty of abortion and upon conviction is  
15 punishable by imprisonment for not less than one year nor more than  
16 10 years.

17 (b) It shall not be necessary in order to commit abortion that  
18 the woman be pregnant or that a miscarriage occurs.

19 (c) It shall be an affirmative defense to abortion that the  
20 abortion was performed by a licensed physician and in a licensed  
21 hospital if

22 (1) the abortion is medically advisable because continuance  
23 of the pregnancy would endanger the life or gravely impair the health  
24 of the pregnant woman;

25 (2) the abortion is medically advisable because the fetus  
26 would be born with a grave and irremediable physical or mental defect;

27 (3) the pregnancy of a woman has resulted from forcible  
28 rape or aggravated incest.

29 Sec. 11.66.020. DISTRIBUTING ABORTIFACIENTS. A person who sells

1 or distributes any drugs, medicine, instrument or other substance  
2 which he knows to be an abortifacient to any person other than a  
3 licensed physician is guilty of a misdemeanor and upon conviction is  
4 punishable by a fine not to exceed \$500, or by imprisonment for a term  
5 not to exceed six months, or by both.

6 Sec. 11.66.030. ADVERTISING ABORTION. A person who advertises,  
7 prints, publishes, distributes or circulates any communication through  
8 print, radio or television media advocating, advising or suggesting any  
9 act which would be in violation of any section in this chapter is  
10 guilty of a misdemeanor and upon conviction is punishable by a fine not  
11 to exceed \$500, or by imprisonment for a term not to exceed six months.

12 Sec. 11.66.040. DISORDERLY CONDUCT. (a) A person who knowingly  
13 does any of the following acts is guilty of disorderly conduct.

14 (1) Does any act in such an unreasonable manner as to alarm  
15 or disturb another, or to provide a breach of the peace;

16 (2) with intent to annoy another, makes a telephone call,  
17 whether or not a conversation ensues;

18 (3) transmits in any manner to the fire department of any  
19 city, town, or village a false alarm of fire, knowing at the time of  
20 the transmission that there is no fire;

21 (4) transmits in any manner to another a false alarm to the  
22 effect that a bomb or other explosive of any nature is concealed in a  
23 place where its explosion would endanger human life, knowing that  
24 there is no ground for believing that a bomb or explosive is concealed  
25 in the place.

26 (b) A person convicted of violating this section is punishable  
27 by a fine not to exceed \$500, or by imprisonment for a term not to  
28 exceed six months, or by both.

29 Sec. 11.66.050. CRIMINAL DEFAMATION. (a) A person who, with

1 intent to defame another, living or dead, communicates to any person  
2 any matter which tends to provoke a breach of the peace is guilty of  
3 criminal defamation and upon conviction is punishable by a fine not  
4 to exceed \$500, or by imprisonment for a term not to exceed one year,  
5 or by both.

6 (b) In all prosecutions for criminal defamation, the truth, when  
7 communicated with good motives, and for justifiable ends, shall be an  
8 affirmative defense.

9 Sec. 11.66.060. GAMBLING. (a) A person who does any of the  
10 following acts is guilty of gambling:

11 (1) plays a game of chance or skill for money or other  
12 thing of value;

13 (2) makes a wager upon the result of any game, contest, or  
14 any political nomination, appointment or election;

15 (3) operates, keeps, owns, uses, purchases, exhibits, rents,  
16 sells, bargains for the sale or lease of, manufactures or distributes  
17 any gambling device;

18 (4) contracts to sell or buy, at a future time, any  
19 commodity or any stock or security of any company, where it is at the  
20 time of making the contract intended by both parties that the option  
21 to buy or to sell, or the contract resulting therefrom, shall be  
22 settled, not by the receipt or delivery of the property, but by the  
23 payment of differences in prices;

24 (5) uses or keeps any book, instrument or apparatus for the  
25 purpose of recording or registering bets or wagers or holds any funds  
26 which have been bet or wagered;

27 (6) sells pools upon the result of any game or contest of  
28 skill or chance, political nomination, appointment or election;

29 (7) sets up or promotes any lottery or sells, offers to

1 sell or transfers any ticket or share for any lottery;

2 (8) sets up or promotes any policy game or sells, offers to  
3 sell or knowingly possesses or transfers any policy ticket, or other  
4 similar device;

5 (9) knowingly advertises any policy game or drafts, prints  
6 or publishes any policy ticket or similar device, or any advertisement  
7 of any policy game; or

8 (10) knowingly transmits information of wagers, betting  
9 odds, or changes in betting odds by telephone, telegraph, radio,  
10 semaphore or similar means; or knowingly installs or maintains  
11 equipment for the transmission or receipt of like information.

12 (b) A person convicted of violating this section is punishable  
13 by a fine not to exceed \$500, or by imprisonment for a term not to  
14 exceed one year, or by both.

15 (c) Participants in any of the following activities shall not be  
16 convicted of gambling:

17 (1) agreements to compensate for loss caused by the  
18 happening of chance including without limitation contracts of  
19 indemnity or guaranty and life or health or accident insurance; and

20 (2) offers of prizes, award or compensation to the actual  
21 contestants in any bona fide contest for the determination of skill,  
22 speed, strength or endurance or to the owners of animals or vehicles  
23 entered in such contest.

24 (d) In this section "gambling device" means any clock, tape  
25 machine, slot machine or other machine or device for the reception of  
26 money or other thing of value on chance or skill or upon the action  
27 of which money or other thing of value is staked, hazarded, bet, won  
28 or lost; or any mechanism, furniture, fixture, equipment or other  
29 device designed primarily for use in a gambling place.

1 (e) A "gambling device" does not include vending machines which  
2 give full and adequate return for the money invested and in which  
3 there is no element of chance or hazard.

4 (f) A "lottery" is any scheme or procedure where one or more  
5 prizes are distributed by chance among persons who have paid or  
6 promised consideration for a chance to win prizes, whether the scheme  
7 or procedure is called a lottery, raffle, gift, sale or some other  
8 name.

9 (g) A "policy game" is any scheme or procedure where a person  
10 promises or guarantees by any instrument, bill, certificate, writing,  
11 token or other device that any particular number, character, ticket  
12 or certificate, shall in the event of any contingency in the nature  
13 of a lottery entitle the purchaser or holder to receive money,  
14 property or evidence of debt.

15 (h) The commissioner of public safety, a member of the division  
16 of state police, or a police or peace officer designated by the  
17 commissioner shall seize and destroy a gambling implement.

18 Sec. 11.66.070. KEEPING A GAMBLING PLACE. (a) Any person who  
19 knowingly permits any premises or property owned or occupied by him  
20 or under his control to be used as a gambling place is guilty of  
21 keeping a gambling place.

22 (b) A person convicted of violating this section is punishable  
23 by a fine not to exceed \$500, or by imprisonment for a term not to  
24 exceed one year, or by both.

25 (c) A "gambling place" is any real estate, vehicle, boat or any  
26 other property used for the purposes of gambling.

27 Sec. 11.66.080. OFFERING A BRIBE. Any person who, with intent  
28 to influence any person participating in, officiating or connected  
29 with any professional or amateur athletic contest, sporting event or

1 exhibition, gives, offers or promises any money, bribe or other thing  
2 of value or advantage to induce the participant, official or other  
3 person not to use his best efforts in connection with a contest,  
4 event or exhibition is guilty of bribery and is punishable by a fine  
5 not to exceed \$5,000, or imprisonment for a term not less than one  
6 nor more than five years, or by both.

7 Sec. 11.66.090. ACCEPTING A BRIBE. A person participating in,  
8 officiating or connected with any professional or amateur athletic  
9 contest, sporting event or exhibition who accepts or agrees to accept  
10 any money, bribe or other thing of value or advantage with the intent  
11 understanding or agreement that he will not use his best efforts in  
12 connection with a contest, event or exhibition is guilty of accepting  
13 a bribe and upon conviction is punishable by a fine not to exceed  
14 \$5,000, or by imprisonment for not less than one year nor more than  
15 five years.

16 Sec. 11.66.100. FAILURE TO REPORT OFFER OF BRIBE. Any person  
17 participating, officiating or connected with any professional or  
18 amateur athletic contest, sporting event or exhibition who fails to  
19 report to his employer, the promoter of a contest, event or exhibition,  
20 or the local district attorney, any offer or promise made to him in  
21 violation of sec. 11.66.080 is guilty of a misdemeanor and upon  
22 conviction is punishable by a fine not to exceed \$500, or by  
23 imprisonment for a term not to exceed one year.

24 CHAPTER 71. OFFENSES AFFECTING GOVERNMENTAL FUNCTION

25 Sec. 11.71.010. TREASON. (a) A person who owes allegiance to  
26 this state and who knowingly does any of the following acts is guilty  
27 of treason:

- 28 (1) levies war against this state; or  
29 (2) gives aid or comfort to the enemies of this state.

1 (b) A person convicted of violating this section is punishable  
2 by imprisonment for not less than one year to life.

3 (c) No person may be convicted of treason except on the testimony  
4 of two witnesses to the same overt act, or on his confession in open  
5 court.

6 Sec. 11.71.020. MISPRISON OF TREASON. A person owing allegiance  
7 to this state who conceals or withholds his knowledge that another has  
8 committed treason against this state is guilty of misprison of treason,  
9 and upon conviction is punishable by imprisonment for not less than  
10 one nor more than two years.

11 Sec. 11.71.030. RESISTING OR OBSTRUCTING A PEACE OFFICER. A  
12 person who knowingly resists or obstructs the performance of a person  
13 known to be a peace officer acting in his official capacity is guilty  
14 of a misdemeanor and upon conviction is punishable by a fine not to  
15 exceed \$500, or by imprisonment for a term not to exceed one year.

16 Sec. 11.71.040. RESISTING OR OBSTRUCTING A PEACE OFFICER WHILE  
17 ARMED. A person who violates sec. 030 of this chapter while armed is,  
18 upon conviction, punishable by imprisonment for not less than one nor  
19 more than two years.

20 Sec. 11.71.050. OBSTRUCTING SERVICE OF PROCESS. A person who  
21 knowingly resists or obstructs the authorized service or execution of  
22 any civil or criminal process or order of any court is guilty of a  
23 misdemeanor and upon conviction is punishable by a fine not to exceed  
24 \$500, or by imprisonment for a term not to exceed six months.

25 Sec. 11.71.060. OBSTRUCTING JUSTICE. (a) A person who  
26 knowingly does any of the following acts is guilty of obstructing  
27 justice:

28 (1) destroys, alters, conceals or disguises physical  
29 evidence, plants false evidence, furnishes false information;

1 (2) induces a witness having knowledge material to the  
2 subject at issue to leave the state or conceal himself; or

3 (3) who leaves the state or conceals himself possessing  
4 knowledge material to the subject at issue.

5 (b) A person convicted of violating this section is punishable by  
6 a fine not to exceed \$1,000, or by imprisonment for a term not to  
7 exceed one year, or by both.

8 Sec. 11.71.070. CONCEALING OR AIDING A FUGITIVE. A person who  
9 aids or conceals an offender with the intent to prevent the  
10 apprehension of the offender is guilty of concealing or aiding a  
11 fugitive and upon conviction is punishable by a fine not to exceed  
12 \$1,000, or by imprisonment for a term not to exceed one year.

13 Sec. 11.71.080. ESCAPE. (a) A person convicted of a felony or  
14 charged with the commission of a felony who intentionally escapes  
15 from any penal institution or from the custody of an employee of that  
16 institution is guilty of escape, and upon conviction is punishable by  
17 imprisonment for not less than one nor more than 10 years.

18 (b) A person convicted of a misdemeanor or charged with the  
19 commission of a misdemeanor who intentionally escapes from any penal  
20 institution or from the custody of an employee of that institution is  
21 guilty of a misdemeanor, and upon conviction is punishable by  
22 imprisonment for a term not to exceed one year.

23 (c) A person in the lawful custody of a peace officer who  
24 intentionally escapes from custody is guilty of a misdemeanor, and  
25 upon conviction is punishable by imprisonment for a term not to exceed  
26 one year.

27 (d) A person who violates (b) or (c) of this section  
28 while armed with a dangerous weapon is upon conviction punishable by  
29 imprisonment for not less than one nor more than five years.

1           Sec. 11.71.090. AIDING ESCAPE. (a) A person who, with the  
2 intent to aid any prisoner in escaping from any penal institution,  
3 conveys into the institution or transfers to the prisoner anything  
4 for use in escaping is guilty of a misdemeanor, and upon conviction  
5 is punishable by a fine not to exceed \$1,000, or by imprisonment for  
6 a term not to exceed one year.

7           (b) A person who knowingly aids a person convicted of a felony,  
8 or charged with the commission of a felony in escaping from any penal  
9 institution or from the custody of any employee of that institution  
10 is guilty of a felony, and upon conviction is punishable by imprison-  
11 ment for not less than one year nor more than 10 years.

12           (c) A person who knowingly aids a person convicted of a  
13 misdemeanor or charged with the commission of a misdemeanor in  
14 escaping from any penal institution or from the custody of an employee  
15 of that institution is guilty of a misdemeanor, and upon conviction  
16 is punishable by a fine not to exceed \$1,000, or by imprisonment for  
17 a term not to exceed one year.

18           (d) A person who knowingly aids a person in escaping from any  
19 public institution in which he is lawfully detained, or from the  
20 custody of an employee of that institution is guilty of a misdemeanor,  
21 and upon conviction is punishable by a fine not to exceed \$1,000, or by  
22 imprisonment for a term not to exceed one year, or by both.

23           (e) A person who knowingly aids a person in the lawful custody  
24 of a peace officer in escaping is guilty of a misdemeanor, and upon  
25 conviction is punishable by a fine not to exceed \$500, or by  
26 imprisonment for a term not to exceed six months, or by both.

27           (f) An officer or employee of any penal institution who  
28 recklessly permits any prisoner in his custody to escape is guilty of  
29 a misdemeanor, and upon conviction is punishable by a fine not to

1 exceed \$500, or by imprisonment for a term not to exceed six months,  
2 or by both.

3 (g) A person who violates (c), (d), or (e) of this section  
4 while armed with a dangerous weapon is guilty of a felony, and upon  
5 conviction is punishable by imprisonment for not less than one nor  
6 more than five years.

7 Sec. 11.71.100. COMMUNICATING WITH JURORS. A person who, with  
8 the intent to influence any person whom he believes has been summoned  
9 as a juror regarding any matter which is or may be brought before him,  
10 communicates with the juror other than as authorized by law is guilty  
11 of a misdemeanor, and upon conviction is punishable by a fine not to  
12 exceed \$500, or by imprisonment for a term not to exceed one year.

13 Sec. 11.71.110. FALSE PERSONATION OF JUDICIAL OR GOVERNMENTAL  
14 OFFICIALS. A person who falsely represents himself to be an attorney  
15 authorized to practice law or a public officer or a public employee is  
16 guilty of a misdemeanor, and upon conviction is punishable by a fine  
17 not to exceed \$500, or by imprisonment for a term not to exceed six  
18 months, or by both.

19 Sec. 11.71.120. PERFORMANCE OF UNAUTHORIZED ACTS. (a) An  
20 unauthorized person who does any of the following acts is guilty of  
21 a misdemeanor:

22 (1) conducts a marriage ceremony;

23 (2) acknowledges the execution of any document which by  
24 law may be recorded; or

25 (3) becomes a surety for any party in any civil or criminal  
26 proceeding before any court or public officer authorized to accept the  
27 surety.

28 (b) A person convicted of violating this section is punishable  
29 by a fine not to exceed \$500, or by imprisonment for a term not to

1 exceed one year, or by both.

2 Sec. 11.71.130. SIMULATING LEGAL PROCESS. A person who issues  
3 or delivers any document which he knows falsely purports to be or  
4 simulates any civil or criminal process is guilty of a misdemeanor, and  
5 upon conviction is punishable by a fine not to exceed \$500, or by  
6 imprisonment for a term not to exceed six months, or by both.

7 Sec. 11.71.140. TAMPERING WITH PUBLIC RECORDS. A person who  
8 knowingly and without lawful authority alters, destroys, defaces,  
9 removes, or conceals any public record is guilty of a misdemeanor, and  
10 upon conviction is punishable by a fine not to exceed \$1,000, or by  
11 imprisonment for a term not to exceed one year, or by both.

12 Sec. 11.71.150. TAMPERING WITH PUBLIC NOTICE. A person who  
13 knowingly and without lawful authority alters, destroys, defaces,  
14 removes or conceals any public notice posted according to law during  
15 the time the notice was to remain posted is guilty of a misdemeanor, and  
16 upon conviction is punishable by a fine not to exceed \$200.

17 Sec. 11.71.160. COMPOUNDING A CRIME. (a) A person compounds  
18 a crime when he receives or offers to another any consideration for a  
19 promise not to prosecute or aid in the prosecution of an offender.

20 (b) A person convicted of violating this section is punishable  
21 by a fine not to exceed \$500.

22 Sec. 11.71.170. PERJURY. (a) A person under oath or affirmation  
23 in a proceeding or in any other matter where by law an oath or affirma-  
24 tion is required, who makes a false statement, material to the issue or  
25 point in question, and which he does not believe to be true is guilty  
26 of perjury.

27 (b) An indictment or information for perjury alleging that the  
28 offender, under oath, has made contradictory statements material to  
29 the issue or point in question in the same or in different proceedings,

1 where an oath or affirmation is required, need not specify which  
2 statement is false. At the trial, the prosecution need not establish  
3 which statement is false.

4 (c) Where the contradictory statements are made in the same  
5 continuous trial, an admission by the offender in that same continuous  
6 trial of the falsity of a contradictory statement shall bar prosecution  
7 therefor under any provision of this Code.

8 (d) A person who is convicted of violating this section is  
9 punishable by a fine not to exceed \$1,000, or by imprisonment for a  
10 term not less than one nor more than fourteen years, or by both.

11 Sec. 11.71.180. SUBORNATION OF PERJURY. (a) A person who  
12 procures or induces another to make a statement in violation of sec.170  
13 of this chapter which the person knows to be false is guilty of sub-  
14 ornation of perjury.

15 (b) A person convicted of violating this section is punishable  
16 by a fine not to exceed \$1,000, or by imprisonment for not less than  
17 one year nor more than five years, or by both.

#### 18 CHAPTER 76. OFFICIAL MISCONDUCT

19 Sec. 11.76.010. BRIBERY. (a) A person who does any of the  
20 following acts is guilty of bribery:

21 (1) promises or tenders to another any property or personal  
22 advantage with the intent to influence the performance of any act  
23 related to the employment or function of any public officer, public  
24 employee or juror which is not authorized by law to accept;

25 (2) promises or tenders to another whom he believes to be a  
26 public officer, public employee or juror, any property or personal  
27 advantage with the intent to influence the performance of any act  
28 related to the employment or function of any public officer, which a  
29 public officer, public employee or juror would not be authorized by

1 law to accept;

2 (3) promises or tenders another any property or personal  
3 advantage with the intent to cause any person to influence the per-  
4 formance of any act related to the employment or function of a public  
5 officer, public employee or juror which he is not authorized by law  
6 to accept;

7 (4) he receives, retains or agrees to accept any property  
8 or personal advantage which he is not authorized by law to accept  
9 knowing that the property or personal advantage was promised or  
10 tendered with the intent to cause him to influence the performance of  
11 any act related to the employment or function of any public officer,  
12 public employee or juror; or

13 (5) he solicits any property or person advantage which he is  
14 not authorized by law to accept pursuant to an understanding that he  
15 shall influence the performance of any act related to the employment  
16 or function of any public officer, public employee or juror.

17 (b) A person who is convicted of violating this section is  
18 punishable by a fine not to exceed \$5,000, or by imprisonment for not  
19 less than one nor more than five years, or by both.

20 Sec. 11.76.020. FAILURE TO REPORT A BRIBE. A public officer,  
21 public employee or juror who fails to report to the local district  
22 attorney any offer made to him in violation of sec. 010 of this chapter  
23 is guilty of a misdemeanor and upon conviction is punishable by a fine  
24 not to exceed \$1,000, or by imprisonment for a term not to exceed one  
25 year, or by both.

26 Sec. 11.76.030. OFFICIAL MIDCONDUCT. A public officer or  
27 employee acting in his official capacity who does any of the following  
28 acts is guilty of a misdemeanor:

29 (1) intentionally or recklessly fails to perform any

1 mandatory duty as required by law;

2 (2) knowingly performs an act which he knows he is for-  
3 bidden by law to perform;

4 (3) performs an act in excess of his lawful authority with  
5 the intent to obtain a personal advantage for himself or another; or

6 (4) solicits or knowingly accepts for the performance of  
7 any act a fee or reward which he knows is not authorized by law.

8 (b) A person convicted of violating this section is punishable  
9 by a fine not to exceed \$1,000, or by imprisonment for a term not to  
10 exceed one year.

11 CHAPTER 81. MISCELLANEOUS CRIMES AND DEFINITIONS

12 Sec. 11.81.010. CARELESS USE OF FIREARMS. (a) A person who  
13 intentionally, and without malice, points or aims a firearm at or  
14 toward a person, or discharges a firearm so pointed or aimed at a  
15 person, or points and discharges a firearm at or toward a person or  
16 object without knowing the identity of the object and maims or injures  
17 a human being, is guilty of the careless use of firearms, and upon  
18 conviction is punishable by a fine of not more than \$1,000, or im-  
19 prisonment for not more than one year, or by both.

20 (b) If death ensues from the maiming or injuring, the person  
21 discharging the firearm may, in the discretion of the prosecuting  
22 officer or grand jury, be charged with the crime of voluntary man-  
23 slaughter.

24 (c) This section does not apply to a case where firearms are  
25 used in self-defense or in the discharge of official duty, or in case  
26 of a justifiable homicide.

27 Sec. 11.81.020. DESERTION OR NONSUPPORT OF WIFE OR CHILD. A  
28 person who is the parent or guardian of a child under the age of 16  
29 years dependent upon him for care, education or support, and who

1 deserts or abandons the child or ward, or wilfully fails, without law-  
2 ful excuse, to furnish necessary food, care, clothing, shelter, medi-  
3 cal attendance, education or support for the child or ward; or a  
4 person who, without lawful justification, wilfully abandons and leaves  
5 his wife or refuses or neglects to provide his wife with necessary  
6 food, clothing, shelter or medical attendance, is guilty of a mis-  
7 demeanor, and upon conviction is punishable by a fine of not more than  
8 \$500, or by imprisonment for a term not to exceed one year, or by both.  
9 However, before the trial, with the consent of the defendant, or after  
10 conviction, instead of imposing the penalties prescribed, or in addition  
11 to those penalties, the court, having regard to the circumstances and  
12 the financial ability and earning capacity of the defendant, may make  
13 an order, subject to change by it from time to time as circumstances  
14 require, directing the defendant to pay a definite sum or a certain  
15 weekly sum during such time as the court may direct, into the court for  
16 the benefit of wife, or guardian or custodian of the minor child; and  
17 the court may release the defendant from custody or place him on  
18 probation during such time as the court directs, upon his entering into  
19 an undertaking with one or more sufficient sureties who shall qualify  
20 as bail upon arrest in a sum the court directs. The undertaking shall  
21 be conditioned so that the defendant shall personally appear before the  
22 court whenever ordered to do so and shall comply with the terms of the  
23 order or any modification which the court may make, and shall provide  
24 that, should the conditions of the bond be broken, the defendant and  
25 his sureties consent to entry of judgment against them by the court in  
26 the amount specified in the undertaking.

27 Sec. 11.81.030. PROCEEDINGS ON VIOLATION OF ORDER. If the court  
28 is satisfied by information, complaint or other proof that the defend-  
29 ant has violated the terms of the order set forth in sec. 20 of this

1 chapter, it may issue an order directing the defendant and his sureties  
2 to show cause why judgment should not be rendered against them for the  
3 amount of the undertaking. If, after hearing the testimony, the court  
4 is satisfied that the defendant has violated the order, it may enter a  
5 personal judgment against the defendant and his sureties to the amount  
6 of the undertaking. The judgment may be enforced against the property  
7 of the defendant and his sureties by execution as in a civil action.

8 Sec. 11.81.040. TRIAL ON COMPLAINT IRRESPECTIVE OF JUDGMENT ON  
9 UNDERTAKING. The rendering of judgment against the defendant and his  
10 sureties on the undertaking as set out in sec. 30 of this chapter is  
11 not exclusive, but the court may proceed with the trial of the defendant  
12 under the original complaint or information or sentence him under the  
13 original conviction and enforce the original sentence.

14 Sec. 11.81.050. APPLICATION OF MONEY RECOVERED. In case of a  
15 judgment against the defendant and his sureties as set out in sec. 30  
16 of this chapter and its enforcement by execution, the sum recovered  
17 may be paid, in whole or in part, and at the times and in the amounts  
18 the court orders, to the wife or to the guardian or custodian of the  
19 minor child for support.

20 Sec. 11.81.060. COMPLAINT AND TRIAL. Complaint for violation of  
21 sec. 10 of this chapter may be made by the deserted wife, or on her  
22 behalf, or on behalf of the minor child, by anyone having personal  
23 cognizance of the facts, before a magistrate. If the defendant is not  
24 present in the judicial district where the deserted wife or child is,  
25 the complaint may be made by the prosecuting attorney in that judicial  
26 district, in the nature of an information before the superior court of  
27 the judicial district where the deserted wife or children reside. The  
28 proceedings for the trial of the defendant shall be the same as for a  
29 misdemeanor, except as otherwise provided in this section.

1           Sec. 11.81.070. SENTENCE TO LABOR. Where there is a conviction  
2 and sentence to imprisonment the court may direct  
3 that the person convicted shall work on the public roads or highways  
4 or other public work in the judicial district where the person is con-  
5 victed during the time of the sentence. The sentence may provide the  
6 means of carrying out its terms.

7           Sec. 11.81.080. EVIDENCE OF ABANDONMENT OR NONSUPPORT. Proof of  
8 the abandonment or nonsupport of a wife or the desertion of a child or  
9 ward, or the omission to furnish necessary food, clothing, shelter or  
10 medical attendance for the child or ward is prima facie evidence that  
11 the abandonment or nonsupport or omission to furnish necessary food,  
12 clothing, shelter or medical attendance is wilful. No other evidence  
13 is required to prove marriage or parenthood than is required in a  
14 civil case.

15           Sec. 11.81.090. CONTRIBUTING TO DELINQUENCY OF CHILD. A person  
16 who commits an act, or omits the performance of a duty, which causes  
17 or tends to cause, encourage or contribute to the delinquency of a  
18 child under the age of 18 years; or who by threats, command or per-  
19 suasion, endeavors to induce a child to do or perform an act or follow  
20 a course of conduct which would cause him to become a delinquent child  
21 or who does an act which manifestly tends to cause a child to become a  
22 delinquent, is guilty of a misdemeanor.

23           Sec. 11.81.100. DELINQUENT DEFINED. For the purpose of sec. 90  
24 of this chapter a child is a delinquent if he is under the age of 18  
25 years and

- 26           (1) violates a law of the United States, or the state, or an  
27 ordinance of a city or town;
- 28           (2) is incorrigible, either at home or in school;
- 29           (3) knowingly associates with thieves, vicious or immoral

1 persons;

2 (4) without just cause and without the consent of his  
3 parents, or custodian, absents himself from home or his place of abode;

4 (5) is in danger of becoming or remaining a person who leads  
5 an idle, dissolute, lewd or immoral life;

6 (6) knowingly frequents a house of ill repute;

7 (7) knowingly frequents a place where a gaming device is  
8 operated;

9 (8) wanders about the streets in the nighttime without being  
10 on lawful business or occupation;

11 (9) habitually wanders about railroad yard or tracks;

12 (10) habitually uses vile, obscene, vulgar, profane or  
13 indecent language;

14 (11) is guilty of or takes part in or submits to an immoral  
15 act or conduct; or

16 (12) is addicted to the habitual use of intoxicating liquor  
17 or a drug.

18 Sec. 11.81.110. PENALTIES FOR CRUELTY TO DOMESTIC ANIMALS. A  
19 person who unnecessarily overworks, torments, cruelly beats or otherwise  
20 abuses or kills a domestic animal or creature, or causes or procures  
21 such an act to be done, or abandons it when there is not a caretaker to  
22 assume the responsibility of proper food and water, is guilty of a mis-  
23 demeanor, and upon conviction is punishable by a fine of not more than  
24 \$100, or by imprisonment for not more than 30 days, or by  
25 both.

26 Sec. 11.81.120. ABANDONING DISABLED ANIMALS TO DIE. A person who  
27 abandons a maimed, sick, infirm, or disabled domestic animal or creature  
28 to die is guilty of a misdemeanor and is punishable as provided in  
29 sec. 110 of this chapter.

1           Sec. 11.81.130. USE OF LIVE BIRDS AS TARGETS. A person who

2                   (1) uses a live pigeon, fowl or other bird as a target,  
3 or to be shot at either for amusement or as a test of skill in marks-  
4 manship;

5                   (2) shoots a bird used as a target, for amusement or as a  
6 test of skill in marksmanship, or is a party to a shooting;

7                   (3) leases a building, room, field or premises, or knowingly  
8 permits the use of them for a shooting, is guilty of a misdemeanor, and  
9 upon conviction is punishable by a fine of not more than \$50. This  
10 section does not apply to shooting of game for food.

11           Sec. 11.81.140. FIGHTING OR BAITING ANIMALS OR CREATURES AND  
12 RELATED OFFENSES. A person who

13                   (1) keeps, uses, is connected with or interested in the  
14 management of, or receives money for the admission of a person to a  
15 place kept or used for the purpose of fighting or baiting a live animal  
16 or creature;

17                   (2) is present and witnesses, encourages, or assists in  
18 fighting or baiting a live animal or creature; or

19                   (3) permits or suffers a place owned or controlled by him to  
20 be so used, is guilty of a misdemeanor, and upon conviction is punishable  
21 by a fine of not more than \$500, or by imprisonment for not more than  
22 six months, or by both.

23           Sec. 11.81.150. MAINTAINING KENNEL OR PET SHOP IN UNSANITARY OR  
24 INHUMANE MANNER. A person who maintains a commercial kennel or pet  
25 shop in an unsanitary or inhumane manner is guilty of a misdemeanor,  
26 and upon conviction is punishable by a fine of not more than \$50.

27           Sec. 11,81.160. HUMANE AND SCIENTIFIC USES EXCEPTED. Sections  
28 110 - 150 of this chapter shall not be interpreted as interfering with  
29 the humane and scientific use of animals for experimental purposes.

1           Sec. 11.81.170. LEGAL IMPOUNDING AND EXTERMINATION OF ANIMALS  
2 EXCEPTED. Sections 110 - 150 of this chapter do not prohibit or  
3 impede the lawful impounding and destruction of stray dogs, cats, or  
4 other animals.

5           Sec. 11.81.180. PUNISHMENT FOR RIOT. A person guilty of parti-  
6 cipating in a riot, upon conviction, is punishable as follows:

7           (1) if a felony or misdemeanor was committed in the course of  
8 the riot, he is punishable as a principal in the crime;

9           (2) if the person carried at the time of the riot a species  
10 of dangerous weapon, or was disguised, or encouraged or solicited other  
11 persons who participated in the riot to an act of force or violence, he  
12 is punishable by imprisonment for not less than one year nor more than  
13 10 years;

14           (3) in all other cases, he is punishable by imprisonment  
15 for not less than three months nor more than one year, or by a fine  
16 not less than \$50 nor more than \$500.

17           Sec. 11.81.190. RIOT AND UNLAWFUL ASSEMBLY DEFINED. (a) Riot  
18 is the use of force or violence, or threat to use force or violence, if  
19 accompanies by immediate power of execution, by three or more persons  
20 acting together and without authority of law.

21           (b) An unlawful assembly occurs when three or more persons  
22 assemble

23           (1) with intent, or with means and preparations, to do an  
24 unlawful act, which would be riot if actually committed, but do no act  
25 toward the commission of riot; or

26           (2) without authority of law, and in a manner adapted to  
27 disturb the public peace or excite public alarm, or disguised in a  
28 manner to prevent them from being identified.

29           Sec. 11.81.200. CARRYING CONCEALED WEAPONS. It is unlawful for

1 person to carry concealed about his person, in any manner, a re-  
2 volver, pistol, or other firearm, or knife, other than an ordinary  
3 pocketknife, or a dirk or dagger, sling shot, metal knuckles, or an  
4 instrument by the use of which injury could be inflicted upon the  
5 person or property of another.

6 Sec. 11.81.210. PUNISHMENT FOR CARRYING CONCEALED WEAPON. A  
7 person violating sec. 200 of this chapter is guilty of a misdemeanor,  
8 and upon conviction is punishable by a fine of not less than \$10 nor  
9 more than \$200, or by imprisonment for not less than five days nor  
10 more than 100 days, or by both. Sec. 200 of this chapter and this  
11 section do not apply to a peace officer, whose duty it is to serve  
12 process or make arrest.

13 Sec. 11.81.220. POSSESSION BY CONVICTS. (a) A person who has  
14 been convicted of a felony, or a misdemeanor involving assault and  
15 battery, aggravated assault, burglary, robbery and like crimes, by a  
16 court in the state, or by the courts of the United States or of another  
17 state or territory, may not own or have in his possession or under his  
18 custody or control a pistol, revolver, or other firearm capable of  
19 being concealed about his person, or carry concealed about his person  
20 a knife with a blade over two inches long or a dirk or dagger, sling-  
21 shot, metal knuckles, or an instrument by the use of which injury  
22 could be inflicted upon the person or property of another.

23 (b) A person convicted of violating this section is punishable  
24 by imprisonment not exceeding five years, or by a fine not exceeding  
25 \$500, or by both.

26 Sec. 11.81.230. FLOURISHING, POINTING OR DISCHARGING FIREARM IN  
27 PUBLIC PLACE. A person who flourishes, points or discharges a firearm  
28 in a city, town, village or other community, or in or on a railway  
29 coach, steamboat or steamship, or in or near a park or public grounds,

1 or at a public place, whether public in itself, or made public at the  
2 time by an assemblage of persons, is guilty of a misdemeanor, and  
3 upon conviction is punishable by a fine not to exceed \$500, or by  
4 imprisonment for a term not to exceed six months, or by both.

5 Sec. 11.81.240. SHOOTING AT BUILDINGS. A person who discharges  
6 or shoots a pistol or other firearm at, into, in, through or against  
7 a dwelling house, schoolhouse, church building, factory, storehouse,  
8 court house or a house or building used for manufacturing purposes, or  
9 any house or building used for the assembling of people for business  
10 or pleasure, is guilty of a misdemeanor, and upon conviction is punish-  
11 able by a fine of not more than \$1,000, or by imprisonment for a term  
12 not to exceed one year, or by both.

13 Sec. 11.81.250. POSSESSION OF FIREARM WHILE UNDER INFLUENCE OF  
14 INTOXICATING LIQUOR OR DRUG. A person who, while under the influence  
15 of intoxicating liquor or an exhilarating or stupefying drug, carries,  
16 has in his possession or under his control, or uses or discharges a  
17 firearm is guilty of a misdemeanor, and upon conviction is punishable  
18 by a fine of not more than \$1,000, or by imprisonment for a term not to  
19 exceed one year, or by both.

20 Sec. 11.81.260. PRIVILEGE OF WITNESS IN PROSECUTION FOR GAMBLING.  
21 In a prosecution for the offense of gambling no person otherwise  
22 competent as a witness under the laws of the state is privileged from  
23 testifying on the ground that his testimony may tend to incriminate him.  
24 However, a prosecution may not afterwards be brought against the witness  
25 for the offense of gambling or the gambling transaction concerning  
26 which he testified.

27 Sec. 11.81.270. PARTICIPANTS IN A GAME NOT ACCOMPLICES. A person  
28 engaged in a gambling game is not an accomplice of another participant  
29 or of a person carrying on, conducting, concerned or interested in the

1 game, or of a person who maintains, aids or abets the maintaining of a  
2 gambling nuisance, as defined in this title.

3 Sec. 11.81.280. PLACES WHERE GAMBLING OR UNLICENSED LIQUOR  
4 TRAFFIC CONDUCTED AS NUISANCES. A place where gaming or gambling is  
5 carried on, or where unlicensed manufacture or sale or drinking of  
6 intoxicating liquor is allowed, or where persons are permitted to re-  
7 sort for the purpose of gaming or gambling, and all implements or  
8 property used and kept in maintaining these places are declared to be  
9 common nuisances. A person who maintains, aids or abets, or is  
10 associated in maintaining such a place is guilty of a misdemeanor, and  
11 upon conviction is punishable by a fine of not less than \$100 nor more  
12 than \$500, or by imprisonment for not less than 30 days nor more than  
13 six months, or by both.

14 Sec. 11.81.290. TEMPORARY INJUNCTION IN ACTION TO ABATE AND  
15 ENJOIN NUISANCE FOLLOWING CONVICTION. The prosecuting attorney may  
16 maintain an action in the superior court whenever a nuisance, as defined  
17 in sec. 280 of this chapter, exists or is maintained to abate and enjoin  
18 it, and upon a showing of notice and good cause a temporary injunction  
19 may be granted after the commencement of the action and no bond shall  
20 be required.

21 Sec. 11.81.300. PUNISHMENT FOR VIOLATION OF INJUNCTION. A person  
22 who violates the terms of the injunction granted under sec. 290 of this  
23 chapter is punishable for contempt by a fine of not less than \$100 nor  
24 more than \$500, or by imprisonment for not less than 30 days nor more  
25 than six months. No action may be maintained under this section unless  
26 there has been a conviction under sec. 280 of this chapter.

27 Sec. 11.81.310. PERMITTING DANGEROUS ANIMALS TO BE AT LARGE. A  
28 person who wons or controls a dangerous or vicious animal, knowing that  
29 it is dangerous or vicious, and who wilfully or negligently permits it

1 to be at large in a neighborhood or on a public highway, upon con-  
2 viction, is punishable by a fine of not less than \$10 nor more than  
3 \$50.

4 Sec. 11.81.320. VAGRANCY. An idle or dissolute person who has  
5 no visible means of living, or lawful occupation or employment by  
6 which to earn a living; an able-bodied person found begging the means  
7 of support in public places, or from house to house, or who procures a  
8 child or children to do so; or a person who lives in a house of ill  
9 repute; or a person who loiters about a school without legitimate  
10 purpose while school is in session is a vagrant, and upon conviction  
11 is punishable by a fine of not less than \$20 nor more than \$250, or  
12 by imprisonment for not less than 10 days nor more than 25 days, or  
13 by both.

14 Sec. 11.81.330. DESECRATION OF FLAG. (a) A person who for  
15 exhibition or display puts or causes to be placed an inscription,  
16 design, device, symbol, portrait, name, advertisement, word, character,  
17 mark or notice upon a flag or ensign of the United States, or a flag  
18 of this state or ensign evidently purposing to be either of said flags  
19 or ensigns, or who appends, annexes or affixes to the flag or ensign  
20 an inscription, design, device, symbol, portrait, name, advertisement,  
21 word, mark, notice or token, or who displays or exhibits or causes to  
22 be displayed or exhibited, any flag or ensign evidently purporting to  
23 be either of those flags, upon which is attached, annexed, or affixed  
24 an inscription, design, device, symbol, portrait, name, advertisement,  
25 word, mark, notice, or token, or who publicly or wilfully mutilates,  
26 tramples upon, or tears down or wilfully and maliciously removes while  
27 owned by others, or otherwise defaces or defiles any of those flags or  
28 ensigns, which are public or private property, or who uses a flag or  
29 ensign in a parade unless the American flag is carried at the head of

1 the parade above all other flags or ensigns, or who displays in public  
2 from a hall belonging to an association a flag, unless the American  
3 flag is displayed above it, is guilty of a misdemeanor, and upon  
4 conviction is punishable by a fine of not more than \$200, or by  
5 imprisonment for not more than one year, or by both.

6 (b) This section does not apply to flags or ensigns, the property  
7 of or used in the service of the United States or of a state or terri-  
8 tory, upon which an inscription, names of actions, words, marks or  
9 symbols are placed under law or authorized regulations.

10 Sec. 11.81.340. PERSONS ENTITLED TO FULL AND EQUAL ACCOMODATIONS,  
11 FACILITIES, AND PRIVILEGES. (a) A person is entitled to the full and  
12 equal enjoyment of accommodations, advantages, facilities, and  
13 privileges of public inns, restaurants, eating houses, hotels, motels,  
14 soda fountains, soft drink parlors, taverns, roadhouses, trailer parks,  
15 resorts, camp grounds, barbershops, beauty parlors, bathrooms, rest-  
16 houses, theatres, swimming pools, skating rinks, golf courses, cafes,  
17 ice cream parlors, transportation companies, and all conveyances,  
18 housing accommodations, and all other public amusement and business  
19 establishments, subject only to the conditions and limitations es-  
20 tablished by law and applicable alike to all persons.

21 (b) Any denial of the use of the foregoing facilities by reason  
22 of race, creed, or color of the applicant therefore is a violation of  
23 this section.

24 (c) Public amusement and business establishments within the  
25 meaning of this section include any establishment which caters or offers  
26 its services or goods to the general public, including but not limited  
27 to public housing and all forms of publicly assisted housing, and any  
28 housing accommodation offered for sale, rent, or lease.

29 Sec. 11.81.350. PENALTY FOR VIOLATION OF SEC. 340 OF THIS

1 CHAPTER. A person who violates or aids or incites a violation of  
2 sec. 340 of this chapter, or who displays a printed or written sign  
3 indicating a discrimination on racial grounds of full and equal en-  
4 joyment as set out in sec. 340 of this chapter is guilty of a mis-  
5 demeanor, and upon conviction is punishable by imprisonment for not  
6 more than 30 days, or by a fine of not more than \$500, or by both.

7 Sec. 11.81.360. EXTENSION OF CURFEWS OUTSIDE CITIES. The  
8 provisions of a curfew ordinance enacted by a city or village of any  
9 class concerning minors shall be imposed in the total area within 20  
10 miles of the limits of that city or village. If a given area lies  
11 within 20 miles of two or more cities with conflicting curfew  
12 ordinances, the provisions of the curfew ordinance of the city having  
13 the largest population prevails as to that overlapping area.

14 Sec. 11.81.370. ENFORCEMENT OF CURFEWS. (a) The municipal  
15 peace officers shall enforce the provisions of the ordinance inside the  
16 city limits. Under secs. 340 - 360 of this chapter the state peace  
17 officers shall enforce the provisions of the ordinance in the area  
18 outside the city limits.

19 (b) In an area where state peace officers are not available, the  
20 municipal peace officer may enforce the provisions of the ordinance  
21 in the area outside the city limits if the enforcement responsibilities  
22 are delegated by contract between the state and the municipality.

23 Sec. 11.81.380. PENALTY FOR VIOLATION OF CURFEW. The penalty for  
24 violation of secs. 360 - 380 of this chapter is as prescribed by the  
25 curfew ordinance of the city, and a fine so paid shall be paid to the  
26 city when the violation takes place in the city. Otherwise the fine  
27 shall be paid to the state. However, the penalty shall not exceed a  
28 fine of \$300, or imprisonment for 30 days, or by both.

29 Sec. 11.81.390. DISCHARGING BALLAST INTO NAVIGABLE WATERS. A

1 person, whether or not he is an officer of a vessel, who discharges  
2 the ballast of a vessel into the navigable portion or channel of a  
3 bay, harbor, or river of the state, or within the jurisdiction of the  
4 state, so as to injuriously affect the navigable portion or channel, or  
5 to obstruct the navigation of the navigable portion or channel, upon  
6 conviction, is punishable by imprisonment for not less than three  
7 months nor more than one year, or by a fine of not less than \$100  
8 nor more than \$500.

9 Sec. 11.81.400. INTERFERING WITH BUOYS AND BEACONS. A person  
10 who moors a vessel, boat, skiff, barge, scow, raft, or part of a raft  
11 to a buoy or beacon placed in the navigable waters of the state, or in  
12 a bay, river, or arm of the sea bordering the state by the authority  
13 of the United States Coast Guard, or who hangs on with a vessel, boat,  
14 skiff, barge, scow, raft, or part of a raft to the buoy or beacon, or  
15 who wilfully removes, damages, or destroys the buoy or beacon, or who  
16 cuts down, removes, damages, or destroys a beacon erected on land in  
17 the state by authority of the United States Coast Guard is guilty of a  
18 misdemeanor, and upon conviction is punishable by a fine of not less  
19 than \$100 nor more than \$200, or by imprisonment for not less than  
20 one month nor more than six months, or by both.

21 Sec. 11.81.410. ATTACHING OR DETAINING DEAD BODY FOR DEBT. A  
22 person who arrests or attaches, or wilfully attempts to arrest or  
23 attach the dead body of a human being, or who detains or claims to  
24 detain it for a debt or demand or upon a pretended lien or charge is  
25 guilty of a misdemeanor, and upon conviction is punishable by a fine  
26 of not more than \$500, or by imprisonment for not more than six months,  
27 or by both.

28 Sec. 11.81.420. INTENT TO DEFRAUD. Whenever, by a provision of  
29 this title, an intent to defraud is necessary to constitute a crime,

1 it is sufficient if an intent appears to defraud any person.

2 Sec. 11.81.430. USE OF EVIDENCE BY PERSON ON CHARGE OF PERJURY.

3 Any section of this title which declares that evidence  
4 obtained upon the examination of a person as a witness shall not be  
5 received against him in a criminal proceeding does not forbid the  
6 evidence from being used against him in a proceeding founded upon a  
7 charge of perjury committed by him in the examination.

8 Sec. 11.81.440. UNAUTHORIZED PUBLICATION OR USE OF COMMUNICATIONS.

9 (a) It is unlawful for a person who receives or assists in receiving,  
10 or who transmits or assists in transmitting a communication by wire or  
11 radio to divulge or publish the existence, contents, substance, purport,  
12 effect, or meaning of the communication, except through authorized  
13 channels of transmission or reception to

14 (1) the addressee, his agent, or attorney;

15 (2) a person employed or authorized to forward a communica-  
16 tion to its destination;

17 (3) proper accounting or distributing officers of the various  
18 communicating centers over which the communication may be passed;

19 (4) the master of a ship under whom he is serving;

20 (5) another on demand of lawful authority; or

21 (6) in response to a subpoena issued by a court of competent  
22 jurisdiction.

23 (b) It is unlawful for a person not authorized by a party to the  
24 communication to intentionally intercept a communication or to divulge  
25 or publish the existence, contents, substance, purport, effect, or  
26 meaning of the intercepted communication to any person.

27 (c) It is unlawful for a person who is not entitled to a com-  
28 munication but who has received the communication to use the communica-  
29 tion or any information contained in it for his own or another's benefit.

1 (d) It is unlawful for a person who has received a communication  
2 and who knows or reasonably should know that the communication and the  
3 information contained in it was obtained in violation of this section  
4 to divulge or publish the existence, contents, substance, purport,  
5 effect, or meaning of the communication or any part of the communica-  
6 tion.

7 (e) It is unlawful for a person who has become acquainted with  
8 a communication or the information contained in it, and who is not  
9 entitled to the communication, to use the same for his own or another's  
10 benefit, or to divulge or publish the existence, contents, substance,  
11 purport, effect, or meaning of the communication or any part of the  
12 communication.

13 Sec. 11.81.450. EAVESDROPPING. It is unlawful for a person to

14 (1) use an eavesdropping device to hear or record all or any  
15 part of an oral conversation without the consent of a party to the  
16 conversation;

17 (2) use or divulge any information which he knows or  
18 reasonably should know was obtained through the illegal use of an  
19 eavesdropping device for his own or another's benefit;

20 (3) publish the existence, contents, substance, purport,  
21 effect or meaning of any conversation he has heard through the illegal  
22 use of an eavesdropping device;

23 (4) divulge, or publish the existence, contents, substance,  
24 purport, effect or meaning of any conversation he has become acquainted  
25 with after he knows or reasonably should know that the conversation and  
26 the information contained in the conversation was obtained through the  
27 illegal use of an eavesdropping device.

28 Sec. 11.81.460. EXEMPTIONS. The following activities are exempt  
29 from the provisions of secs. 440 and 450 of this chapter:

1 (1) listening to a radio or wireless communications of any  
2 sort where the same are publicly made;

3 (2) hearing conversation when heard by employees of a com-  
4 mon carrier by wire incidental to the normal course of their employ-  
5 ment in the operation, maintenance or repair of the equipment of the  
6 common carrier by wire; provided the information obtained is not used  
7 or divulged in any manner by the hearer;

8 (3) a broadcast by radio or other means whether it is a live  
9 broadcast or recorded for the purpose of later broadcasts of any  
10 function where the public is in attendance and the conversations which  
11 are overheard are incidental to the main purpose for which the broad-  
12 cast is then being made;

13 (4) recording or listening with the aid of any device to an  
14 emergency communication made in the normal course of operations by a  
15 federal, state or local law enforcement agency or institutions dealing  
16 in emergency services, including but not limited to hospitals, clinics,  
17 ambulance services, fire fighting agencies, a public utility emergency  
18 repair facility, civilian defense establishment or military installa-  
19 tions;

20 (5) inadvertant interception of telephone conversations over  
21 party lines.

22 Sec. 11.81.470. PENALTY. A person who violates any of the  
23 provisions of secs. 440 - 450 of this chapter is guilty of a misde-  
24 meanor and upon conviction is punishable by a fine of not more than  
25 \$1,000, or by imprisonment for not more than one year, or by both.

26 Sec. 11.81.480. DEFINITIONS. In sec. 450 of this chapter "eaves-  
27 dropping device" means any device capable of being used to hear or  
28 record oral conversation whether the conversation is conducted in person  
29 by telephone, or by any other means; provided that this definition does

1 not include devices used for the restoration of the deaf or hard-of-  
2 hearing to normal or partial hearing.

3 Sec. 11.81.490. CONSPIRACY AGAINST RIGHTS OF PERSONS. A person  
4 who conspires with another to injure, oppress, threaten, or intimidate  
5 a person because that person seeks to exercise or enjoy, or has  
6 exercised or enjoyed a right, privilege or immunity granted by the con-  
7 stitution or the laws of this state is guilty of a felony and upon  
8 conviction is punishable by imprisonment for not more than two years,  
9 or by a fine of not more than \$1,000, or by both.

10 Sec. 11.81.500. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW. A  
11 person who, under color of any law, ordinance or regulation of this  
12 state or its political subdivisions, wilfully deprives another person  
13 of a right, privilege or immunity granted by the constitution or the  
14 laws of this state, or who subjects another person to different  
15 punishments, pains or penalties because of that person's race, color,  
16 creed or national origin, is guilty of a misdemeanor and upon con-  
17 viction is punishable by imprisonment for not more than one year, or  
18 by a fine of not more than \$1,000, or by both.

19 Sec. 11.81.510. PERSONS WHO MAY REPORT INJURIES TO CHILDREN.

20 (a) A physician, resident, intern or nurse who, during the examination  
21 or treatment of a child, has cause to believe that the child has  
22 suffered physical injury as a result of abuse or neglect may report  
23 the injury in accordance with sec. 520 of this chapter.

24 (b) A school teacher or social worker who, while acting in an  
25 official capacity, has cause to believe that a child has suffered in-  
26 jury as a result of abuse or neglect may report the injury in accordance  
27 with sec. 520 of this chapter.

28 Sec. 11.81.520. REPORTS. (a) An oral report of the injury should  
29 be made to the nearest office of the department, or, if an office of

1 the department is not in the vicinity where the injury is discovered,  
2 an oral report should be made to the nearest law enforcement authority.  
3 In areas of the state where it is impractical to make an oral report,  
4 a written report should be made.

5 (b) Oral and written reports should contain

6 (1) the names and addresses of the child and the parents or  
7 guardians, if known;

8 (2) the child's age and the nature and extent of the injury,  
9 including evidence of previous injuries;

10 (3) information which might assist in determining the cause  
11 of injury and the identity of the person or persons responsible for  
12 the injury.

13 Sec. 11.81.530. DISTRIBUTION OF REPORTS. The law enforcement  
14 authority receiving a report of injury shall immediately forward the  
15 information contained in an oral report or a copy of the written report  
16 to the nearest office of the department.

17 Sec. 11.81.540. ACTION ON REPORTS. Upon receipt of a report of  
18 injury, the department shall investigate and take action, as prescribed  
19 by law, which may be necessary to prevent further injury to the child  
20 or to insure the proper care and protection of the child. The depart-  
21 ment shall forward the results of an investigation made pursuant to a  
22 report to the district attorney of the area in which the injury was  
23 discovered.

24 Sec. 11.81.550. IMMUNITY. A person who in good faith complies  
25 with sec. 510 of this chapter, or participates in judicial proceedings  
26 resulting from the submission of reports permitted by sec. 520 of this  
27 chapter, is immune from any civil or criminal liability which might  
28 otherwise be incurred or imposed.

29 Sec. 11.81.560. EVIDENCE NOT PRIVILEGED. Neither the physician-

1 patient nor the husband-wife privilege shall be a ground for excluding  
2 evidence regarding a child's injury, or its cause, in a judicial pro-  
3 ceeding resulting from a report made under this chapter.

4 Sec. 11.81.570. DEFINITIONS. In secs. 510 - 560 of this chapter

5 (1) "abuse" means the wilful infliction of physical injury  
6 upon the body of a child;

7 (2) "child" means a person under 16 years of age;

8 (3) "department" means the Department of Health and Welfare;

9 (4) "law enforcement authority" means the state police or  
10 the police department of a political subdivision of the state;

11 (5) "neglect" means the wilful failure to provide necessary  
12 food, care, clothing, shelter, or medical attention for the child;

13 (6) "nurse" means a person licensed to practice professional  
14 or practical nursing in this state or the United States Public Health  
15 Service assigned to duty in the state;

16 (7) "physician" means a doctor of medicine or chiropractic  
17 licensed to practice in the state or employed by the United States  
18 Public Health Service and assigned to duty in the state.

19 Sec. 11.81.580. DRIVING OR TAKING WATERCRAFT, AIRCRAFT, OR MOTOR  
20 VEHICLE WITHOUT THE OWNS CONSENT. (a) A person who drives, tows  
21 away, or takes a watercraft, aircraft, or motor vehicle not his own  
22 without the consent of the owner, with intent temporarily to deprive  
23 the owner of possession of the watercraft, aircraft, or motor vehicle  
24 or a person who is party or accessory to or an accomplice in the  
25 unauthorized driving, towing, or taking, is guilty of a misdemeanor,  
26 and upon conviction is punishable by imprisonment for not more than one  
27 year, or by a fine of not more than \$1,000, or by both. The consent of  
28 the owner of a watercraft, aircraft, or motor vehicle to its driving,  
29 towing away, or taking shall not be presumed or implied because of the

1 owner's consent on previous occasions to the driving, towing away or  
2 taking of the watercraft, aircraft or motor vehicle by the same or a  
3 different person.

4 (b) When a minor is accused of violations under this section  
5 he may be charged, prosecuted, and sentenced in the same manner as an  
6 adult, except that a parent, guardian or legal custodian shall be  
7 present at all proceedings against the minor.

8 (c) In this section

9 (1) "watercraft" means and includes any device upon or by  
10 which a person or property is or may be transported or drawn upon water;

11 (2) "aircraft" means a device which was designed and meant  
12 to be used for the transportation of person or property above the  
13 surface of the earth or water;

14 (3) "person" does not include a United States marshal or his  
15 deputy, a state policeman, or any other peace officer who drives, tows  
16 away or otherwise takes a watercraft, aircraft or automobile with  
17 authority under law to do so.

18 (4) "motor vehicle" means any self-propelled vehicle.

19 Sec. 11.81.590. CONVICTION IN THEFT PROSECUTION. In a criminal  
20 prosecution for theft, if the facts do not warrant a conviction of the  
21 defendant for a violation of sec. 580 of this chapter, he may,  
22 nevertheless, be convicted of a violation of this chapter if the facts  
23 so warrant.

24 Sec. 11.81.600. UNAUTHORIZED ENTRY, USE OR OCCUPANCY OF PROPERTY.

25 (a) It is unlawful for a person to enter, use or occupy any un-  
26 occupied dwelling, house, tent, hotel, office, store, shop, warehouse,  
27 barn, factory or other building, boat, ship, railroad car or structure,  
28 or apartment, cottage, clubhouse, bathhouse, hunting or fishing lodge,  
29 garage or any other structure, or use any personal property therein,

1       except with the consent of the owner of the facility or his agent,  
2       unless

3               (1) the entry, use or occupancy of any of the facilities  
4       described in this subsection is for an emergency in the case of  
5       immediate and dire need, and

6               (2) the person contacts the owner or agent within 15 days  
7       after using the facility or, if the owner is unknown, the nearest  
8       state or local police agency, and makes a report of the time of the  
9       entry, use or occupancy of the facility and any damage to the facility  
10       or personal property, unless notice waiving necessity of the report is  
11       posted in the facility by the owner or his agent.

12              (b) A person who violates (a) of this section is guilty of a  
13       misdemeanor.

14              (c) A court having jurisdiction to impose sentence for violation  
15       of (a) of this section may suspend all or part of a sentence or con-  
16       dition, among any other which might be lawfully ordered by the court,  
17       that the defendant make restitution for, or repair, any damage he has  
18       caused or compensate the owner for property used or consumed.

19              (d) The Department of Public Safety shall provide forms upon  
20       which reports required by this section can be made and shall supply  
21       the forms to all local and state police agencies in the state for  
22       public distribution. The department may adopt rules and regulations  
23       regarding reports required under this section.

24              Sec. 11,81.610. INJURY TO HIGHWAYS, PUBLIC RECREATION FACILITIES,  
25       OR HIGHWAY SIGNS. (a) No person may move, damage, destroy, or intend-  
26       ing to prevent free use of it by the public, obstruct a highway or a  
27       private way laid out by authority of law without first securing per-  
28       mission from the public authority having jurisdiction or control of the  
29       highway or private way. No person may, in any case, build or place a

1 barbed wire fence across any well-traveled trail which has been the  
2 usual and common route of travel for not less than one year without  
3 placing on the outside of the top tier of the barbed wire on the fence  
4 a board, pole, or other suitable protection, which is at least 16 feet  
5 in length.

6 (b) No person may put or throw any kind of garbage, rubbish,  
7 or material, or abandon animal viscera or other discarded objects on  
8 a highway, highway right-of-way, or public recreation facility. No  
9 person may put or throw any kind of litter or trash from a highway or  
10 highway right-of-way onto private property.

11 (c) No person may remove, deface, damage, or destroy a distance  
12 marker, guidepost, or traffic control signal, sign, or marking on or  
13 near a highway or any public improvement or facility in a public  
14 recreation area.

15 (d) A person who wilfully violates a subsection of this section  
16 is guilty of a misdemeanor, and upon conviction is punishable by a  
17 fine of not more than \$500, or by imprisonment for not more than one  
18 year, or by both.

19 Sec. 11.81.620. MISUSE, DAMAGE, OR DESTRUCTION OF CAMPS. No  
20 person may misuse, damage, or destroy a camp not his own if it is  
21 capable of use for protection of life or property.

22 Sec. 11.81.630. PENALTY FOR VIOLATION OF SEC. 620 OF THIS CHAPTER.  
23 A person who violates sec. 620 of this chapter is guilty of a misde-  
24 meanor and upon conviction is punishable by a fine of not more than  
25 \$500, or by imprisonment for not more than three months, or by both.

26 Sec. 11.81.640. DEFINITION OF CAMP. In sec. 620 of this chapter  
27 "camp" means an improved site intended for habitation or use during any  
28 part of the year, and it includes cabins, tents, tent frames or poles,  
29 drying racks, caches, supplies of food or fuel, building materials,

1 furnishing of a tent or cabin, structures or things in and appurtenant  
2 to the site, or other improvements of the site.

3 Sec. 11.81.650. OPENING OR PUBLISHING CONTENTS OF SEALED LETTERS.

4 A person who wilfully opens or reads, or has opened and read, a  
5 sealed letter not addressed to him, without authority to do so by the  
6 writer or by the person to whom it is addressed, or who wilfully, with-  
7 out the same authority, publishes a letter or portion of it, knowing  
8 it to have been opened without the authority of the writer or  
9 addressee, upon conviction, is punishable by imprisonment for not less  
10 than one month nor more than one year, or by a fine of not less than  
11 \$50 nor more than \$500. This section does not extend to or include an  
12 act made punishable by a law of the federal government.

13 Sec. 11.81.660. VOLUNTARY ACT. A material element of every  
14 offense is a voluntary act, which includes an omission to perform a  
15 duty the law imposes on the offender and which he is physically capable  
16 of performing.

17 Sec. 11.81.670. POSSESSION AS VOLUNTARY ACT. Possession is a  
18 voluntary act if the offender knowingly procured or received the thing  
19 possessed, or was aware of his control for a sufficient time to have  
20 been able to terminate his possession.

21 Sec. 11.81.680. MENTAL STATE. (a) A person is not guilty of an  
22 offense, other than an offense which involves absolute liability, un-  
23 less, with respect to each element described by the statute defining  
24 the offense, he acts while having one of the mental states described  
25 in Secs. 690 - 720 of this chapter.

26 (b) If the statute defining an offense prescribes a particular  
27 mental state with respect to the offense as a whole, without dis-  
28 tinguishing among the elements, the prescribed mental state applies  
29 to each element. If the statute does not prescribe a particular

1 mental state applicable to an element of an offense (other than an  
2 offense which involves absolute liability), any mental state defined  
3 in secs. 690 - 710 of this chapter is applicable.

4 (c) Knowledge that certain conduct constitutes an offense, or  
5 knowledge of the existence, meaning, or application of the statute  
6 defining an offense, is not an element of the offense unless the  
7 statute clearly defines it as such.

8 Sec. 11.81.690. INTENT. A person intends, or acts intentionally  
9 or with intent, to accomplish a result or engage in conduct described  
10 by the statute defining the offense, when his conscious objective or  
11 purpose is to accomplish that result or engage in that conduct.

12 Sec. 11.81.700. KNOWLEDGE. A person knows, or acts knowingly  
13 or with knowledge, of

14 (1) the nature or attendant circumstances of his conduct,  
15 described by the statute defining the offense, when he is consciously  
16 aware that his conduct is of such nature or that such circumstances  
17 exist. Knowledge of a material fact includes awareness of the sub-  
18 stantial probability that such fact exists.

19 (2) the result of his conduct, described by the statute  
20 defining the offense, when he is consciously aware that such result is  
21 practically certain to be caused by his conduct.

22 (3) conduct performed knowingly or with knowledge is per-  
23 formed wilfully, within the meaning of a statute using the latter term,  
24 unless the statute clearly requires another meaning.

25 Sec. 11.81.710. RECKLESSNESS. A person is reckless or acts  
26 recklessly, when he consciously disregards a substantial and unjusti-  
27 fiable risk that circumstances exist or that a result will follow,  
28 described by the statute defining the offense; and such disregard  
29 constitutes a gross deviation from the standard of care which a

1 reasonable person would exercise in the situation. An act performed  
2 recklessly is performed wantonly, within the meaning of a statute  
3 using the latter term, unless the statute clearly requires another  
4 meaning.

5 Sec. 11.81.720. NEGLIGENCE. A person is negligent, or acts  
6 negligently, when he fails to be aware of a substantial and unjusti-  
7 fiable risk that circumstances exist or a result will follow, described  
8 by the statute defining the offense; and such failure constitutes a  
9 substantial deviation from the standard of care which a reasonable  
10 person would exercise in the situation.

11 Sec. 11.81.730. IGNORANCE OR MISTAKE. (a) A person's  
12 ignorance or mistake as to a matter of either fact or law, except as  
13 provided in sec. 680(c) above, is a defense if it negatives the ex-  
14 istence of the mental state which the statute prescribes with respect  
15 to a material element of the offense.

16 (b) A person's reasonable belief that his conduct does not  
17 constitute an offense is a defense if

18 (1) the offense is defined by an administrative regulation  
19 or order which is not known to him and has not been published or  
20 otherwise made reasonably available to him, and he could not have  
21 acquired such knowledge by the exercise of due diligence pursuant to  
22 facts known to him;

23 (2) he acts in reliance upon a statute which later is  
24 determined to be invalid;

25 (3) he acts in reliance upon a court order or opinion, later  
26 determined to be invalid or erroneous; or

27 (4) he acts in reliance upon an official interpretation of  
28 the statute, regulation or order defining the offense, made by a  
29 public officer or agency legally authorized to interpret the statute.

1 (c) Although a person's ignorance or mistake of fact or law,  
2 or reasonable belief, described in this section is a  
3 defense to the offense charged, he may be convicted of an included  
4 offense of which he would be guilty if the fact or law were as he  
5 believed it to be.

6 (d) A defense based upon this section is an affirmative defense.  
7 d Sec. 11.81.740. ABSOLUTE LIABILITY. A person may be guilty of  
8 an offense without having, as to each element thereof, one of the  
9 mental states described in secs. 690 - 720 of this chapter if the  
10 offense is a misdemeanor which is not punishable by incarceration or  
11 by a fine exceeding \$500, and the statute defining the offense clearly  
12 indicates a legislative purpose to impose absolute liability for the  
13 conduct described.

14 Sec. 11.81.750. DEFINITIONS. In this title

15 (1) "acquittal" means a verdict or finding of not guilty of  
16 an offense, rendered by a legally constituted jury or by a court of  
17 competent jurisdiction authorized to try the case without a jury;

18 (2) "act" includes a failure or omission to take action;

19 (3) "another" means a person or persons as defined in this  
20 Code other than the offender;

21 (4) "conduct" means an act or a series of acts, and the  
22 accompanying mental state;

23 (5) "conviction" means a judgment of conviction or sentence  
24 entered upon a plea of guilty or upon a verdict or finding of guilty  
25 of an offense, rendered by a legally constituted jury or by a court of  
26 competent jurisdiction authorized to try the case without a jury;

27 (6) "dwelling" means a building or portion thereof, a tent,  
28 boat, vehicle, or other enclosed space which is used or intended for  
29 use as a human habitation, home or residence;

1 (7) "felony" means an offense punishable by imprisonment for  
2 more than one year;

3 (8) "forcible felony" means any felony which involves the  
4 use or threat of physical force or violence against any individual,  
5 including treason, murder, voluntary manslaughter, rape, robbery,  
6 burglary, arson, kidnapping, and aggravated battery;

7 (9) "included offense" means an offense which

8 (A) is established by proof of the same or less than all  
9 of the facts or a less culpable mental state (or both), than that  
10 which is required to establish the commission of the offense  
11 charged, or

12 (B) consists of an attempt to commit the offense  
13 charged or an offense included therein;

14 (10) "includes" or "including" means comprehending among  
15 other particulars, without limiting the generality of the foregoing  
16 word or phrase;

17 (11) "misdemeanor" means any offense other than a felony;

18 (12) "offense" means a violation of any penal statute of this  
19 state;

20 (13) "peace officer" means any person who is vested by law  
21 with a duty to maintain public order or to make arrests for offenses,  
22 whether that duty extends to all offenses or is limited to specific  
23 offenses;

24 (14) "penal institution" means a penitentiary, state farm,  
25 reformatory, prison, jail, house of correction, or other institution  
26 for the incarceration or custody of persons under sentence for offenses  
27 or awaiting trial or sentence for offenses;

28 (15) "person" means an individual, public or private corpo-  
29 ration, government, partnership, or unincorporated association;

1 (16) "prosecution" means all legal proceedings by which a  
2 person's liability for an offense is determined, commencing with the  
3 return of the indictment or the issuance of the information, and  
4 including the final disposition of the case upon appeal;

5 (17) "public employee" means a person, other than a public  
6 officer, who is authorized to perform any official function on behalf  
7 of, and is paid by, the state or any of its political subdivisions;

8 (18) "public officer" means a person who is elected to  
9 office pursuant to statute, or who is appointed to an office which is  
10 established, and the qualifications and duties of which are prescribed,  
11 by statute, to discharge a public duty for the state or any of its  
12 political subdivisions;

13 (19) "reasonable belief" or "reasonably believes" means that  
14 the person concerned, acting as a reasonable man, believes that the  
15 described facts exist;

16 (20) "solicit" or "solicitation" means to command, author-  
17 ize, urge, incite, request, or advise another to commit an offense;

18 (21) "state" or "this state" means the State of Alaska, and  
19 all land and water to which the State of Alaska has either exclusive  
20 or concurrent jurisdiction, and the air space above the land and water;

21 (22) "other state" means any state or territory of the  
22 United States, the District of Columbia, and the Commonwealth of  
23 Puerto Rico;

24 (23) "statute" means the Constitution or an Act of the  
25 Legislature.

26 Sec. 11.81.750. REPEAL. AS 11.05.010 - 11.75.110 are repealed.

27 Sec. 11.81.760. SHORT TITLE. This title may be cited as the  
28 Alaska Criminal Code.

29 \* Sec. 2. This Act takes effect July 1, 1971.