

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



ORDINANCE No. 21 – 03

DATE: April 20, 2021

INTRODUCED BY: Executive Committee and Sheriff & Jail Committee

SYNOPSIS: An Ordinance Adopting and Enacting Sections 20-36, 20-37, and 20-38 of the Juneau County Code of Ordinances Regarding Underage Drinking

WHEREAS, the Juneau County Sheriff's Department and other law enforcement agencies in Juneau County currently do not have the option of charging offenses related to disorderly conduct as ordinance violations instead of state crimes under Wis. Stats. § 947.01 (2019); and,

WHEREAS, the Juneau County Sheriff's Department and other law enforcement agencies in Juneau County currently do not have the option of charging offenses related to unlawful use of a telephone as ordinance violations instead of state crimes under Wis. Stats. § 947.012 (2019); and,

WHEREAS, the Juneau County Sheriff's Department and other law enforcement agencies in Juneau County currently do not have the option of charging offenses related to unlawful use of computerized communication systems as ordinance violations instead of state crimes under Wis. Stats. § 947.0125 (2019); and,

WHEREAS, Juneau County Sheriff Brent Olson and the Juneau County Sheriff & Jail Committee believe it to be in the best interests of law enforcement in Juneau County and the citizens of Juneau County to have the option of charging the above-noted offenses as ordinance violations instead of criminal offenses, depending upon the facts of each case; and,

WHEREAS, the proposed new ordinances, to become Sections 20-35, 20-36, and 20-38 of the Juneau County Code of Ordinances, are identical in basic form and content to the state statute regulating these matters, Wis. Stats. §§ 947.01, 947.012, 947.0125; and,

WHEREAS, the Sheriff & Jail Committee and the Executive Committee recommend the adoption and enactment of the proposed Sections 20-36, 20-37, and 20-38 of the Ordinances to the full County Board of Supervisors;

NOW, THEREFORE, the Juneau County Board of Supervisors shall and hereby does ordain that the Juneau County Code of Ordinances shall be and hereby is amended to create Sections 20-36, 20-37, and 20-38, as set forth in full on the addendum attached to this document, effective upon the date of its enactment.

INTRODUCED AND RECOMMENDED FOR ADOPTION ON APRIL 20, 2021.

EXECUTIVE COMMITTEE:

SHERIFF & JAIL COMMITTEE:

Alan K. Peterson, Chairperson

Jerry Niles, Chairperson

Michael Kelly

Lynn Willard

Lynn Willard

Ray Feldman

I hereby certify that the foregoing Ordinance
was enacted by the Board of Supervisors of Juneau County
on April 20, 2021:

Terri L. Treptow, Juneau County Clerk

Sec. 20 - 36 Disorderly conduct.

(1) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a violation.

(2) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading a firearm, or for carrying or going armed with a firearm or a knife, without regard to whether the firearm is loaded or the firearm or the knife is concealed or openly carried.

Sec. 20 - 37 Unlawful use of telephone.

(1) Whoever does any of the following is guilty of a violation:

(a) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse or threaten any person at the called number.

(2) Whoever does any of the following is subject to a Class B forfeiture:

(a) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(c) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(d) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(e) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

Sec. 20 - 38 Unlawful use of computerized communication systems.

(1) In this section, "message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, or any transfer of a computer program, as defined in Wis. Stats. § 943.70 (1) (c).

(2) Whoever does any of the following is guilty of a violation:

(a) With intent to frighten, intimidate, threaten, abuse or harass another person, sends a message to the person on an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, abuse or harass another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(c) With intent to frighten, intimidate, threaten or abuse another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(d) With intent to frighten, intimidate, threaten or abuse another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(e) With intent to frighten, intimidate, threaten or abuse another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to frighten, intimidate, threaten or abuse another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(3) Whoever does any of the following is subject to a Class B forfeiture:

(a) With intent to harass or offend another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) With intent to harass or offend another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) With intent solely to harass another person, sends repeated messages to the person on an electronic mail or other computerized communication system.

(d) With intent solely to harass another person, sends repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(e) With intent to harass another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass another person, sends a message on an electronic

mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) Knowingly permits or directs another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

[Enacted April 20, 2021.]