

LEGISTAR # 37405 - Body

DRAFTER'S ANALYSIS: This ordinance expands disorderly conduct to include offenses involving telecommunication messages and establishes the bail deposit for the violation. Currently, the disorderly conduct ordinance addresses annoying telephone calls. This amendment recognizes that individuals can use modern technology to send telecommunication messages to annoy, harass, or offend others. This ordinance adds definitions for the terms "telecommunication device" and "telecommunication message." This language is modeled after Wis. Stat. § 947.0125(1).

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 24.02 entitled "Disorderly Conduct" of the Madison General Ordinances is amended to read as follows:

"24.02 DISORDERLY CONDUCT. Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture of not more than ~~five hundred~~ one thousand dollars (~~\$500~~ 1000).

- (1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (2) With intent to harass, annoy, or offend another, ~~makes a telephone call, whether or not conversation ensues~~ sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance; or
- (3) While under the influence of alcohol, in a public place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

(4) Definitions.

"Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.

"Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

(45) Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Annoying/ harassing telephone calls telecommunication."	24.02(2)	\$300

EDITOR'S NOTE: New and revised bail deposits must be approved by the Municipal Judge prior to adoption. This revised deposit has been so approved.