



2005 ASSEMBLY BILL 188

March 10, 2005 – Introduced by Representatives FRISKE, SCHNEIDER, PETROWSKI, GRONEMUS, OTT, KERKMAN, ZEPNICK, GUNDERSON, MOLEPSKE, OWENS, TOWNSEND, HUNDERTMARK, MUSSER, VAN ROY, HINES, ALBERS, KRAWCZYK and HAHN, cosponsored by Senators ROESSLER, OLSEN, DARLING and LAZICH. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to create* 947.0125 (4) of the statutes; **relating to:** prohibiting certain
2 computer postings that invite harassment or obscene, lewd, or profane
3 communication and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the following conduct or communication that is intended to harass, intimidate, frighten, threaten, or abuse:

Harassment. Whoever engages in certain conduct intended to harass or intimidate another is subject to a Class B forfeiture, which is a forfeiture not to exceed \$1,000. If the actor engages in harassing or intimidating conduct while subject to a restraining order and the conduct is accompanied by a credible threat that places the victim in fear of death or great bodily harm, then the actor is guilty of a Class A misdemeanor, which is punishable by a fine not to exceed \$10,000, confinement in jail for up to nine months, or both.

Unlawful use of a telephone or of computerized communication systems. A person who makes a telephone call or sends a message over a computer system with intent to frighten, intimidate, threaten, abuse, or harass the recipient of the call or message and who threatens to injure the recipient is guilty of a Class B misdemeanor, which is punishable by a fine not to exceed \$1,000, confinement in jail for up to 90 days, or both. A person is also guilty of a Class B misdemeanor if he or she makes a telephone call or sends a message over a computer system with intent to frighten,

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intimidate, threaten, or abuse the recipient of the call or message and either: 1) the call or message uses any obscene, lewd, or profane language or suggests any lascivious act; or 2) the call or message is made with intent to prevent disclosure of the actor's identity.

This bill makes it a Class A misdemeanor to send, post, or display on a computerized communication system any message that provides information on how to contact a person and that either: 1) invites others to communicate with that person, if the actor intends that the person be harassed by that communication and that the communication serve no legitimate purpose; or 2) invites others to send messages or make telephone calls to the person using obscene, lewd, or profane language or suggesting a lascivious act, if the actor intends that those messages or calls be sent or made to the person and if the actor intends that the messages or calls frighten, intimidate, threaten, abuse, or harass the person.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 947.0125 (4) of the statutes is created to read:

2 947.0125 (4) Whoever sends, posts, or displays a message on a computerized
3 communication system under any of the following circumstances, if the message
4 includes information on how to contact the individual who is the subject of the
5 message, is guilty of a Class A misdemeanor:

6 (a) The message invites another to communicate with the individual and the
7 actor intends that the individual be harassed by that communication and that the
8 communication serve no legitimate purpose.

9 (b) The message invites another to send mail or a message to the individual or
10 make a telephone call to the individual and use obscene, lewd, or profane language
11 or suggest any lewd or lascivious act in the mail, message, or telephone call, the actor
12 intends that another send mail or a message to the individual or make a telephone

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1 call to the individual using obscene, lewd, or profane language or suggesting any
2 lewd or lascivious act, and the actor intends that the individual be frightened,
3 intimidated, threatened, abused, or harassed by the invited mail, message, or
4 telephone call.

5 (END)