

1991 Assembly Bill 672

Date of enactment: **April 30, 1992**  
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# 1991 WISCONSIN ACT 294

AN ACT to amend 196.03 (1), 196.625, 895.50 (7) and 968.31 (1) (intro.); and to create 196.63 of the statutes, relating to: interrupting telecommunications service in a crisis situation.

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

**SECTION 1.** 196.03 (1) of the statutes is amended to read:

196.03 (1) ~~Each~~ Subject to s. 196.63, a public utility shall furnish reasonably adequate service and facilities. The charge made by any public utility for any heat, light, water, telecommunications service or power produced, transmitted, delivered or furnished or for any service rendered or to be rendered in connection therewith shall be reasonable and just and every unjust or unreasonable charge for such service is prohibited and declared unlawful.

**SECTION 2.** 196.625 of the statutes is amended to read:

**196.625 Discrimination by telecommunications utilities.** ~~Every~~ Except as provided in s. 196.63, a telecommunications utility shall receive and transmit without discrimination messages from and for any person upon tender or payment of the usual or customary charges therefor, whenever requested to do so, without regard to the character of the messages to be transmitted unless a court of competent jurisdiction finds the messages to be in violation of s. 944.21 (3). Any telecommunications utility or agent, as defined in s. 196.66 (3) (a), neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than \$25 nor more than \$5,000 for each day of such neglect or refusal. Any director or officer of a telecommunications utility neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than \$25 nor more than

\$2,500. Any employe of a telecommunications utility neglecting or refusing to comply with any of the provisions of this section shall forfeit not less than \$25 nor more than \$1,000. One-half of the forfeitures recovered under this section shall be paid to the person prosecuting under this section.

**SECTION 3.** 196.63 of the statutes is created to read:

**196.63 Telecommunications interruption in crisis situation.** (1) INTERRUPTION AUTHORITY. If a sheriff, a police chief or a law enforcement officer designated by a sheriff or police chief to respond in a crisis situation has probable cause to believe that a person is holding a hostage or is resisting apprehension through the use or threatened use of force, the sheriff, police chief or law enforcement officer may order a telecommunications utility to interrupt or reroute telecommunications service to or from the suspected person for the duration of the crisis situation to prevent the person from communicating with anyone other than a person authorized by the sheriff, police chief or law enforcement officer.

(2) UTILITY IMMUNITY. A telecommunications utility may not be held liable for any action it takes under sub. (1).

**SECTION 4.** 895.50 (7) of the statutes is amended to read:

895.50 (7) No action for invasion of privacy may be maintained under this section if the claim is based on an act which is permissible under ss. 196.63 or 968.27 to 968.37.

**SECTION 5.** 968.31 (1) (intro.) of the statutes is amended to read:

– 2 –

**1991 Assembly Bill 672**

968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or 968.28 to 968.30, whoever commits any of the acts enumerated in this section may be

fined not more than \$10,000 or imprisoned for not more than 5 years or both:

