



2001 ASSEMBLY BILL 336

April 18, 2001 - Introduced by Representatives HUEBSCH, LIPPERT, PETTIS, STARZYK, ALBERS, GUNDERSON, HUNDERTMARK, JESKEWITZ, KREIBICH, LADWIG, MUSSER, OTT, PETROWSKI, STONE, SYKORA, VRAKAS, URBAN, PLALE, LA FAVE and BERCEAU, cosponsored by Senators HARS DORF, DARLING, HUELSMAN, ROESSLER and ROSENZWEIG. Referred to Committee on Children and Families.

1 **AN ACT to create** 947.0125 (2m) and 948.115 of the statutes; **relating to:** the
2 unlawful use of electronic mail and other computerized communication
3 systems, transmitting information about a child on the Internet, and providing
4 penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from sending certain messages on an electronic mail or other computerized communication system with the intent to frighten, intimidate, threaten, abuse, or harass another person. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. This bill provides that, if a person violates the prohibition with the intent to frighten, intimidate, threaten, abuse, or harass a child, the person may be fined not more than \$10,000 or imprisoned for not more than five years or both.

In addition, under current law, a person may not, with intent that a felony be committed, advise another to commit that felony, under circumstances that indicate that the person providing the advice intends that the felony be committed. A person who violates this prohibition may be fined up to \$10,000 or imprisoned (with the maximum term of imprisonment set at either two, five, or ten years, depending on the maximum penalty for the commission of the felony itself) or both.

This bill prohibits a person from transmitting the name, address, telephone number, social security number, or electronic mail address of a child on the Internet or any computerized communication system, knowing that the child has not reached the age of 16, with the intent to induce or encourage another person to commit certain

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crimes involving the child. Penalties for violating this prohibition are based on the crime that the person intends to induce or encourage another to commit. If the person transmits the information to induce or encourage another person to commit any of the following crimes, the person may be fined up to \$10,000 or imprisoned for up to five years or both: 1) sexual assault of a child; 2) sexual exploitation of a child; 3) causing a child to view or listen to sexual activity; 4) child enticement; and 5) soliciting a child for prostitution. If the person transmits the information with the intent to induce or encourage another person to commit any of the following crimes, the person may be fined up to \$10,000 or imprisoned for up to nine months or both: 1) exposing genitals or pubic area; and 2) exposing a child to harmful material or harmful descriptions or narrations.

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

1 **SECTION 1.** 947.0125 (2m) of the statutes is created to read:

2 947.0125 **(2m)** Whoever violates sub. (2) is guilty of a Class E felony if the
3 person that the actor intends to frighten, intimidate, threaten, abuse, or harass has
4 not attained the age of 18.

5 **SECTION 2.** 948.115 of the statutes is created to read:

6 **948.115 Transmitting information about a child on the Internet.** (1) In
7 this section:

8 (a) "Personal information about an individual" means the name, address,
9 telephone number, social security number, or electronic mail address of the
10 individual.

11 (b) "Transmit" means make available on the Internet or any computerized
12 electronic communication system.

13 **(2)** Whoever transmits personal information about an individual, knowing that
14 the individual has not attained the age of 16 years, with the intent to induce or
15 encourage another person to violate s. 948.02, 948.05, 948.055, 948.07, or 948.08 is
16 guilty of a Class E felony.

