

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB171)**

Received: 05/18/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Bill Kramer (608) 266-8580

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kramer@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

GPS tracking

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**Instructions:**

Remove "or used" so that it only applies to vehicles owned by another BUT if a divorce is FILED, as of the date of the DIVORCE or LEGAL SEP is filed, no spouse may track spouse another spouse

Also, page 2, line 6: insert "owned by the employer"

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	phurley 05/26/2009	nmatzke 05/27/2009	phenry 05/27/2009	_____	lparisi 05/27/2009	lparisi 05/27/2009	

FE Sent For:

<END>

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## 2009 ASSEMBLY BILL 171

March 26, 2009 – Introduced by Representatives KRAMER, KESSLER and SCHNEIDER, cosponsored by Senator ERPENBACH. Referred to Committee on Personal Privacy.

1     **AN ACT to create** 940.315 of the statutes; **relating to:** unlawful use of a global  
2           positioning device and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

This bill makes it unlawful to place a global positioning device on another person's vehicle without that person's knowledge and consent or to intentionally obtain information regarding another person's movement or location generated by a global positioning device without that person's knowledge or consent. A person who does so is guilty of a Class I felony and is subject to a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

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.

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

3           **SECTION 1.** 940.315 of the statutes is created to read:

4           **940.315 Global positioning devices.** Whoever places a global positioning  
5           device on a vehicle owned or used by another person without that person's knowledge

**ASSEMBLY BILL 171**

**SECTION 1**

1 and consent or intentionally obtains information regarding another person's  
2 movement or location generated by a global positioning device without that person's  
3 knowledge or consent is guilty of a Class I felony. This ~~section~~<sup>subsection</sup> does not apply to a law  
4 enforcement officer acting in his or her official capacity or to an employer, as defined  
5 in s. 343.245 (1) (b), acting to track the movement or location of a commercial motor  
6 vehicle during business hours.

7 (END)

*owned by  
the employer*



ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 171

#. Page 2, line 6  
after "vehicle"  
insert "owned by the employer"

1 At the locations indicated, amend the bill as follows:

- 2 1. Page 1, line 4: after "devices." insert "(1)".
- 3 2. Page 1, line 5: delete "or used".
- 4 3. Page 2, line 3: delete "section" and substitute "subsection".
- 5 4. Page 2, line 6: after that line insert:

6 "(2) Whoever places a global positioning device on a vehicle used by his or her  
7 spouse after a petition for an annulment, divorce, or legal separation has been filed  
8 without that person's knowledge and consent is guilty of a Class I felony. This  
9 subsection does not apply to a law enforcement officer acting in his or her official  
10 capacity or to an employer, as defined in s. 323.245 (1) (b), acting to track the  
11 movement or location of a commercial vehicle owned by the employer during  
12 business hours."