



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 283

Senate Amendment 1

Memo published: March 5, 2012

Contact: Margit S. Kelley, Staff Attorney (266-9280)

CURRENT LAW

Under current law, any person who intentionally uses, attempts to use, or possesses with intent to use, any personal identifying information of another person for particular uses without that person's consent, is guilty of a Class H felony, subject to a fine up to \$10,000, imprisonment up to six years, or both.

The unlawful uses are to avoid civil or criminal court action, to harm the reputation of the other person, or to obtain credit, money, goods, services, employment, or any other thing of value or benefit.

A victim whose personal identifying information is used in this manner, who provides a law enforcement report on these facts, cannot be charged a fee when requesting a security freeze on the person's own credit report. A victim who suffers damage or loss from such intentional conduct also has a civil cause of action against the person who caused the damage or loss.

2011 SENATE BILL 283

Senate Bill 283 specifies that a prisoner who is incarcerated, imprisoned, or otherwise detained in a prison or correctional institution or mental health facility, who possesses any personal identifying information of a correctional employee without the employee's consent is guilty of a Class H felony, subject to a fine up to \$10,000, imprisonment up to six years, or both.

The bill provides that a correctional employee whose personal identifying information is possessed in this manner, who provides a law enforcement report on these facts, cannot be charged a fee when requesting a security freeze on the correctional employee's own credit report. The bill also specifies that a correctional employee who suffers damage or loss from such intentional conduct has a civil cause of action against the person who caused the damage or loss.

SENATE AMENDMENT 1

Senate Amendment 1 revises the definition of a prisoner, as used in the bill, to include a person on probation, parole, or extended supervision, and a juvenile offender who is under the supervision of the Department of Corrections. It also excludes from that definition a person who is a patient at a mental health institute, and instead refers to that person as a health services patient who is prohibited from possessing personally identifiable information of a health services employee or corrections employee.

LEGISLATIVE HISTORY

Senate Bill 283 was introduced on November 4, 2011, by Senator King and others. Senate Amendment 1 was introduced on February 23, 2012, by Senators Wanggaard and King, and adopted by the Senate Committee on Labor, Public Safety and Urban Affairs, on February 28, 2012, on a vote of Ayes, 5; Noes, 0. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

MSK:ksm