2013 DRAFTING REQUEST

Bill

Received:	**9/27/2013**	Received By:	**pgrant**
Wanted:	**As time permits**	Same as LRB:	
For:	**Robb Kahl (608) 266-8570**	By/Representing:	**Michael Tierney**
May Contact:		Drafter:	**pgrant**
Subject:	**Criminal Law - miscellaneous** **Education - school boards** **Education - state superintendent**	Addl. Drafters:	**chanaman**
		Extra Copies:	**TKK** **FFK**

Submit via email: **YES**
Requester's email: **Rep.Kahl@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Bullying; unlawful use of computerized communications

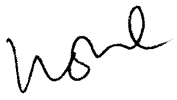
Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 9/27/2013	evinz 9/27/2013	jfrantze 9/27/2013	_____ _____			
/1				_____ _____	lparisi 9/27/2013	lparisi 9/27/2013	Crime

FE Sent For:



<END>

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/?	pgrant	/1 eev 9/27/13	9/27				

FE Sent For:

<END>

Grant, Peter

From: Hanaman, Cathlene
Sent: Friday, September 27, 2013 2:32 PM
To: Grant, Peter
Subject: FW: Request for Assembly companion to SB 184

Do you have the time or do you want me to do it?

From: Tierney, Michael
Sent: Friday, September 27, 2013 1:35 PM
To: Hanaman, Cathlene
Subject: Request for Assembly companion to SB 184

Hi Cathlene –

Representative Kahl would like to introduce an Assembly companion to Senate Bill 184 related to bullying, etc and he asked that I contact you and make the drafting request.

Thank you.

Michael Tierney
Legislative Aide
Office of Representative Robb Kahl
Room 7 West, State Capitol
PO Box 8952
Madison WI 53708
Michael.tierney@legis.wi.gov
608-266-8570

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-2182/1
PG&CMH:eev:rs

2013 SENATE BILL 184

May 16, 2013 – Introduced by Senators T. CULLEN, RISSER, L. TAYLOR, LASSA, ERPENBACH, LEHMAN, KEDZIE and CARPENTER, cosponsored by Representatives KAHL, BERCEAU, POPE, SCHRAA, BIES, HESSELBEIN, BEWLEY, C. TAYLOR and OHNSTAD. Referred to Committee on Education.

AN ACT *to amend* 118.46 (1) (intro.), 118.46 (1) (a) 1., 118.46 (2), 947.0125 (2) (a) and 947.0125 (3) (a); and *to create* 118.46 (1) (a) 11. and 12. of the statutes; **relating to:** school bullying, unlawful use of computer systems, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils and requires each school board to adopt a policy prohibiting bullying. A school board may adopt DPI's model policy. The model policy must include certain elements. For example, it must define bullying; identify the property owned, leased, or used by the school district on which the policy applies; and require that school district officials and employees report incidents of bullying.

This bill requires that the definition of bullying in DPI's model policy include bullying by electronic means. The bill also requires that the model policy include a requirement that a school district official who has reasonable cause to suspect that a bullying incident is a violation of a criminal law report the incident to a law enforcement agency. Finally, the bill requires the model policy to include appropriate responses to bullying that occurs off school grounds in certain circumstances.

Current law prohibits a person from sending an e-mail message to another person if that message threatens to harm any person or property and if the sender intends to frighten, intimidate, threaten, abuse, or harass any person. A person who violates the prohibition is guilty of a Class B misdemeanor and is subject to a maximum fine of $1,000 or imprisonment of not more than 90 days, or both. This bill

prohibits a person from posting an electronic message where others can view it if that message threatens to harm any person or property and if the person who posts it intends to frighten, intimidate, threaten, abuse, or harass another person. A person who violates this new prohibition is guilty of a Class B misdemeanor.

Current law also prohibits a person from sending an e-mail message to another person if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person. A person who violates the prohibition is subject to a forfeiture of up to $1,000. This bill prohibits a person from posting an electronic message where others can view it if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person. A person who violates this new prohibition is subject to a forfeiture of up to $1,000.

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.

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

1 **SECTION 1.** 118.46 (1) (intro.) of the statutes is amended to read:

2 118.46 **(1)** (intro.) ~~By March 1, 2010, the~~ The department shall do all of the
3 following:

4 **SECTION 2.** 118.46 (1) (a) 1. of the statutes is amended to read:

5 118.46 **(1)** (a) 1. A definition of bullying that includes bullying by electronic
6 means.

7 **SECTION 3.** 118.46 (1) (a) 11. and 12. of the statutes are created to read:

8 118.46 **(1)** (a) 11. A statement that a school board may prohibit bullying, and
9 reasonably discipline pupils who engage in bullying, that does not occur at a
10 school-related event under subd. 8., on property described in subd. 9., or in a vehicle
11 under subd. 10., if the bullying creates a hostile environment at school for the pupil
12 bullied or substantially disrupts the orderly operation of a school or school-related
13 event.

12. A requirement that a school district official or employee who has reasonable cause to suspect that a bullying incident is a violation of a criminal law, report the incident to a law enforcement agency.

SECTION 4. 118.46 (2) of the statutes is amended to read:

118.46 **(2)** ~~By August 15, 2010, each~~ Each school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

SECTION 5. 947.0125 (2) (a) of the statutes is amended to read:

947.0125 **(2)** (a) With intent to frighten, intimidate, threaten, abuse, or harass another person, sends a message to the person on an electronic mail or other computerized communication system or posts a message electronically where other persons can view the message and in that sent or posted message threatens to inflict injury or physical harm to any person or the property of any person.

SECTION 6. 947.0125 (3) (a) of the statutes is amended to read:

947.0125 **(3)** (a) With intent to harass, annoy, or offend another person, sends a message to the person on an electronic mail or other computerized communication system or posts a message electronically where other persons can view the message and in that sent or posted message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act.

(END)

Parisi, Lori

From: Tierney, Michael
Sent: Friday, September 27, 2013 3:31 PM
To: LRB.Legal
Subject: Draft Review: LRB -3281/1 Topic: Bullying; unlawful use of computerized communications

Please Jacket LRB -3281/1 for the ASSEMBLY.