



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 767**

**Assembly Amendments 1 and 2**

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### **Background**

Current law prohibits stalking by making it illegal for a person to engage in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household. The phrase “course of conduct” is defined as a series of two or more acts carried out over time, however short or long, that show a continuity of purpose and includes photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim.

### **2013 Assembly Bill 767**

2013 Assembly Bill 767 (hereinafter, “the bill”) makes it a Class A misdemeanor<sup>1</sup> for a person to do any of the following actions:

- Placing a global positioning device on a vehicle owned by another person without that person’s knowledge.
- Intentionally obtaining information regarding another person’s movement or location generated by a global positioning device without that person’s knowledge.
- Placing a global positioning device on a vehicle used primarily by his or her spouse without the person’s knowledge after a petition for an annulment, divorce, or legal separation has been filed.

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<sup>1</sup> A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 90 days, or both. [s. 939.51 (3) (a), Stats.]

The bill exempts the following persons from the prohibitions listed above:

- A person acting within the scope of his or her employment who installs a subscription-based communication or navigation device.
- A law enforcement officer acting in his or her official capacity.
- An employer acting to track the movement or location during business hours of a commercial motor vehicle<sup>2</sup> that is owned, leased, or assigned for use by the employer.

### **Assembly Amendment 1**

Assembly Amendment 1 makes the following changes to the bill:

- Clarifies that the prohibition of placing a global positioning device on a vehicle **owned** by another person also applies to vehicles **leased** by another person.
- Expands the exemption for employers to allow both employers and business owners to track the movement or location of any motor vehicle, not just a commercial motor vehicle, that he or she owns, leases, or assigns for use, and do so regardless of the time of day.

### **Assembly Amendment 2**

Assembly Amendment 2 exempts a parent or guardian from the prohibitions under the bill if the parent or guardian is tracking the movement or location of his or her minor child or minor ward.

### **Bill History**

Representative Neylon introduced Assembly Amendment 1 on March 12, 2014. On March 13, 2014, the Assembly Committee on Criminal Justice voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 8; Noes, 1; and Absent, 2; and Assembly

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<sup>2</sup> A “commercial motor vehicle” is defined in s. 340.01 (8), Stats., as a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

- The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle’s registered weight or actual gross weight is more than 26,000 pounds.
- The vehicle is a combination vehicle with a gross combination weight rating, registered weight, or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight, or actual gross weight of more than 10,000 pounds.
- The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under current law or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.
- The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under federal law.

Amendment 2 by a vote of Ayes, 9; Noes, 0; and Absent, 2. The Committee then voted to recommend passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0; and Absent, 2.

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