

2019 DRAFTING REQUEST**Bill**

For: **David Steffen (608) 266-5840** Drafter: **mjohns**
 By: **Nicole** Secondary Drafters:
 Date: **11/9/2018** May Contact:
 Same as LRB: **-3454**

Submit via email: **YES**
 Requester's email: **Rep.Steffen@legis.wisconsin.gov**
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**
Elizabeth.Wheeler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Trespassing on the property of an energy provider

Instructions:

See attached bill language.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 11/20/2018	eweiss 11/21/2018			
/P1	mjohns 5/24/2019	ccarmich 5/24/2019	lparisi 11/21/2018		
/P2	mjohns 6/4/2019	wjackson 6/4/2019	dwalker 5/24/2019		
/1			jmurphy 6/4/2019	dwalker 6/5/2019	

FE Sent For:

Not Needed

<END>

2019 DRAFTING REQUEST

Bill

For: Mike Kuglitsch (608) 267-5158

Drafter: mjohns

By: Garrett

Secondary Drafters:

Date: 11/9/2018

May Contact:

Same as LRB:

Orig. requestor

Submit via email: YES
Requester's email: Rep.Kuglitsch@legis.wisconsin.gov
Carbon copy (CC) to: Melinda.Johns@legis.wisconsin.gov
Elizabeth.Wheeler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Trespassing on the property of an energy provider

Instructions:

See attached bill language.

Drafting History:

Table with columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. Row 1: /?, mjohns 11/20/2018, eweiss 11/21/2018. Row 2: /P1, lparisi 11/21/2018, Crime.

FE Sent For:

<END>

943.01 (2k) (a) In this subsection, "energy provider" means any of the following:

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:
 - a. The production, transmission, delivery, or furnishing of heat, power, or light.
 - b. The transmission or delivery of natural gas.
2. A transmission company under s. 196.485 (1) (ge).
3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power for its members.
4. A wholesale merchant plant under s. 196.491 (1) (w), except that "wholesale merchant plant" includes an electric generating facility or an improvement to an electric generating facility that is subject to a leased generation contract, as defined in s. 196.52 (9) (a) 3.
5. A decommissioned nuclear power plant.
6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class H felony:

1. The property damaged is owned, leased, or operated by an energy provider.
2. The actor intended to or did cause substantial interruption or impairment of any service or good provided by the energy provider.

Wis. Stat. 943.143

(1) (a) "Energy provider" means any of the following:

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:
 - a. The production, transmission, delivery, or furnishing of heat, power, or light.
 - b. The transmission or delivery of natural gas.
2. A transmission company under s. 196.485 (1) (ge).
3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power for its members.
4. A wholesale merchant plant under s. 196.491 (1) (w), except that "wholesale merchant plant" includes an electric generating facility or an improvement to an electric generating facility that is subject to a leased generation contract, as defined in s. 196.52 (9) (a) 3.
5. A decommissioned nuclear power plant.
6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

(b) "Energy provider property" means property that is part of an electric generation, distribution, or transmission system or part of a natural gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation transmission or distribution system and that is owned, leased, or operated by an energy provider.

(2) Whoever intentionally enters an energy provider property without lawful authority and without the consent of the energy provider that owns, leases, or operates the property is guilty of a Class H felony.

895-446
973-20

(3) A person who is convicted under sub. (2) may be held personally liable for any damages to personal or real property committed by the person while trespassing or causing damage to property.

(4) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels, conspires with, or otherwise procures another for the purpose of trespassing or causing damage to property as defined in sub. (1)(b) may also be jointly and severably liable for the damages under sub. (3).

**Under Wisconsin law, a Class H felony is punishable with a fine of no more than \$10,000 or imprisonment for no longer than six years, or both.



State of Wisconsin
2019 - 2020 LEGISLATURE

DUE 11/21/18

LRB-07592

MLJ...

emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
XREC
PWF

Gen.

1

AN ACT...; **relating to:** trespassing on the property of an energy provider and

2

providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage on the property of an energy provider if the actor intended to, or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

3

SECTION 1. 943.01 (2k) (a) 6. of the statutes is created to read:

4

943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined

5

petroleum product, renewable fuel, or chemical generation, storage transportation,

6

or delivery system.

X

1 SECTION 2. 943.143 (1) (a) 6. of the statutes is created to read:

2 943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined
3 petroleum product, renewable fuel, or chemical generation, storage transportation,
4 or delivery system.

X

5 SECTION 3. 943.143 (1) (b) of the statutes is amended to read:

6 943.143 (1) (b) "Energy provider property" means property that is part of an
7 electric generation, distribution, or transmission system or part of a natural gas, oil,
8 petroleum, refined petroleum product, renewable fuel, or chemical generation,
9 transmission, or distribution system and that is owned, leased, or operated by an
10 energy provider.

History: 2015 a. 158.

*
*

****NOTE: Under current law, a person may already be held personally liable for
damage to property as a result of a crime, either in restitution as part of the criminal
judgment under s. 973.20 or by a civil action under s. 895.446. Additionally, a person who
conspires to trespass would be guilty under s. 939.05 (2) (c), and could be held responsible
for damage in the same way as the person who commits the crime.

✓

11

(END)

Johns, Melinda

From: Johns, Melinda
Sent: Thursday, May 23, 2019 10:58 AM
To: Rep.Steffen
Subject: RE: Requesting 0759/1 changes

Yes, please send me the Illinois example.

Best,

Melinda

Melinda L. Johns
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5855

From: Rep.Steffen <Rep.Steffen@legis.wisconsin.gov>
Sent: Thursday, May 23, 2019 10:54 AM
To: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>
Subject: RE: Requesting 0759/1 changes

Melinda,

Thanks for your email. We spoke about this with our stakeholders and we would like the exemption applied to both prohibitions. We have an example of this type of language that was included in Illinois that I can provide to you if that would help.

And yes, we want to cover both public utilities and energy cooperatives.

Thanks again!

Nicole Kuehl
Research Assistant
Office of Representative David Steffen
4th Assembly District
608-266-5840



From: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>
Sent: Thursday, May 16, 2019 11:43 AM
To: Rep.Steffen <Rep.Steffen@legis.wisconsin.gov>
Subject: RE: Requesting 0759/1 changes

Hi Nicole,

I need to speak with you about this request before I can move forward. I've left a few messages this past week and can't seem to connect, so I will do my best to explain my questions via email.

First – this bill expands upon two criminal prohibitions, damaging property of an energy provider and trespassing on energy provider property. I'm wondering which prohibition you were contemplating the exemption applying to.

The first, damaging property of an energy provider, doesn't make a lot of sense, because to be liable under the current statute you would have to intentionally damage property with the intent to cause an interruption in service; so none of the activities listed in the exemption would be a violation.

The second, criminal trespass to an energy provider, is more complicated, but still problematic. To be liable under current law, you must intentionally enter the property without lawful authority AND without consent of the energy provider. It seems like any person or organization doing compliance work would have both lawful authority (because it would be monitoring compliance with the law, presumably) and/or would at least have consent to be there, so the statute wouldn't apply. Similarly, it seems that a person or organization or doing labor union organization work would have consent to be on the property, so the statute wouldn't apply. Next, picketing or an exercise of free speech that is "otherwise lawful" would only be unlawful under this statute because they did not have permission to be on the property. Is it your intent to allow people to enter energy provider property, without permission, to protest or picket? Note that they could still be prosecuted under the "trespass to land" statute for the same behavior.

Basically, the exemption language doesn't seem to logically connect to what is being prohibited. Also, this bill does not create a new crime but rather just adds one more category of property that would be included in the current crimes, and there has historically been no exemption - has there been a problem in the past that the exemption seeks to remedy?

Second – I want to confirm that, in seeking to apply this to water utilities, that you want to cover both public utilities and energy cooperatives.

Please call me to discuss how you want the items in your May 2 email to be applied to the current bill draft.

Respectfully,

Melinda

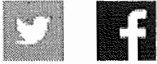
Melinda L. Johns
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5855

From: Rep.Steffen <Rep.Steffen@legis.wisconsin.gov>
Sent: Wednesday, May 15, 2019 10:48 AM
To: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>
Subject: RE: Requesting 0759/1 changes

Just checking in on the status on this. I would love to get this back as soon as possible.

Thank you!

Nicole Kuehl
Research Assistant
Office of Representative David Steffen
4th Assembly District
608-266-5840



From: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>
Sent: Thursday, May 2, 2019 4:03 PM
To: Kuehl, Nicole <Nicole.Kuehl@legis.wisconsin.gov>
Subject: RE: Requesting 0759/1 changes

Hi Nicole,

I called you back but you were gone for the day. I can go ahead and make changes based on this email; but feel free to call if there's more you want to discuss.

When do you need this draft back by? I am currently somewhat swamped in budget requests but if you have a specific deadline let me know and I will do my best to accommodate you.

Best,

Melinda

Melinda L. Johns
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504-5855

From: Kuehl, Nicole <Nicole.Kuehl@legis.wisconsin.gov>
Sent: Thursday, May 02, 2019 2:26 PM
To: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>
Subject: Requesting 0759/1 changes

Good afternoon,

I'd like to made two changes to our infrastructure bill – LRB 0759

The first would be the addition of this language:

“This Section does not apply to:

(1) any person or organization: (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements; or (ii) picketing occurring at the workplace that is

otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements; or (iii) engaged in union organizing or recruitment activities that is otherwise lawful including attempting to reach workers verbally, in writing with pamphlets and in the investigation of non-union working conditions, or both; or (2) an exercise of the right of free speech or assembly that is otherwise lawful.”

The second would be adding water infrastructure to the scope of the bill so that the bill protects the water supply and infrastructure as well.

I also left a voicemail for you to call me to discuss these changes.

Thanks,

Nicole Kuehl
Research Assistant
Office of Representative David Steffen
4th Assembly District
608-266-5840





State of Wisconsin
2019 - 2020 LEGISLATURE

DUE 5/24/19

LRB-0759/P1
MLJ:emw

1/P2
cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

S/A
x-ref
S/C

regen

1 AN ACT *to amend* 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6. and 943.143
2 (1) (a) 6. of the statutes; **relating to:** trespassing on the property of an energy
3 provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

INSERT
1-4

4 SECTION 1. 943.01 (2k) (a) 6. of the statutes is created to read:

1 943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined
2 petroleum product, renewable fuel, ^{water,} or chemical generation, storage transportation,
3 or delivery system.

4 **SECTION 2.** 943.143 (1) (a) 6. of the statutes is created to read:

5 943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined
6 petroleum product, renewable fuel, ^{water,} or chemical generation, storage transportation,
7 or delivery system.

8 **SECTION 3.** 943.143 (1) (b) of the statutes is amended to read:

9 943.143 (1) (b) "Energy provider property" means property that is part of an
10 electric generation, distribution, or transmission system or part of a natural gas, oil,
11 petroleum, refined petroleum product, renewable fuel, or chemical generation,
12 transmission, or distribution system and that is owned, leased, or operated by an
13 energy provider.

****NOTE: Under current law, a person may already be held personally liable for damage to property as a result of a crime, either in restitution as part of the criminal judgment under s. 973.20 or by a civil action under s. 895.446. Additionally, a person who conspires to trespass would be guilty under s. 939.05 (2) (c) and could be held responsible for damage in the same way as the person who commits the crime.

(END)

INSERT
2-4

10
11

INSERT
2-14
14

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0759/p2ins
MLJ:...

1 INSERT 1-4

2 **SECTION 1.** 943.01 (2k) (a) 1. a. of the statutes is amended to read:

3 943.01 **(2k)** (a) 1. a. The production, transmission, delivery, or furnishing of
4 heat, power, ~~or~~ light, or water.

History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16, 109; 2015 a. 158.

5 **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

6 943.01 **(2k)** (a) 3. A cooperative association organized under ch. 185 for the
7 purpose of producing or furnishing heat, light, ~~or~~ power, or water for its members.

History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16, 109; 2015 a. 158.

8
9 INSERT 2-4

10 **SECTION 3.** 943.01 (2k) (c) of the statutes is created to read:

11 943.01 **(2k)** (c) Paragraph (b) does not apply to any of the following:

12 1. Any person who is:

13 a. Monitoring ~~of~~ ^{of} compliance with public or worker safety laws, wage and hour
14 requirements, or other statutory requirements.

15 b. Engaging in picketing occurring at the workplace that is otherwise lawful
16 and arises out of a bona fide labor dispute including any controversy concerning any
17 of the following: wages or salaries; hour; working conditions; benefits, including
18 welfare, sick leave, insurance, pension or retirement provisions; or the managing or
19 maintenance of collective bargaining agreements and the terms to be included in
20 those agreements.

1 c. Engaged in union organizing or recruitment activities that is otherwise
2 lawful including attempting to reach workers verbally, in writing, and in the
3 investigation of non-union working conditions.

4 2. An exercise of a person’s right of free speech or assembly that is otherwise
5 lawful.

6 **SECTION 4.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

7 943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of
8 heat, power, ~~or~~ light, or water.

History: 2015 a. 158.

9 **SECTION 5.** 943.143 (1) (a) 3. of the statutes is amended to read:

10 943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the
11 purpose of producing or furnishing heat, light, ~~or~~ power, or water for its members.

History: 2015 a. 158.

12
13 **INSERT 2-14**

****NOTE: I amended the definition of “energy provider property” as needed to include water providers and in the process condensed the list so that electric companies are not a separate list. Under current law the separation is to differentiate between electric providers which are included if they are engaged in generation, distribution, or transmission, and natural gas providers which are only included if they are engaged in distribution. Because all providers are now eligible regardless of whether they are engaged in generation, transmission, or delivery, I have condensed the list to be as concise as possible. Please let me know if this is inconsistent with your intent.

14 **SECTION 6.** 943.143 (3) of the statutes is created to read:

15 943.143 (3) This section does not apply to any of the following:

16 (a) Any person who is:

17 1. Monitoring ^{of} compliance with public or worker safety laws, wage and hour
18 requirements, or other statutory requirements.

19 2. Engaging in picketing occurring at the workplace that is otherwise lawful
20 and arises out of a bona fide labor dispute including any controversy concerning any

1 of the following: wages or salaries; hour; working conditions; benefits, including
2 welfare, sick leave, insurance, pension or retirement provisions; or the managing or
3 maintenance of collective bargaining agreements and the terms to be included in
4 those agreements.

5 3. Engaging in union organizing or recruitment activities that are otherwise
6 lawful including attempting to reach workers verbally, in writing, and in the
7 investigation of non-union working conditions.

8 (b) An exercise of a person's right of free speech or assembly that is otherwise
9 lawful.



State of Wisconsin
2019 - 2020 LEGISLATURE

DWE 6/4/19

LRB-0759/P2
MLJ:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,
2 943.143 (1) (a) 3. and 943.143 (1) (b); and **to create** 943.01 (2k) (a) 6., 943.01
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**
4 trespassing on the property of an energy provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of “energy provider” is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

5 **SECTION 1.** 943.01 (2k) (a) 1. a. of the statutes is amended to read:

1 943.01 (2k) (a) 1. a. The production, transmission, delivery, or furnishing of
2 heat, power, ~~or light~~, or water.

3 **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

4 943.01 (2k) (a) 3. A cooperative association organized under ch. 185 for the
5 purpose of producing or furnishing heat, light, ~~or power~~, or water for its members.

6 **SECTION 3.** 943.01 (2k) (a) 6. of the statutes is created to read:

7 943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined
8 petroleum product, renewable fuel, water, or chemical generation, storage
9 transportation, or delivery system.

10 **SECTION 4.** 943.01 (2k) (c) of the statutes is created to read:

11 943.01 (2k) (c) Paragraph (b) does not apply to any of the following:

12 1. Any person who is:

13 a. Monitoring compliance with public or worker safety laws, wage and hour
14 requirements, or other statutory requirements.

15 b. Engaging in picketing occurring at the workplace that is otherwise lawful
16 and arises out of a bona fide labor dispute including any controversy concerning any
17 of the following: wages or salaries; hour; working conditions; benefits, including
18 welfare, sick leave, insurance, pension or retirement provisions; or the managing or
19 maintenance of collective bargaining agreements and the terms to be included in
20 those agreements.

21 c. Engaged in union organizing or recruitment activities that is otherwise
22 lawful including attempting to reach workers verbally, in writing, and in the
23 investigation of non-union working conditions.

24 2. An exercise of a person's right of free speech or assembly that is otherwise
25 lawful.

1 **SECTION 5.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

2 943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of
3 heat, power, ~~or light, or water.~~

4 **SECTION 6.** 943.143 (1) (a) 3. of the statutes is amended to read:

5 943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the
6 purpose of producing or furnishing heat, light, ~~or power,~~ or water for its members.

7 **SECTION 7.** 943.143 (1) (a) 6. of the statutes is created to read:

8 943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined
9 petroleum product, renewable fuel, water, or chemical generation, storage
10 transportation, or delivery system.

11 **SECTION 8.** 943.143 (1) (b) of the statutes is amended to read:

12 943.143 (1) (b) “Energy provider property” means property that is part of an
13 electric ~~generation, distribution, or transmission system or part of a, natural gas, oil,~~
14 petroleum, refined petroleum product, renewable fuel, water, or chemical
15 generation, transmission, or distribution system and that is owned, leased, or
16 operated by an energy provider.

***NOTE: I amended the definition of “energy provider property” as needed to include water providers and in the process condensed the list so that electric companies are not a separate list. Under current law the separation is to differentiate between electric providers which are included if they are engaged in generation, distribution, or transmission, and natural gas providers which are only included if they are engaged in distribution. Because all providers are now eligible regardless of whether they are engaged in generation, transmission, or delivery, I have condensed the list to be as concise as possible. Please let me know if this is inconsistent with your intent.

17 **SECTION 9.** 943.143 (3) of the statutes is created to read:

18 943.143 (3) This section does not apply to any of the following:

19 (a) Any person who is:

20 1. Monitoring compliance with public or worker safety laws, wage and hour
21 requirements, or other statutory requirements.

Walker, Dan

From: Nelson, Christina
Sent: Wednesday, June 05, 2019 8:54 AM
To: LRB.Legal
Subject: Draft Review: LRB -0759/1

Please Jacket LRB -0759/1 for the ASSEMBLY.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0759/1
MLJ:cde

CORRECTED COPY

I screened
up Analysis
THANKS!

2019 ASSEMBLY BILL 426

September 12, 2019 - Introduced by Representatives STEFFEN, FIELDS, BORN, GUNDRUM, KUGLITSCH, KULP, RODRIGUEZ, SINICKI, SKOWRONSKI, TUSLER and VRUWINK, cosponsored by Senators WANGGAARD, BEWLEY, NASS, OLSEN and SCHACHTNER. Referred to Committee on Energy and Utilities.

1 AN ACT *to amend* 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,
2 943.143 (1) (a) 3. and 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6., 943.01
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**
4 trespassing on the property of an energy provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

5 SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read:



State of Wisconsin
2019 - 2020 LEGISLATURE

CORRECTED
COPY

LRB-0759/1
MLJ:cdc

09-17-2019

2019 ASSEMBLY BILL 426

September 12, 2019 - Introduced by Representatives STEFFEN, FIELDS, BORN, GUNDRUM, KUGLITSCH, KULP, RODRIGUEZ, SINICKI, SKOWRONSKI, TUSLER and VRUWINK, cosponsored by Senators WANGGAARD, BEWLEY, NASS, OLSEN and SCHACHTNER. Referred to Committee on Energy and Utilities.

1 **AN ACT to amend** 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,
2 943.143 (1) (a) 3. and 943.143 (1) (b); and **to create** 943.01 (2k) (a) 6., 943.01
3 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**
4 trespassing on the property of an energy provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider or to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of “energy provider” is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

5 **SECTION 1.** 943.01 (2k) (a) 1. a. of the statutes is amended to read: