
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Senate Bill 363

**Senate Substitute
Amendment 1**

2019 SENATE BILL 363

Current law contains various crimes that prohibit intentionally conveying false information in certain circumstances, such as bomb scares, false alarms to public officers, and threats to release harmful substances, among others.

2019 Senate Bill 363 creates a new crime of falsely reporting an emergency, which prohibits “swatting.” Specifically, the bill defines “swatting” as “knowingly falsely reporting to any public safety entity that an emergency exists, with the intent to elicit a response from any public safety entity’s emergency response team.” Under the bill, whoever commits an act of “swatting” is guilty of a Class I felony, unless the act of swatting results in physical harm to any person, which then constitutes a Class H felony.

SENATE SUBSTITUTE AMENDMENT 1

Under Senate Substitute Amendment 1, a violation of the new crime of “swatting” is a Class I felony, though the elements of the offense differ than those set forth in the bill. Under the substitute amendment, whoever, knowing the information is false, intentionally conveys, or causes to be conveyed, any false information that an emergency exists is guilty of a Class I felony, if the information elicits, or could elicit, a response from a specialized tactical team.

The substitute amendment creates higher penalties if a violation of “swatting” results in harm to a person. Specifically, under the substitute amendment, a person is guilty of a Class H felony if the violation results in bodily harm to any person, and a Class E felony if the violation results in the great bodily harm to any person.

BILL HISTORY

Senators Cowles and Wanggaard offered Senate Substitute Amendment 1 on November 22, 2019. On January 29, 2020, the Senate Committee on Judiciary and Public Safety recommended adoption of the substitute amendment on votes of Ayes, 5; Noes, 0, and passage of the bill, as amended, on votes of Ayes, 4; Noes, 1.

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