



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 188

Assembly Amendment 1

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Assembly Bill 188 provides that whoever sends, posts, or displays a message on a computerized communication system that includes information on how to contact the individual who is the subject of the message is guilty of a Class A misdemeanor if either of the following circumstances are met:

- The message invites another to communicate with the individual and the actor intends that the individual be harassed by that communication and that the communication serve no legitimate purpose.
- The message invites another to send mail or a message to the individual or make a telephone call to the individual and use obscene, lewd, or profane language or suggest any lewd or lascivious act in the mail, message, or telephone call; the actor intends that another send mail or a message to the individual or make a telephone call to the individual using obscene, lewd, or profane language or suggesting any lewd or lascivious act; and the actor intends that the individual be frightened, intimidated, threatened, abused, or harassed by the invited mail, message, or telephone call.

Under *Assembly Amendment 1*, the offense created in the bill also requires a showing that, *as a result of the message*, another person violated current law prohibiting unlawful use of the telephone [s. 947.012, Stats.], unlawful use of computerized communication systems [s. 947.0125 (2) or (3), Stats.], or harassment [s. 947.013, Stats.]. In other words, the individual identified in the message must actually be harassed or subjected to an unlawful telephone or computer message or contact in order for the person inviting harassment to be prosecuted.

Legislative History

Assembly Amendment 1 was offered by the Assembly Committee on Criminal Justice and Homeland Security on September 7, 2005. The committee recommended adoption of the amendment on

a vote of Ayes, 12; Noes, 0, on September 7, 2005. Also on that date, the committee recommended passage of the bill, as amended, on a vote of Ayes, 9; Noes, 3.

AS:ksm