



1995 ASSEMBLY BILL 853

February 5, 1996 - Introduced by Representatives F. LASEE, URBAN, HANDRICK, GOETSCH, GREEN, FREESE, LEHMAN, AINSWORTH, RYBA, WASSERMAN, SERATTI, BRANDEMUEHL, LADWIG and JENSEN, cosponsored by Senators PANZER and BUETTNER. Referred to Joint committee on Information Policy.

1 **AN ACT to amend** 66.051 (1) (c), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and **to**
2 **create** 947.0125 of the statutes; **relating to:** use of electronic mail and other
3 computerized communication systems and providing penalties.

Analysis by the Legislative Reference Bureau

Current law provides various penalties for making unlawful threatening, abusive, harassing or obscene telephone calls. The more serious violations are punishable by a fine of not more than \$1,000 or imprisonment for not more than 90 days or both, and less serious violations are punishable by a forfeiture (civil penalty) of not more than \$1,000. This bill creates the same penalties for sending threatening, abusive, harassing or obscene messages on an electronic mail or other computerized communication system.

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

4 **SECTION 1.** 66.051 (1) (c) of the statutes is amended to read:
5 66.051 (1) (c) Prohibit conduct which is the same as or similar to that prohibited
6 by s. 947.01 ~~or~~, 947.012 or 947.0125.

7 **SECTION 2.** 947.0125 of the statutes is created to read:
8 **947.0125 Unlawful use of computerized communication systems. (1)**

9 Whoever does any of the following is guilty of a Class B misdemeanor:

1 (a) With intent to frighten, intimidate, threaten, abuse or harass, sends a
2 message on an electronic mail or other computerized communication system and in
3 that message threatens to inflict injury or physical harm to any person or the
4 property of any person.

5 (b) With intent to frighten, intimidate, threaten or abuse, sends a message to
6 another on an electronic mail or other computerized communication system and in
7 that message uses any obscene, lewd or profane language or suggests any lewd or
8 lascivious act.

9 (c) Sends a message on an electronic mail or other computerized
10 communication system without disclosing his or her identity and with intent to
11 abuse or threaten any person to whom the message is sent.

12 **(2)** Whoever does any of the following is subject to a Class B forfeiture:

13 (a) With intent to harass or offend, sends a message to another on an electronic
14 mail or other computerized communication system and in that message uses any
15 obscene, lewd or profane language or suggests any lewd or lascivious act.

16 (b) Sends repeated messages to another on an electronic mail or other
17 computerized communication system with intent solely to harass the person to whom
18 the messages are sent.

19 (c) Sends a message on an electronic mail or other computerized
20 communication system without disclosing his or her identity and with intent to
21 harass any person to whom the message is sent.

22 (d) Knowingly permits any computer terminal or other device that is used to
23 send messages on an electronic mail or other computerized communication system
24 and that is under his or her control to be used for any purpose prohibited by this
25 section.

SECTION 3

1 **SECTION 3.** 971.37 (1m) (a) 2. of the statutes is amended to read:

2 971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of
3 s. 940.19, 940.20 (3), 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44,
4 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 ~~or~~, 947.012 ~~or~~
5 947.0125 and the conduct constituting the violation involved an act by the adult
6 person against his or her spouse or former spouse, against an adult with whom the
7 adult person resides or formerly resided or against an adult with whom the adult
8 person has created a child.

9 **SECTION 4.** 973.055 (1) (a) 1. of the statutes is amended to read:

10 973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified
11 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (3), 940.21, 940.225,
12 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48,
13 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 ~~or~~, 947.012 ~~or~~ 947.0125 or of
14 a municipal ordinance conforming to s. 941.20, 941.30, 943.01, 943.14, 943.15,
15 946.49, 947.01 ~~or~~, 947.012 ~~or~~ 947.0125; and

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(END)