



## 2021 SENATE BILL 85

February 10, 2021 - Introduced by Senators JACQUE, WANGGAARD, CARPENTER, RINGHAND and L. TAYLOR, cosponsored by Representatives TUSLER, CALLAHAN, CABRERA, EMERSON, MILROY, MURSAU, ROZAR, SUBECK, THIESFELDT, TITTL and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to amend** 940.32 (1) (a) 6. and 940.32 (1) (a) 7. of the statutes; **relating**  
2           **to:** stalking and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the crime of “stalking” is a course of conduct that includes maintaining visual or physical proximity to the victim, approaching or confronting the victim, appearing at the victim’s workplace, home, or other property, contacting the victim’s employer, coworkers, neighbors, family, or friends, attempting to contact the victim via telephone, and sending various items or materials to the victim. Currently stalking is a Class I felony, for which the penalty is a fine of up to \$10,000 or imprisonment for up to three years and six months, or both.

This bill amends the definition of stalking to explicitly include attempts to contact the victim via text messaging and other electronic means of communication, including sending and posting online content.

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.

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

3           **SECTION 1.** 940.32 (1) (a) 6. of the statutes is amended to read:

**SENATE BILL 85****SECTION 1**

1           940.32 (1) (a) 6. Contacting the victim by telephone, text message, electronic  
2 message, electronic mail, or other means of electronic communication or causing the  
3 victim's telephone or electronic device or any other person's telephone or electronic  
4 device to ring or generate notifications repeatedly or continuously, regardless of  
5 whether a conversation ensues.

6           **SECTION 2.** 940.32 (1) (a) 7. of the statutes is amended to read:

7           940.32 (1) (a) 7. Sending to the victim any physical or electronic material or  
8 contacting the victim by any means ~~to the victim or, for the purpose of obtaining~~  
9 ~~information about, disseminating information about, or communicating with the~~  
10 ~~victim, including any message, comment, or other content posted on any Internet site~~  
11 or web application.

12           7m. Sending to a member of the victim's family or household, or an any current  
13 or former employer; of the victim, or any current or former coworker of the victim, or  
14 any friend of the victim any physical or electronic material or contacting such person  
15 by any means, including any message, comment, or other content posted on any  
16 Internet site or web application for the purpose of obtaining information about,  
17 disseminating information about, or communicating with the victim.

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(END)