

1993 Senate Bill 8

Date of enactment: **December 10, 1993**
Date of publication*: **December 24, 1993**

1993 WISCONSIN ACT 96

AN ACT to create 165.829 and 940.32 of the statutes, relating to: stalking, harassment and providing penalties.

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

SECTION 1. 165.829 of the statutes is created to read:

165.829 Stalking and harassment information.

(1) In this section:

(a) "Department" means the department of justice.

(b) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(2) For the 3-year period following the effective date of this subsection [revisor inserts date], the department shall gather and maintain information on arrests made and judgments of conviction entered regarding violations of s. 940.32 or 947.013. Annually, the department shall provide a detailed report on the information obtained under this subsection to the legislature under s. 13.172 (2). This section does not apply after October 1, 1997.

SECTION 2. 940.32 of the statutes is created to read:

940.32 Stalking. (1) In this section:

(a) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person.

(b) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior 6 months regularly resided in the household.

(c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employe.

(d) "Repeatedly" means on 2 or more calendar days.

(2) Whoever meets all of the following criteria is guilty of a Class A misdemeanor:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or herself or a member of his or her immediate family or to fear the death of himself or herself or a member of his or her immediate family.

(b) The actor has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to himself or herself or a member of his or her immediate family or will be placed in reasonable fear of the death of himself or herself or a member of his or her immediate family.

(c) The actor's acts induce fear in the specific person of bodily injury to himself or herself or a member of his or her immediate family or induce fear in the specific person of the death of himself or herself or a member of his or her immediate family.

(3) Whoever violates sub. (2) under any of the following circumstances is guilty of a Class E felony:

(a) The act results in bodily harm to the victim.

(b) The actor has a previous conviction under this section for a violation against the same victim and the present violation occurs within 7 years after the prior conviction.

(4) (a) This section does not apply to conduct that is or acts that are protected by the person's right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:

– 2 –

1993 Senate Bill 8

1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.

2. Assembling peaceably.

3. Peaceful picketing or patrolling.

(b) Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this

section.

(5) This section does not apply to conduct arising out of or in connection with a labor dispute.

(6) The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

