



## 1997 ASSEMBLY BILL 724

January 15, 1998 - Introduced by Representatives SCHNEIDER, JENSEN, DOBYNS, KRUG, GRONEMUS, TRAVIS, R. YOUNG, ROBSON, NOTESTEIN, STASKUNAS, HASENOHRL, POWERS, PLALE, SPRINGER, OTTE, MURAT, MUSSER, ZIEGELBAUER, KAUFERT, LADWIG, PLOUFF, WASSERMAN, ALBERS, RYBA, F. LASEE, PORTER, TURNER, SERATTI, BOYLE and HUTCHISON, cosponsored by Senators HUELSMAN and DARLING. Referred to Committee on Criminal Justice and Corrections.

- 1     **AN ACT to amend** 895.80 (1) and 946.82 (4); and **to create** 943.201 of the statutes;  
2           **relating to:** misappropriation of personal identifying information and  
3           providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law provides penalties for various kinds of theft and misappropriation of property. This bill creates a prohibition against misappropriation of personal identifying information, such as a person's name, address, telephone number, social security number, driver's license number or bank or other account numbers.

Specifically, the bill prohibits a person from using or attempting to use any personal identifying information of another to obtain anything of value without the authorization or consent of the other person and by representing that he or she is the other person or is acting with the authorization or consent of the other person. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

The bill also provides that a person who suffers damage or loss due to the misappropriation of any of his or her personal identifying information may bring a civil action against the person who engaged in the misappropriation and may recover treble damages and all reasonable costs of investigation and litigation. A person may bring a civil action under the bill regardless of whether there has been a criminal

**ASSEMBLY BILL 724**

action related to the loss or damage and regardless of the outcome of any such criminal action.

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

1           **SECTION 1.** 895.80 (1) of the statutes is amended to read:

2           895.80 (1) Any person who suffers damage or loss by reason of intentional  
3           conduct that occurs on or after November 1, 1995, and that is prohibited under s.  
4           943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or 943.61, or  
5           by reason of intentional conduct that occurs on or after the effective date of this  
6           subsection ... [revisor inserts date], and that is prohibited under s. 943.201, has a  
7           cause of action against the person who caused the damage or loss.

8           **SECTION 2.** 943.201 of the statutes is created to read:

9           **943.201 Misappropriation of personal identifying information.** (1) In  
10           this section, "personal identifying information" means any of the following  
11           information:

12           (a) An individual's name.

13           (b) An individual's address.

14           (c) An individual's telephone number.

15           (d) The unique identifying driver number assigned to the individual by the  
16           department of transportation under s. 343.17 (3) (a) 4.

17           (e) An individual's social security number.

18           (f) An individual's employer or place of employment.

19           (g) An identification number assigned to an individual by his or her employer.

20           (h) The maiden name of an individual's mother.

**ASSEMBLY BILL 724**

1 (i) The identifying number of a depository account, as defined in s. 815.18 (2)  
2 (e), of an individual.

3 **(2)** Whoever intentionally uses or attempts to use any personal identifying  
4 information of an individual to obtain credit, money, goods, services or anything else  
5 of value without the authorization or consent of the individual and by representing  
6 that he or she is the individual or is acting with the authorization or consent of the  
7 individual is guilty of a Class D felony.

8 **SECTION 3.** 946.82 (4) of the statutes is amended to read:

9 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
10 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
11 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),  
12 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.0625, 221.0636, 221.0637,  
13 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
14 940.19 (3) to (6), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3),  
15 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02,  
16 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), ~~943.201~~, 943.23 (1g),  
17 (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1)  
18 (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60,  
19 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04,  
20 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49,  
21 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

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(END)