



## 1999 ASSEMBLY BILL 719

February 8, 2000 - Introduced by Representatives HUNDERTMARK, STONE, ZIEGELBAUER, LADWIG, PORTER, DUFF, MUSSER, KELSO, PLALE, SCHNEIDER, HUEBSCH, PETTIS, SYKORA, JESKEWITZ, NASS, FREESE, AINSWORTH, SPILLNER, OWENS, ALBERS, OLSEN, GOETSCH, PETROWSKI and SKINDRUD, cosponsored by Senators SCHULTZ, WELCH and ROESSLER. Referred to Committee on Criminal Justice.

1     **AN ACT** *to renumber and amend* the unnumbered subchapter title preceding  
2           943.01, the unnumbered subchapter title preceding 943.10 and the  
3           unnumbered subchapter title preceding 943.20; and *to create* subchapter IV  
4           of chapter 943 [precedes 943.80] of the statutes; **relating to:** tampering with  
5           a security device or surveillance device and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

Current law provides various penalties for damaging or misappropriating the property of another. This bill prohibits a person from tampering with a security device or surveillance device that is owned by another by disconnecting, altering, dismantling, damaging, covering up, removing or destroying the device without the consent of the owner and with the intent either to cause the device to become inoperative or to interfere with or circumvent the operation of the device.

A person who violates the prohibition created in the bill may be fined not more than \$500 or imprisoned for not more than 30 days or both, except that a person may be fined not more than \$10,000 or imprisoned for not more than five years or both if the person violates the prohibition with the intent to make it less likely that another crime will be detected or that a person who commits another crime will be identified with the crime. The bill also provides that a person charged with violating the prohibition created in the bill has a defense to the charge if he or she tampered

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with a surveillance device that is installed or used with the intent to observe any nude or partially nude person without the consent of the person observed.

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

1           **SECTION 1.** The unnumbered subchapter title preceding 943.01 of the statutes  
2 is numbered subchapter I and amended to read:

3   **CHAPTER 943**

4   SUBCHAPTER I

5   DAMAGE.

6           **SECTION 2.** The unnumbered subchapter title preceding 943.10 of the statutes  
7 is numbered subchapter II and amended to read:

8   **CHAPTER 943**

9   SUBCHAPTER II

10    TRESPASS.

11           **SECTION 3.** The unnumbered subchapter title preceding 943.20 of the statutes  
12 is numbered subchapter III and amended to read:

13    **CHAPTER 943**

14    SUBCHAPTER III

15    MISAPPROPRIATION.

16           **SECTION 4.** Subchapter IV of chapter 943 [precedes 943.80] of the statutes is  
17 created to read:

18    **CHAPTER 943**

19    SUBCHAPTER IV

20    OTHER CRIMES AGAINST PROPERTY

21           **943.80 Tampering with a surveillance device.** (1) In this section:

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1 (a) “Security device” means any device, instrument, apparatus, implement,  
2 mechanism or contrivance that is used, designed to be used or primarily intended to  
3 be used, either by itself or as a component of a system, as a theft alarm, burglar alarm  
4 or other security alarm.

5 (b) “Surveillance device” means any device, instrument, apparatus,  
6 implement, mechanism or contrivance used, designed to be used or primarily  
7 intended to be used to observe or hear the activities of a person.

8 (c) “Tamper with” means disconnect, alter, dismantle, damage, cover up,  
9 remove or destroy.

10 (2) No person may tamper with a security device or surveillance device without  
11 the consent of the owner of the device and with the intent either to cause the device  
12 to become inoperative or to interfere with or circumvent the operation of the device.

13 (3) (a) Except as provided in par. (b), whoever violates sub. (2) is guilty of a Class  
14 C misdemeanor.

15 (b) A person is guilty of a Class E felony if he or she violates sub. (2) with the  
16 intent to make it less likely that another crime will be detected or that a person who  
17 commits another crime will be identified with the crime.

18 (4) It is an affirmative defense to a prosecution under sub. (3) (a) if the  
19 defendant tampered with a surveillance device that is installed in violation of s.  
20 942.08 (2) or is being used in violation of s. 942.08 (2). A defendant who raises this  
21 affirmative defense has the burden of proving the defense by a preponderance of the  
22 evidence.

23 (END)