



## 2011 ASSEMBLY BILL 649

March 2, 2012 – Introduced by Representatives JACQUE, A. OTT and SPANBAUER, cosponsored by Senator TAYLOR. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to amend** 947.0125 (1); and **to create** 947.0125 (4) of the statutes;  
2           **relating to:** prohibiting certain computer messages or postings that invite  
3           harassment or obscene, lewd, or profane communication and providing a  
4           penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person who engages in certain conduct intended to harass or intimidate another is subject to a Class B forfeiture, which is a forfeiture of up to \$1,000. If he or she engages in harassing or intimidating conduct while subject to a restraining order and the conduct is accompanied by a credible threat that places the victim in fear of death or great bodily harm, he or she is guilty of a Class A misdemeanor, which is punishable by a fine of up to \$10,000, confinement in jail for up to nine months, or both. Also under current law, a person who makes a telephone call or sends a message over a computer system with intent to frighten, intimidate, threaten, abuse, or harass the recipient and who threatens to injure the recipient is guilty of a Class B misdemeanor, which is punishable by a fine of up to \$1,000, confinement in jail for up to 90 days, or both. A person is also guilty of a Class B misdemeanor if he or she makes a telephone call or sends a message over a computer system with intent to frighten, intimidate, threaten, or abuse the recipient and either the call or message uses obscene, lewd, or profane language or suggests a lascivious act or the call or message is made with intent to prevent disclosure of the actor's identity.

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Under this bill, a person is guilty of a Class A misdemeanor if he or she sends, posts, or displays a message on a computerized communication that invites another person to harass a third person or that invites another person to contact the third person using obscene, lewd, or profane language or suggesting a lewd or lascivious act. Under the bill, a person is guilty of inviting harassment if all of the following apply: 1) the person sends, posts, or displays a message on a computerized communication system; 2) the message invites another person to contact a specified victim; 3) the person's message includes information on how to contact the victim; 4) the person intends that the victim be harassed, frightened, intimidated, threatened, or abused by the contact from the other person; 5) the person intends that the contact from the other person serve no legitimate purpose; and 6) as a result of the message, another person contacts the victim and the victim is harassed, frightened, intimidated, threatened, or abused by the contact. Under the bill, a person is guilty of inviting obscene, lewd, or profane contact if all of the following apply: 1) the person sends, posts, or displays a message on a computerized communication system; 2) the message invites another person to contact a specified victim using obscene, lewd, or profane language or suggesting a lewd or lascivious act; 3) the person's message includes information on how to contact the victim; 4) the person intends the victim to be harassed, frightened, intimidated, threatened, or abused by the contact from the other person; and 5) as a result of the person's message, another person contacts the victim using obscene, lewd, or profane language or suggesting a lewd or lascivious act and the victim is harassed, frightened, intimidated, threatened, or abused by the contact.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1           **SECTION 1.** 947.0125 (1) of the statutes is amended to read:

2           947.0125 (1) In this section, "message" means ~~any transfer of~~ a communication  
3 of information by means of signs, signals, writing, images, sounds, or data, ~~or~~  
4 ~~intelligence of any nature, or any transfer of~~ in any other format, including a  
5 computer program, as defined in s. 943.70 (1) (c).

6           **SECTION 2.** 947.0125 (4) of the statutes is created to read:

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1           947.0125 (4) (a) Whoever sends, posts, or displays a message on a computerized  
2 communication system is guilty of a Class A misdemeanor if all of the following  
3 apply:

4           1. The actor's message invites a person to send mail or a message to a specified  
5 individual, make a telephone call to a specified individual, or otherwise contact a  
6 specified individual.

7           2. The actor's message includes information on how to contact the individual.

8           3. The actor intends that the individual be harassed, frightened, intimidated,  
9 threatened, or abused by the invited mail, message, telephone call, or other contact.

10          4. The actor intends that the invited mail, message, telephone call, or other  
11 contact serve no legitimate purpose.

12          5. As a result of the actor's message, a person sends mail or a message to the  
13 individual, makes a telephone call to the individual, or otherwise contacts the  
14 individual and the mail, message, telephone call, or contact harasses, frightens,  
15 intimidates, threatens, or abuses the individual.

16          (b) Whoever sends, posts, or displays a message on a computerized  
17 communication system is guilty of a Class A misdemeanor if all of the following  
18 apply:

19          1. The actor's message invites a person to send mail or a message to a specified  
20 individual, make a telephone call to a specified individual, or otherwise contact a  
21 specified individual and use obscene, lewd, or profane language or suggest a lewd or  
22 lascivious act in the invited mail, message, telephone call, or contact.

23          2. The actor's message includes information on how to contact the individual.

24          3. The actor intends that the individual be harassed, frightened, intimidated,  
25 threatened, or abused by the invited mail, message, telephone call, or other contact.

