



2011 SENATE BILL 427

February 6, 2012 - Introduced by Senators T. CULLEN, S. COGGS, CARPENTER, ERPENBACH, TAYLOR, KING, SCHULTZ, RISSER, HOLPERIN and KEDZIE, cosponsored by Representatives KNILANS, C. TAYLOR, POCAN, TURNER, STASKUNAS, RINGHAND, LOUDENBECK, PASCH and POPE-ROBERTS. Referred to Committee on Education.

1 **AN ACT to amend** 118.46 (1) (intro.), 118.46 (1) (a) 1., 118.46 (2), 947.0125 (2) (a)
2 and 947.0125 (3) (a); and **to create** 118.46 (1) (a) 11. and 12. of the statutes;
3 **relating to:** school bullying, unlawful use of computer systems, and providing
4 a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils and requires each school board to adopt a policy prohibiting bullying. A school board may adopt DPI's model policy. The model policy must include certain elements. For example, it must define bullying; identify the property owned, leased, or used by the school district on which the policy applies; and require that school district officials and employees report incidents of bullying.

This bill requires that the definition of bullying in DPI's model policy include bullying by electronic means. The bill also requires that the model policy include requirements that a school board maintain records on bullying incidents and the discipline imposed on pupils for bullying, annually prepare a report that includes trends in bullying behavior and recommendations on how to reduce the number of bullying incidents, and post the report on the school district's Web site. Finally, the bill requires the model policy to include appropriate responses to bullying that occurs off school grounds in certain circumstances.

Current law prohibits a person from sending an e-mail message to another person if that message threatens to harm any person or property and if the sender intends to frighten, intimidate, threaten, abuse, or harass any person. A person who

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violates the prohibition is guilty of a Class B misdemeanor and is subject to a maximum fine of \$1,000 or imprisonment of not more than 90 days, or both. This bill prohibits a person from posting an electronic message where others can view it if that message threatens to harm any person or property and if the person who posts it intends to frighten, intimidate, threaten, abuse, or harass another person. A person who violates this new prohibition is guilty of a Class B misdemeanor.

Current law also prohibits a person from sending an e-mail message to another person if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person. A person who violates the prohibition is subject to a forfeiture of up to \$1,000. This bill prohibits a person from posting an electronic message where others can view it if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person. A person who violates this new prohibition is subject to a forfeiture of up to \$1,000.

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.

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

1 **SECTION 1.** 118.46 (1) (intro.) of the statutes is amended to read:

2 118.46 (1) (intro.) ~~By March 1, 2010, the~~ The department shall do all of the
3 following:

4 **SECTION 2.** 118.46 (1) (a) 1. of the statutes is amended to read:

5 118.46 (1) (a) 1. A definition of bullying that includes bullying by electronic
6 means.

7 **SECTION 3.** 118.46 (1) (a) 11. and 12. of the statutes are created to read:

8 118.46 (1) (a) 11. A requirement that a school board maintain records on the
9 number and types of reports made on bullying incidents under subd. 6. and the
10 discipline imposed on pupils under subd. 7., annually prepare a summary report that
11 includes trends in bullying behavior and recommendations on how to reduce the
12 number of bullying incidents, and post the report on its Web site.

