

83 WisACT 438

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1983 Assembly Bill 695

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1983 Wisconsin Act 438

AN ACT to renumber 939.32 (2); to amend 48.34 (intro.), 943.70 (2) (b) 1, 946.82 (4), 968.28 and 972.13 (6); and to create 48.34 (4p), 939.32 (2), 943.70 (2) (a) 6, 943.70 (2) (b) 4, 943.70 (3) (b) 4 and 943.70 (4) and (5) of the statutes, relating to computer crimes and providing penalties.

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

SECTION 1. 48.34 (intro.) of the statutes is amended to read:

48.34 Disposition of child adjudged delinquent. (intro.) If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, ~~except that subs.~~ Subsections (4m) and (8) shall be are exclusive dispositions, except that either disposition may be combined with the disposition under sub. (4p). The dispositions under this section are:

SECTION 2. 48.34 (4p) of the statutes is created to read:

48.34 (4p) If the child committed a crime specified in s. 943.70, a judge may place restrictions on the child's use of computers.

SECTION 3. 939.32 (2) of the statutes is renumbered 939.32 (3).

SECTION 4. 939.32 (2) of the statutes is created to read:

939.32 (2) Whoever attempts to commit a misdemeanor under s. 943.70 is subject to:

- (a) A Class D forfeiture if it is the person's first violation under s. 943.70.
- (b) A Class C forfeiture if it is the person's 2nd violation under s. 943.70.
- (c) A Class B forfeiture if it is the person's 3rd violation under s. 943.70.
- (d) A Class A forfeiture if it is the person's 4th or subsequent violation under s. 943.70.

SECTION 5. 943.70 (2) (a) 6 of the statutes is created to read:

943.70 (2) (a) 6. Discloses restricted access codes or other restricted access information to unauthorized persons.

SECTION 6. 943.70 (2) (b) 1 of the statutes is amended to read:

943.70 (2) (b) 1. A Class A misdemeanor unless subd. 2 ~~or~~ 3 or 4 applies.

SECTION 7. 943.70 (2) (b) 4 of the statutes is created to read:

943.70 (2) (b) 4. A Class C felony if the offense creates a situation of unreasonable risk and high probability of death or great bodily harm to another.

SECTION 8. 943.70 (3) (b) 4 of the statutes is created to read:

943.70 (3) (b) 4. A Class C felony if the offense creates a situation of unreasonable risk and high probability of death or great bodily harm to another.

SECTION 9. 943.70 (4) and (5) of the statutes are created to read:

943.70 (4) **COMPUTER USE RESTRICTION.** In addition to the other penalties provided for violation of this section, a judge may place restrictions on the offender's use of computers. The duration of any such restrictions may not exceed the maximum period for which the offender could have been imprisoned; except if the offense is punishable by forfeiture, the duration of the restrictions may not exceed 90 days.

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(5) INJUNCTIVE RELIEF. Any aggrieved party may sue for injunctive relief under ch. 813 to compel compliance with this section. In addition, owners, lessors, users or manufacturers of computers, or associations or organizations representing any of those persons, may sue for injunctive relief to prevent or stop the disclosure of information which may enable another person to gain unauthorized access to data, computer programs or supporting documentation.

SECTION 10. 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1), 180.88, 181.69, 184.09 (2), 185.82 (4), 215.12, 221.17, 221.31, 221.39, 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (2) and (3), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 940.32, 941.20 (2), 941.26, 941.28, 941.31, 941.32, 943.01 (2), 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.205, 943.23 (1), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (2) and (3), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.62, 946.64, 946.65, 946.72, 946.76 and 947.015.

SECTION 11. 968.28 of the statutes is amended to read:

968.28 Application for court order to intercept communications. The attorney general together with the district attorney of any county may approve a request of an investigative or law enforcement officer to apply to the chief judge of the judicial administrative district for the county where the interception is to take place for an order authorizing or approving the interception of wire or oral communications. The chief judge may under s. 968.30 grant an order authorizing or approving the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense for which the application is made. The authorization shall be permitted only if the interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, commercial gambling, bribery, extortion and or dealing in controlled substances or a computer crime which is a felony under s. 943.70 or any conspiracy to commit any of the foregoing offenses.

SECTION 12. 972.13 (6) of the statutes is amended to read:

972.13 (6) The following forms may be used for judgments:

STATE OF WISCONSIN

.... County

In Court

The State of Wisconsin,

vs.

....(Name of defendant)

UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

IT IS ADJUDGED That the defendant has been convicted upon the defendant's plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty) (no contest) on the day of, 19.., of the crime of in violation of s.; and the court having asked the defendant whether the defendant has anything to state why sentence should not be pronounced, and no sufficient grounds to the contrary being shown or appearing to the court.

*IT IS ADJUDGED That the defendant is guilty as convicted.

*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin state prisons (county jail of county) for an indeterminate term of not more than

*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the costs of this action).

*IT IS ADJUDGED That the defendant is restricted in his or her use of computers as follows:

*The at is designated as the Reception Center to which the said defendant shall be delivered by the sheriff.

*IT IS ORDERED That the clerk deliver a duplicate original of this judgment to the sheriff who shall forthwith execute the same and deliver it to the warden.

Dated this day of, 19...

BY THE COURT

Date of Offense,

District Attorney,

Defense Attorney

*Strike inapplicable paragraphs.

STATE OF WISCONSIN;

.... County

In Court

The State of Wisconsin

vs.

...(Name of defendant)

On the day of, 19..., the district attorney appeared for the state and the defendant appeared in person and by the defendant's attorney.

UPON ALL THE FILES, RECORDS AND PROCEEDINGS

IT IS ADJUDGED That the defendant has been found not guilty by the verdict of the jury (by the court) and is therefore ordered discharged forthwith.

Dated this day of, 19...

BY THE COURT
