1999 ASSEMBLY BILL 214

March 16, 1999 – Introduced by Representatives SCHNEIDER, KREUSER and BOYLE, cosponsored by Senator DARLING. Referred to Committee on Criminal Justice.

1   AN ACT *to amend* 943.70 (2) (b) 3. and 943.70 (2) (b) 4. of the statutes; **relating**

2   **to:** computer crimes and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law no person may wilfully, knowingly and without authorization modify, destroy, copy, take possession of or get access to computer data, computer programs or supporting documentation of a computer system. A person who violates this prohibition is generally guilty of a Class A misdemeanor. However, if the violation occurs under certain circumstances, the person may face higher penalties. Specifically, if the person committed the violation in order to defraud another or obtain the property of another he or she is guilty of a Class E felony. If the violation causes more than $2,500 of damage or if it causes an interruption or impairment of governmental operations, public communication, transportation or a supply of water, gas or other public service, the person is guilty of a Class D felony. Finally, if the violation creates a substantial and unreasonable risk of death or great bodily harm to another, the person is guilty of a Class C felony.

This bill increases the penalties for violating this prohibition under certain circumstances. Specifically, the bill provides that a person is guilty of a Class A felony if the violation does either of the following: 1) causes an interruption or impairment of governmental operations, public communication, transportation or a supply of water, gas or other public service; or 2) creates a substantial and unreasonable risk of death or great bodily harm to another.

The penalties for the crimes mentioned above are as follows:

Crime	_Fine_	_Maximum Imprisonment_ _(for offenses occurring before 12/31/99)_	_Maximum Imprisonment_ _(for offenses occurring on or after 12/31/99)_
Class A misdemeanor	$10,000	Nine months	Nine months
Class E felony	$10,000	Two years	Five years
Class D felony	$10,000	Five years	Ten years
Class C felony	$10,000	Ten years	Fifteen years
Class A felony	No fine provided	Life imprisonment	Life imprisonment

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

1   SECTION 1. 943.70 (2) (b) 3. of the statutes is amended to read:

2   943.70 **(2)** (b) 3. A Class D felony if the damage is greater than $2,500 ~~or if it~~

3   ~~causes an interruption or impairment of governmental operations or public~~

4   ~~communication, of transportation or of a supply of water, gas or other public service~~.

5   SECTION 2. 943.70 (2) (b) 4. of the statutes is amended to read:

6   943.70 **(2)** (b) 4. A Class ~~C~~ <u>A</u> felony if the offense creates a substantial and

7   unreasonable risk of death or great bodily harm to another <u>or causes an interruption</u>

8   <u>or impairment of governmental operations or public communication, of</u>

9   <u>transportation or of a supply of water, gas or other public service</u>.

10   SECTION 3. **Initial applicability.**

11   (1) This act first applies to offenses committed on the effective date of this

12   subsection.

13   **(END)**