

1999 DRAFTING REQUEST

Bill

Received: **01/28/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Topic:

Computer crimes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 02/5/99	j geller 02/6/99		_____			
/1			lpaasch 02/8/99	_____	lrb-docadmin 02/8/99	lrb-docadmin 02/10/99	

FE Sent For:



<END>

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I?	olsenje	1 3/6 jlg	28 L.P.	28 L.P. jlg			

FE Sent For:

<END>

1999

Date (time) needed _____

LRB - 2056 / 1

BILL

JED : jlg _____

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal... ; to renumber... ; to consolidate and renumber... ; to renumber and amend... ; to consolidate, renumber and amend... ; to amend... ; to repeal and recreate... ; and to create... of the statutes; relating to: computer crimes and providing a penalty.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

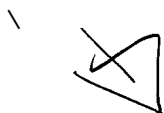
Analysis by the Legislative Reference Bureau

- For the 3 titles used in an analysis, in the component bar:
For the main heading [old =M], execute: create -> anal: -> title: -> head
For the subheading [old =S], execute: create -> anal: -> title: -> sub
For the sub-subheading [old =P], execute: create -> anal: -> title: -> sub-sub

ANALYSIS INSERT

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

SECTION #.



LRBa0058/1
JEO:kmg:lmh

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 51**

1

~~At the locations indicated, amend the substitute amendment as follows:~~

2

~~1. Page 12, line 5, after that line insert:~~

3

~~SECTION 943.70 (2) (b) 3.~~ ^{g (#)} 943.70 (2) (b) 3. ^X of the statutes is amended to read:

4

943.70 (2) (b) 3. A Class D felony if the damage is greater than \$2,500 [✓] or if it

5

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

6

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

7

~~SECTION 943.70 (2) (b) 4.~~ [#] 943.70 (2) (b) 4. ^X of the statutes is amended to read:

8

943.70 (2) (b) 4. A Class ~~C~~ [✓] A felony if the offense creates a substantial and

9

unreasonable risk of death or great bodily harm to another or causes an interruntion

10

or innairment of governmental onerations or public communication, of

11

transportation or of a supply of water, gas or other public service. [✓] &

12

~~2. Page 13, line 22: after that line insert:~~



①

~~(X) PENALTY FOR COMPUTER OFFENSES. The treatment of section 943.70(2)(b)3.~~

②

and 4 of the statutes ^(This act) first applies to offenses committed on the effective date of this

③

subsection. ^{of}

4

(END) ✓

SECTION

1# Initial applicability.

③

ANALYSIS INSERT:

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:

WPO-Table format

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

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/8/99

To: Representative Schneider

Relating to LRB drafting number: LRB-2056

Topic

Computer crimes

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction MDL

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 2664906