

1999 ASSEMBLY BILL 548

October 20, 1999 – Introduced by Representatives HUEBSCH, SUDER, PETTIS, MONTGOMERY, LADWIG, MUSSER, PORTER, STONE, TOWNSEND, OWENS and LEIBHAM, cosponsored by Senators ERPENBACH and WELCH. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT** *to create* 947.0125 (2m) and 948.115 of the statutes; **relating to:** the
2 unlawful use of electronic mail and other computerized communication
3 systems, transmitting information about a child on the internet and providing
4 a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from sending certain messages on an electronic mail or other computerized communication system with the intent to frighten, intimidate, threaten, abuse or harass another person. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. This bill provides that if a person violates the prohibition with the intent to frighten, intimidate, threaten, abuse or harass a child, the person may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the violation occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the violation occurs on or after December 31, 1999.

In addition, under current law, a person may not, with intent that a felony be committed, advise another to commit that felony, under circumstances that indicate that the person providing the advice intends that the felony be committed. A person who violates this prohibition may be fined up to \$10,000, imprisoned (with the maximum term of imprisonment set at either two, five or ten years, depending on the maximum penalty for the commission of the felony itself) or both.

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This bill prohibits a person from transmitting the name, address, telephone number, social security number or electronic mail address of a child on the Internet or any computerized communication system, knowing that the child has not reached the age of 16, to induce or encourage another person to commit certain crimes involving the child. Penalties for violating this prohibition are based on the crime that the person intends to induce or encourage another to commit. If the person transmits the information to induce or encourage another person to commit any of the following crimes, the person may be fined up to \$10,000, imprisoned up to two years or both, if the offense occurs before December 31, 1999, or fined up to \$10,000, imprisoned up to five years or both, if the offense occurs on or after December 31, 1999: 1) sexual assault of a child; 2) sexual exploitation of a child; 3) causing a child to view or listen to sexual activity; 4) child enticement; and 5) soliciting a child for prostitution. If the person transmits the information to induce or encourage another person to commit any of the following crimes, the person may be fined up to \$10,000, imprisoned up to nine months or both: 1) exposing genitals or pubic area; and 2) exposing a child to harmful material or harmful descriptions or narrations.

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

1 **SECTION 1.** 947.0125 (2m) of the statutes is created to read:

2 **947.0125 (2m)** Whoever violates sub. (2) is guilty of a Class E felony if the
3 person that the actor intends to frighten, intimidate, threaten, abuse or harass is a
4 person who has not attained the age of 18.

5 **SECTION 2.** 948.115 of the statutes is created to read:

6 **948.115 Transmitting information about a child on the internet. (1)** In
7 this section:

8 (a) “Personal information about an individual” means the name, address,
9 telephone number, social security number or electronic mail address of the
10 individual.

11 (b) “Transmit” means make available on the Internet or any computerized
12 electronic communication system.

