

2001 DRAFTING REQUEST

Bill

Received: **11/01/2000**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB: **99-2056/1**

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

By/Representing: **himself**

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

Drafter: **rryan**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **MGD**

Pre Topic:

No specific pre topic given

Topic:

Computer crimes

Instructions:

Redraft 99-2056/1

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>
/1	rryan 12/29/2000	jdyer 01/02/2001	rschluet 01/19/2001	_____	lrb_docadmin 01/19/2001	lrb_docadmin 01/25/2001	

FE Sent For:

<END>

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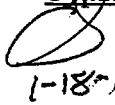

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<END>

LRB-2056/1
JEO:jlg:lp
RLR:jld

RMR

1999 ASSEMBLY BILL 214

In 12/29/00

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

Regen

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:

ASSEMBLY BILL 214

Maximum

<i>Crime</i>	<i>Fine</i>	<i>Maximum Imprisonment</i> <i>(for offenses occurring before 12/31/99)</i>	<i>Maximum Imprisonment</i> <i>(for offenses occurring on or after 12/31/99)</i>
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:

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

943.70 (2) (b) 3. A Class D felony if the damage is greater than \$2,500 ~~or if it causes an interruption or impairment of governmental operations or public communication, of transportation or of a supply of water, gas or other public service.~~

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

943.70 (2) (b) 4. A Class ~~C~~ A felony if the offense creates a substantial and unreasonable risk of death or great bodily harm to another or causes an interruption or impairment of governmental operations or public communication, of transportation or of a supply of water, gas or other public service.

SECTION 3. Initial applicability.

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

(END)

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 19, 2001

MEMORANDUM

To: Representative Schneider

From: Robin L. Ryan, Legislative Attorney

Re: LRB-0873 Computer crimes

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.