

**2001 DRAFTING REQUEST**

**Bill**

Received: **02/14/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **Kent**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - crimes agnst kids**

Extra Copies: **rlr**

**Pre Topic:**

No specific pre topic given

**Topic:**

Posting personal information about a child on the Internet

**Instructions:**

Redraft 1999 AB 548

**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>
/?	mdsida 03/15/2001	jdye 03/16/2001		_____			
/1			jfrantze 03/20/2001	_____	lrb_docadmin 03/20/2001	lrb_docadmin 03/21/2001	

FE Sent For:

<END>

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1?	mdsida	1/3/16 jld		2/5/16 KJG			
				3/10			

Handwritten notes and signatures: 1/3/16 jld, 2/5/16 KJG, 3/10

FE Sent For:

<END>

2001 BILL

jld

**1999 ASSEMBLY BILL 548**

LPS - Please fix request sheet

October 20, 1999 - Introduced by Representatives HUERSCH, 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

Regen

- 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 penalties

*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 or 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.

**ASSEMBLY BILL 548**

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.

with the intent

for

for

*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.

ASSEMBLY BILL 548

1           (2) Whoever transmits personal information about an individual, knowing that  
2 the individual has not attained the age of 16 years, with the intent to induce or  
3 encourage <sup>to another</sup> a person to violate s. 948.02, 948.05, 948.055, 948.07 or 948.08 is guilty  
4 of a Class E felony.

5           (3) Whoever transmits personal information about an individual, knowing that  
6 the individual has not attained the age of 16 years, with the intent to induce or  
7 encourage <sup>to another</sup> a person to violate s. 948.10 or 948.11 is guilty of a Class A misdemeanor.

8

(END)



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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

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

March 20, 2001

### MEMORANDUM

To: Representative Huebsch

From: Michael Dsida, Legislative Attorney

Re: LRB-2517 Posting personal information about a child on the Internet

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.

~~X~~ 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) 266-9867 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.