

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/01/2000

Received By: rryan

Wanted: As time permits

Identical to LRB:

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:**

Jurisdiction to prosecute identity theft

**Instructions:**

Redraft 99-3028

**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<br>02/09/2001 | jdye<br>02/12/2001 | jfrantze<br>02/12/2001 | _____          | lrb_docadmin<br>02/12/2001 | lrb_docadmin<br>03/08/2001 |                 |

FE Sent For:

<END>

Not Needed

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?           | rryan          | 1 7/2 jld       | 2/12         | 3elb<br>2/12   |                  |                 |                 |

FE Sent For:

<END>

**From:** Stute, David  
**Sent:** Tuesday, April 27, 1999 5:03 PM  
**To:** Olsen, Jefren  
**Subject:** RE: Query

OK!  
 The requester is Rep. Marlin Schneider.

The request concerns s. 943.201, "Identity Theft." The problem is, all of the elements of this crime can be committed outside the state, the victim can be a Wis. resident, and we can't do anything; under s. 939.03, no jurisdiction. Sub. (2) of the statute needs to be amended to add another element that, in this type of circumstance, ties the crime to the residency of the victim. Once done, a prosecutor may then proceed under our law, rather than forcing resort to the federal system.

Don Dyke recommended you as the best person to sort this out. Pls. proceed, and if you have questions, I'm at 6-2984. Thanks!

-----Original Message-----

**From:** Olsen, Jefren  
**Sent:** Tuesday, April 27, 1999 3:41 PM  
**To:** Stute, David  
**Subject:** RE: Query

You bet..

-----Original Message-----

**From:** Stute, David  
**Sent:** Tuesday, April 27, 1999 3:41 PM  
**To:** Olsen, Jefren  
**Subject:** Query

Do you accept drafting requests/instructions by email?



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3028/?

.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???

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*Analysis by the Legislative Reference Bureau*

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

2

(END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0872/1

RLR: x:...

JG

2001 BILL

In 2/9/01

1 AN ACT ...; <sup>Gen</sup> relating to: jurisdiction to prosecute and punish a person in  
2 Wisconsin for misappropriation of personal identifying information or a  
3 personal identification document, and providing a penalty. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, a Wisconsin court may prosecute and punish a person under Wisconsin law in ~~the state of Wisconsin~~ <sup>this state</sup> for criminal conduct, if one of the following applies:

1. The person commits in ~~Wisconsin~~ <sup>Plain</sup> any of the component acts that constitute a crime.
2. While out of the state, the person aids and abets, conspires with, advises, incites, commands, or solicits another to commit a crime in Wisconsin. ✓
3. While out of the state, the person does an act with intent that it cause in Wisconsin a consequence that is proscribed by Wisconsin criminal law.
4. While out of the state, the person steals property and subsequently brings the stolen property into Wisconsin.

This bill provides that Wisconsin has jurisdiction to prosecute and punish a person who allegedly commits the crime of misappropriation of personal identifying information or a personal identification document while that person is outside





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

February 12, 2001

### MEMORANDUM

To: Representative Schneider

From: Robin L. Ryan, Legislative Attorney

Re: I.RB-0872 Jurisdiction to prosecute identity theft

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.