

2001 DRAFTING REQUEST

Bill

Received: **01/23/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jean Hundertmark (608) 266-3794**

By/Representing: **Jason**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **rlr**

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Tampering with security or surveillance device

Instructions:

1999 AB 719 with AA1

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 03/29/2001	jdye 03/30/2001		_____			
/1			jfrantze 04/04/2001	_____	lrb_docadmin 04/04/2001	lrb_docadmin 05/10/2001	

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*called 3/11
(told him
prob this month)*

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Alt. Drafters:

4/06

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1?	mdsida	<i>1 3/29 JLD</i>	<i>16 4/2</i>	<i>16 / R 9/2</i>			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

2192/1

LRB-~~1002~~

JED:kg:km

mgd JLD

2001 BILL

1999 BILL

Soon

Regen

1 AN ACT to renumber and amend the unnumbered subchapter title preceding
2 943.01, the unnumbered subchapter title preceding 943.10 and the
3 unnumbered subchapter title preceding 943.20; and to create subchapter IV
4 of chapter 943 [precedes 943.80] of the statutes; relating to: tampering with
5 a security device or surveillance device and providing penalties.

Analysis by the Legislative Reference Bureau

Current law provides various penalties for damaging or misappropriating the property of another. This bill prohibits a person from tampering with a security device or surveillance device that is owned by another by disconnecting, altering, dismantling, damaging, covering up, removing or destroying the device without the consent of the owner and with the intent either to cause the device to become inoperative or to interfere with or circumvent the operation of the device.

A person who violates the prohibition created in the bill may be fined not more than \$500 or imprisoned for not more than 30 days or both, except that a person may be fined not more than \$10,000 or imprisoned for not more than five years or both if the person violates the prohibition with the intent to make it less likely that another crime will be detected or that a person who commits another crime will be identified with the crime. The bill also provides that a person charged with violating the prohibition created in the bill has a defense to the charge if he or she tampered

felony

BILL

with a surveillance device that is installed or used with the intent to observe any nude or partially nude person without the consent of the person observed.

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

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PWF

SECTION 1. The unnumbered subchapter title preceding [✓]943.01 of the statutes is numbered subchapter I and amended to read:

CHAPTER 943
SUBCHAPTER I
DAMAGE.

SECTION 2. The unnumbered subchapter title preceding [✓]943.10 of the statutes is numbered subchapter II and amended to read:

CHAPTER 943
SUBCHAPTER II
TRESPASS.

SECTION 3. The unnumbered subchapter title preceding [✓]943.20 of the statutes is numbered subchapter III and amended to read:

CHAPTER 943
SUBCHAPTER III
MISAPPROPRIATION.

SECTION 4. Subchapter IV of chapter 943 [precedes 943.80] of the statutes is created to read:

CHAPTER 943
SUBCHAPTER IV
OTHER CRIMES AGAINST PROPERTY

[✓]**943.80 Tampering with a surveillance device. (1) In this [✓]section:**

BILL

1 (a) "Security device" means any device, instrument, apparatus, implement,
 2 mechanism, or contrivance that is used, designed to be used, or primarily intended to
 3 be used, either by itself or as a component of a system, as a theft alarm, burglar alarm,
 4 or other security alarm.

5 (b) "Surveillance device" means any device, instrument, apparatus,
 6 implement, mechanism, or contrivance used, designed to be used, or primarily
 7 intended to be used to observe or hear the activities of a person.

8 (c) "Tamper with" means disconnect, alter, dismantle, damage, cover up,
 9 remove, or destroy.

10 (2) No person may tamper with a security device or surveillance device without
 11 the consent of the owner of the device and with the intent either to cause the device
 12 to become inoperative or to interfere with or circumvent the operation of the device.

13 (3) (a) Except as provided in par. (b), whoever violates sub. (2) is guilty of a Class
 14 C misdemeanor.

15 (b) A person is guilty of a Class E felony if he or she violates sub. (2) with the
 16 intent to make it less likely that another ~~crime~~^{felony} will be detected or that a person who
 17 commits another ~~crime~~^{felony} will be identified with the ~~crime~~^{felony}. *use twice*

18 (4) It is an affirmative defense to a prosecution under sub. (3) (a) if the
 19 defendant tampered with a surveillance device that is installed in violation of s.
 20 942.08 (2) or is being used in violation of s. 942.08 (2). A defendant who raises this
 21 affirmative defense has the burden of proving the defense by a preponderance of the
 22 evidence.

23 (END)



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

April 4, 2001

MEMORANDUM

To: Representative Hundertmark

From: Michael Dsida, Legislative Attorney

Re: LRB-2192/1 Tampering with security or surveillance device

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) 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.