2001 ASSEMBLY BILL 531

October 8, 2001 – Introduced by Representatives Schneider, Gronemus, M. Lehman, Hahn, Ryba and Lassa, cosponsored by Senator Roessler. Referred to Committee on Criminal Justice.

1 AN ACT *to create* 947.0125 (4) of the statutes; **relating to:** prohibiting certain 2 computer postings that invite harassment or obscene, lewd, or profane 3 communication, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the following certain conduct or communication that is intended to harass, intimidate, frighten, threaten, or abuse:

Harassment. Whoever engages in certain conduct intended to harass or intimidate another is subject to a Class B forfeiture, which is a forfeiture not to exceed \$1,000. If the actor engages in harassing or intimidating conduct while subject to a restraining order and the conduct is accompanied by a credible threat that places the victim in fear of death or great bodily harm, then the actor is guilty of a Class A misdemeanor, which is punishable by a fine not to exceed \$10,000, confinement in jail for up to nine months, or both.

Unlawful use of a telephone or of computerized communication systems. A person who makes a telephone call or sends a message over a computer system with intent to frighten, intimidate, threaten, abuse, or harass the recipient of the call or message and who threatens to injure the recipient is guilty of a Class B misdemeanor, which is punishable by a fine not to exceed \$1,000, confinement in jail for up to 90 days, or both. A person is also guilty of a Class B misdemeanor, if he or she makes a telephone call or sends a message over a computer system with intent to frighten,

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intimidate, threaten, or abuse the recipient of the call or message, if the call or message uses any obscene, lewd, or profane language or suggests any lascivious act, or if the call or message is made with intent to prevent disclosure of the actor's identity.

This bill makes it a Class E felony to post or display on a computerized communication system any message that invites others to harass a person or that invites others to send messages or make telephone calls to the person using obscene, lewd, or profane language or suggesting a lascivious act, if the following two conditions apply: 1) the actor provides information in the message on how to contact the person; and 2) the actor intends that the person be harassed or that obscene, lewd, or profane messages or calls be sent or made to the person. A class E felony is punishable by a fine not to exceed \$10,000; a term of confinement in prison followed by a term of extended supervision that together may not exceed five years; or both.

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

SECTION 1. 947.0125 (4) of the statutes is created to read:

947.0125 (4) Whoever posts or displays a message on a computerized
communication system under any of the following circumstances, if the message
includes information on how to contact the individual who is the subject of the
message, is guilty of a Class E felony:

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(a) The message invites another to harass the individual and the person who posts or displays the message intends that another harass the individual.

8 (b) The message invites another to send mail or a message to the individual or 9 make a telephone call to the individual and use obscene, lewd, or profane language, 10 or suggest any lewd or lascivious act in the mail, message, or telephone call, and the 11 person who posts or displays the message intends that another send mail or a 12 message to the individual or make a telephone call to the individual using obscene, 13 lewd, or profane language or suggesting any lewd or lascivious act.

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