

2003 Assembly Bill 738

Date of enactment: **April 12, 2004**
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2003 WISCONSIN ACT 222

AN ACT *to amend* 940.32 (1) (a) 10., 940.32 (2) (a), 940.32 (2) (b), 940.32 (2) (c), 940.32 (2e) (b) and 940.32 (2e) (c); and *to create* 940.32 (1) (a) 6m., 940.32 (1) (d) and 940.32 (3m) of the statutes; **relating to:** stalking.

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

SECTION 1. 940.32 (1) (a) 6m. of the statutes is created to read:

940.32 (1) (a) 6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

SECTION 2. 940.32 (1) (a) 10. of the statutes is amended to read:

940.32 (1) (a) 10. Causing a person to engage in any of the acts described in subds. 7, 1 to 9.

SECTION 3. 940.32 (1) (d) of the statutes is created to read:

940.32 (1) (d) "Suffer serious emotional distress" means to feel terrified, intimidated, threatened, harassed, or tormented.

SECTION 4. 940.32 (2) (a) of the statutes is amended to read:

940.32 (2) (a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

SECTION 5. 940.32 (2) (b) of the statutes is amended to read:

940.32 (2) (b) The actor ~~intends~~ knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

SECTION 6. 940.32 (2) (c) of the statutes is amended to read:

940.32 (2) (c) The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

SECTION 7. 940.32 (2e) (b) of the statutes is amended to read:

940.32 (2e) (b) The actor ~~intends~~ knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

SECTION 8. 940.32 (2e) (c) of the statutes is amended to read:

940.32 (2e) (c) The actor's act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 9. 940.32 (3m) of the statutes is created to read:

940.32 (3m) A prosecutor need not need show that a victim received or will receive treatment from a mental

health professional in order to prove that the victim suffered serious emotional distress under sub. (2) (c) or (2e) (c).
