

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1029**

February 28, 2006 – Offered by Representative DAVIS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete the material beginning with “providing” and ending
3 with “authority,” on line 5.

4 **2.** Page 4, line 9: delete the material beginning with “may” and ending with
5 “department” on line 11 and substitute “can be used to initiate an electronic
6 communication with a minor, as the department may determine”.

7 **3.** Page 4, line 20: after “message,” insert “or to procure transmission of a
8 message,”.

9 **4.** Page 4, line 23: delete “; RULES”.

10 **5.** Page 5, line 5: delete lines 5 and 6 and substitute “department shall include
11 in the registry a contact point for which the parent, guardian, or legal custodian is
12 responsible, if the contact point may be accessed by the minor. The department may
13 not charge a fee”.

1 **6.** Page 5, line 11: delete “a state” and substitute “an”.

2 **7.** Page 5, line 17: delete “promulgate rules for” and substitute “do”.

3 **8.** Page 5, line 18: delete “Establishing, maintaining, and monthly updating”
4 and substitute “Establish, maintain, and monthly update”.

5 **9.** Page 5, line 19: delete “Establishing” and substitute “Establish”.

6 **10.** Page 6, line 6: delete lines 6 and 7 and substitute “section.”.

7 **11.** Page 6, line 19: delete the material beginning with “the rules” and ending
8 with “(2) (d)” on line 20 and substitute “rules the department may promulgate”.

9 **12.** Page 7, line 3: before “\$1,000” insert “An amount equal to”.

10 **13.** Page 7, line 4: before “\$3,000” insert “An amount equal to”.

11 **14.** Page 7, line 9: delete lines 9 to 19 and substitute:

12 “(c) *Private action.* 1. A parent, guardian, or legal custodian of a minor who
13 has registered a contact point under sub. (2) (b) may commence an action for to
14 recover damages as specified in subd. 3. against a person who sends a restricted
15 message to the contact point in violation of sub. (3) (a). Notwithstanding s. 814.04
16 (1), a court shall award reasonable attorney fees to a plaintiff who prevails in an
17 action under this subdivision.

18 2. A parent, guardian, or legal custodian of a minor who has obtained an
19 electronic mail address that contains a registered domain name may commence an
20 action for damages as specified in subd. 3. against a person who sends a restricted
21 message to the electronic mail address in violation of sub. (3) (b). Notwithstanding
22 s. 814.04 (1), a court shall award reasonable attorney fees to a plaintiff who prevails
23 in an action under this subdivision.

1 3. A parent, guardian, or legal custodian of a minor who prevails in an action
2 under subd. 1. or 2. shall recover as damages the greater of the following:

3 a. The amount of actual damages sustained by the parent, guardian, or legal
4 custodian as a result of the violation of this section.

5 b. An amount equal to \$1,000 per message sent in violation of sub. (3) (a) or (b)
6 to a contact point registered by the parent, guardian, or legal custodian, or to an
7 electronic mail address obtained by the minor.

8 c. An amount equal to \$3,000 per message sent in violation of sub. (3) (a) or (b)
9 to a contact point registered by the parent, guardian, or legal custodian, or to an
10 electronic mail address obtained by the minor, if the message is viewed by the
11 minor.”.

12 **15.** Page 7, line 23: delete lines 23 to 25.

13 **16.** Page 8, line 7: after that line insert:

14 “**SECTION 5m.** 227.01 (13) (zw) of the statutes is created to read:

15 227.01 **(13)** (zw) Establishes procedures for the creation, maintenance, and
16 updating of the family and school communications registry under s. 100.54, or
17 establishes procedures for verifying that a contact point, as defined in s. 100.54 (1)
18 (a), is not a registered contact point or an electronic mail address containing a
19 registered domain name.”.

20 **17.** Page 9, line 5: delete lines 5 to 17.

21 **18.** Page 9, line 18: delete lines 18 to 21 and substitute:

22 “**SECTION 10m. Effective date.**

