

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB29)

Received: **05/12/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **Tom Kelly**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit use of RFID tag or scanner to facilitate criminal act

Instructions:

See attached

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>
/?	csundber 05/14/2009 chanaman 05/26/2009	nmatzke 05/26/2009		_____			
/P1			phenry 05/26/2009	_____	mbarman 05/26/2009		
/1	chanaman 09/23/2009	kfollett 09/23/2009	rschluet 09/23/2009	_____	sbasford 09/23/2009	sbasford 09/23/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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JACKET
FOR
MISEMBRY
STASKUNAS

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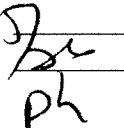
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/?	csundber						

FE Sent For:

<END>

Sundberg, Christopher

From: Kelly, Tom
Sent: Tuesday, May 12, 2009 11:34 AM
To: Sundberg, Christopher
Subject: Rep. Staskunas substitute amendment request

Hi Christopher.

Rep. Staskunas would like to introduce a substitute amendment to AB 29 (relating to the sale of consumer goods containing radio frequency identification tags).

Instead of banning the sale of RFIDs, Rep. Staskunas would like the sub to make it illegal to use an RFID tag or scanner to facilitate a criminal act. The penalty for a first offense should be a class C misdemeanor. A second offense should be a class B misdemeanor. A third or subsequent offense should be a class A misdemeanor.

The exec on AB 29 has been scheduled for June 4th, but Rep. Staskunas would like to share the amendment with some of his colleagues before that.

Thank you for your help in this matter.

Sincerely,

Tom Kelly
Office of Rep. Staskunas
Speaker Pro Tempore
212-North, State Capitol
608-266-0620

Hanaman, Cathlene

From: Sundberg, Christopher
Sent: Thursday, May 14, 2009 2:20 PM
To: Hanaman, Cathlene
Subject: FW: Rep. Staskunas substitute amendment request

I was about to draft this sub, but then I thought it might be a crime draft, seeing as how it's more of a "No person may use..." than a "No person may sell...". Do you agree?

From: Kelly, Tom
Sent: Tuesday, May 12, 2009 11:34 AM
To: Sundberg, Christopher
Subject: Rep. Staskunas substitute amendment request

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Hanaman, Cathlene

From: Sundberg, Christopher
Sent: Thursday, May 14, 2009 2:23 PM
To: Hanaman, Cathlene
Subject: FW: Rep. Staskunas substitute amendment request

Here's a couple more emails on the topic.

From: Kelly, Tom
Sent: Wednesday, May 13, 2009 5:54 PM
To: Sundberg, Christopher
Subject: RE: Rep. Staskunas substitute amendment request

RFIDs transmit whatever information they are programmed to transmit. From what I understand, that information is very limited by current technology. Rep. Schneider introduced AB 29 because of the implications of future technology.

From: Sundberg, Christopher
Sent: Wednesday, May 13, 2009 5:13 PM
To: Kelly, Tom
Subject: RE: Rep. Staskunas substitute amendment request

"Information" is pretty vague. Maybe "an RFID's unique serial number" (see the definition of RFID in AB 29)? Isn't that number the only information an RFID can provide?

From: Kelly, Tom
Sent: Wednesday, May 13, 2009 5:06 PM
To: Sundberg, Christopher
Subject: RE: Rep. Staskunas substitute amendment request

How about "an electronic device used to obtain information from an RFID"?

From: Sundberg, Christopher
Sent: Wednesday, May 13, 2009 4:53 PM
To: Kelly, Tom
Subject: RE: Rep. Staskunas substitute amendment request

Can you help provide some technical information? I'm thinking about how to identify or incorporate the "scanner" referred to in the instructions. I don't know much about the science behind RFIDs, but I'm not sure that "scanner" is the right word.

CS

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608-266-0620



TODAY

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 29**

Gen.

e

1 AN ACT ...; relating to: use of radio frequency identification tags to facilitate a
2 crime and providing penalties.

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

3 SECTION 1. 947.014 of the statutes is created to read:

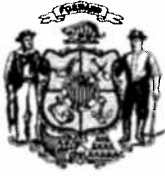
4 **947.014 Unlawful use of radio frequency identification tag.** (1) In this
5 section, "radio frequency identification tag" means a device encoded with a unique
6 serial number that receives or transmits a signal over radio waves.

7 (2) No person may use a radio frequency identification tag with intent to
8 facilitate the commission of a crime.

9 (3) A person who violates sub. (2) is guilty of the following:

10 (a) If the violation is the person's first violation, a Class C misdemeanor.

11 (b) If the violation is the person's 2nd violation, a Class B misdemeanor.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0060/P
CMH:nwn:ph

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 29

No
changes

Regen

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