



2011 SENATE BILL 540

March 2, 2012 – Introduced by Senator ZIPPERER, cosponsored by Representatives KRAMER and KESSLER. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

- 1 **AN ACT** *to create* 940.315 of the statutes; **relating to:** unlawful use of a global
2 positioning device and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it unlawful to place a global positioning device on another person's vehicle without that person's knowledge and consent or to intentionally obtain information regarding another person's movement or location generated by a global positioning device without that person's knowledge or consent. The bill also makes it unlawful for a person to place a global positioning device on a vehicle used primarily by his or her spouse after a petition for an annulment, divorce, or legal separation has been filed without that person's knowledge and consent. A person who does any of these acts is guilty of a Class A misdemeanor and is subject to a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both.

The provisions of the bill do not apply to a person who installs a factory-installed, subscription-based communication and navigation system, to a law enforcement officer acting in his or her official capacity, or to an employer who is tracking the movement or location of a commercial vehicle owned, leased, or assigned for use by the employer during business hours.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

SENATE BILL 540

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 940.315 of the statutes is created to read:

2 **940.315 Global positioning devices. (1)** Except as provided in sub. (2),
3 whoever places a global positioning device on a vehicle owned or used by another
4 person without that person's knowledge and consent or intentionally obtains
5 information regarding another person's movement or location generated by a global
6 positioning device without that person's knowledge or consent is guilty of a Class A
7 misdemeanor. This subsection does not apply to a person, acting within the scope of
8 his or her employment, who installs a factory-installed, subscription-based
9 communication and navigation system, to a law enforcement officer acting in his or
10 her official capacity, or to an employer, as defined in s. 343.245 (1) (b), acting to track
11 the movement or location of a commercial motor vehicle owned, leased, or assigned
12 for use by the employer during business hours.

13 **(2)** Whoever places a global positioning device on a vehicle used primarily by
14 his or her spouse after a petition for an annulment, divorce, or legal separation has
15 been filed without that person's knowledge and consent is guilty of a Class A
16 misdemeanor. This subsection does not apply to a person, acting within the scope of
17 his or her employment, who installs a factory-installed, subscription-based
18 communication and navigation system, to a law enforcement officer acting in his or
19 her official capacity, or to an employer, as defined in s. 323.245 (1) (b), acting to track

