

2015 DRAFTING REQUEST

Bill

Received: 11/9/2015 Received By: phurley
For: Van Wanggaard (608) 266-1832 Same as LRB: -3720
May Contact: By/Representing:
Subject: Criminal Law - miscellaneous Drafter: phurley
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Wanggaard@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal damage to or trespass on an energy utility property

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 11/17/2015	kfollett 11/10/2015	_____	lparisi 11/10/2015	srose 11/10/2015	State S&L
/2		kfollett 11/18/2015	_____	lparisi 11/18/2015	lparisi 11/18/2015	State S&L

FE Sent For:

at intro
12/18/15

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-37207
PJH:kjf

2015 BILL

3825/11

COMP

on

out 11/12

11-11

1 AN ACT *to create* 943.01 (2k) and 943.143 of the statutes; **relating to:** trespass
2 and damage to property owned or used by an energy provider and providing a
3 criminal penalty.

Analysis by the Legislative Reference Bureau

This bill increases the criminal penalty for intentionally damaging property from a Class A misdemeanor to a Class H felony if the property damaged is owned, leased, or operated by an energy provider and the actor intended to, or did, cause a substantial interruption of the energy provider's goods or services.

Under the bill, entering a property that is part of an electric generation, distribution, or transmission system or part of a natural gas distribution system without lawful authority or the consent of the energy provider that owns, operates, or leases the property is also a Class H felony.

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:

4 SECTION 1. 943.01 (2k) of the statutes is created to read:

5 943.01 (2k) (a) In this subsection, "energy provider" means any of the following:

BILL**SECTION 1**

1 1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:

2 a. The production, transmission, delivery, or furnishing of heat, power, or light.

3 b. The transmission or delivery of natural gas.

4 2. A transmission company under s. 196.485 (1) (ge).

5 3. A cooperative association organized under ch. 185 for the purpose of
6 producing or furnishing heat, light, or power exclusively for its members.

7 (b) Any person violating sub. (1) under all of the following circumstances is
8 guilty of a Class H felony:

9 1. The property damaged is owned, leased, or operated by an energy provider.

10 2. The actor intended to or did cause substantial interruption or impairment
11 of any service or good provided by the energy provider.

12 **SECTION 2.** 943.143 of the statutes is created to read:

13 **943.143 Criminal trespass to an energy provider property.** (1) In this
14 section:

15 (a) “Energy provider” means any of the following:

16 1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:

17 a. The production, transmission, delivery, or furnishing of heat, power, or light.

18 b. The transmission or delivery of natural gas.

19 2. A transmission company under s. 196.485 (1) (ge).

20 3. A cooperative association organized under ch. 185 for the purpose of
21 producing or furnishing heat, light, or power exclusively for its members.

22 (b) “Energy provider property” means property that is part of an electric
23 generation, distribution, or transmission system or part of a natural gas distribution
24 system and that is owned, leased, or operated by an energy provider.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3825/1
PJH:kjf

2
Mr

2015 BILL

11-18

1 AN ACT *to create* 943.01 (2k) and 943.143 of the statutes; **relating to:** trespass
2 and damage to property owned or used by an energy provider and providing a
3 criminal penalty.

Analysis by the Legislative Reference Bureau

energy plant or

This bill increases the criminal penalty for intentionally damaging property from a Class A misdemeanor to a Class H felony if the property damaged is owned, leased, or operated by an energy provider and the actor intended to, or did, cause a substantial interruption of the energy provider's goods or services.

Under the bill, entering a property that is part of an electric generation, distribution, or transmission system or part of a natural gas distribution system without lawful authority or the consent of the energy provider that owns, operates, or leases the property is also a Class H felony.

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:

4 SECTION 1. 943.01 (2k) of the statutes is created to read:

5 943.01 (2k) (a) In this subsection, "energy provider" means any of the following:

BILL

4. A wholesale merchant plant under s. 196.491(1)(w) that produces nuclear power.
5. A decommissioned nuclear power plant.

SECTION 1

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:

a. The production, transmission, delivery, or furnishing of heat, power, or light.

b. The transmission or delivery of natural gas.

2. A transmission company under s. 196.485 (1) (ge).

3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power exclusively for its members.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class H felony:

1. The property damaged is owned, leased, or operated by an energy provider.

2. The actor intended to or did cause substantial interruption or impairment of any service or good provided by the energy provider.

SECTION 2. 943.143 of the statutes is created to read:

943.143 Criminal trespass to an energy provider property. (1) In this section:

(a) "Energy provider" means any of the following:

1. A public utility under s. 196.01 (5) (a) that is engaged in any of the following:

a. The production, transmission, delivery, or furnishing of heat, power, or light.

b. The transmission or delivery of natural gas.

2. A transmission company under s. 196.485 (1) (ge).

3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power exclusively for its members.

(b) "Energy provider property" means property that is part of an electric generation, distribution, or transmission system or part of a natural gas distribution system and that is owned, leased, or operated by an energy provider.

4. A wholesale merchant plant under s. 196.491(1)(w) that produces nuclear power.

5. A decommissioned nuclear power plant.

BILL

1 (2) Whoever intentionally enters an energy provider property without lawful
2 authority and without the consent of the energy provider that owns, leases, or
3 operates the property is guilty of a Class H felony.

4 (END)

Rose, Stefanie

From: Kelly, Scott
Sent: Tuesday, November 10, 2015 4:26 PM
To: LRB.Legal
Subject: Draft Review: LRB -3825/1

Please Jacket LRB -3825/1 for the SENATE.