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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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<b>2015 Senate Bill 457</b>	<b>Senate Amendment 1</b>
<i>Memo published:</i> February 8, 2016	
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### **2015 SENATE BILL 457**

2015 Senate Bill 457 (the bill) provides criminal penalties for intentionally damaging or unlawfully entering certain property of an energy provider, which the bill defines as:

- A public utility that is engaged in the production, transmission, delivery, or furnishing of heat, power, or light; or the transmission or delivery of natural gas.
- An electric transmission company.
- A cooperative association organized for the purpose of producing or furnishing heat, light, or power for its members.
- A decommissioned nuclear power plant.
- A wholesale merchant plant that produces nuclear power.

### **Intentionally Damaging Property**

Under current law, whoever intentionally damages any physical property of another without the person's consent is guilty of a Class A misdemeanor, which is punishable with a fine of no more than \$10,000 or imprisonment for no longer than nine months, or both. If the property damaged belongs to a public utility or a common carrier and the damage is of a kind which is likely to impair the services of the public utility or common carrier, the person is guilty of a Class I felony. A Class I felony is punishable with a fine of no more than \$10,000 or imprisonment of three years and six months, or both.

The bill provides that whoever intentionally damages any physical property of another without the person's consent is guilty of a Class H felony if: (1) the damaged property is owned, leased, or operated by an energy provider; and (2) the actor intended to, or did, cause a

substantial interruption of the energy provider's goods or services. A Class H felony is punishable with a fine of no more than \$10,000 or imprisonment for no longer than six years, or both.

### **Unlawfully Entering Property**

Under current law, whoever enters any land of another without the person's consent is generally subject to a Class B forfeiture, for which the penalty is a forfeiture of no more than \$1,000.

The bill provides that whoever intentionally enters certain property of an energy provider without lawful authority and without the energy provider's consent is guilty of a Class H felony if: (1) the property is owned, leased, or operated by an energy provider; and (2) the property is part of an electric generation, distribution, or transmission system or is part of a natural gas distribution system.

### **SENATE AMENDMENT 1**

Senate Amendment 1 expands the definition of "energy provider" to include all wholesale merchant plants.

### **BILL HISTORY**

Senate Amendment 1 was offered by Senator Wanggaard on January 6, 2016. On January 27, 2016, the Senate Committee on Judiciary and Public Safety recommended adoption of Senate Amendment 1 on a vote of Ayes, 3; Noes, 2; and passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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