
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Senate Bill 235

**Senate Substitute
Amendment 1**

BACKGROUND

Under current law, it is a violation of the crime of stalking if all of the following apply:

- The actor intentionally engages in a “course of conduct” directed at another person.
- The “course of conduct” would have caused a reasonable person under the same circumstances to do any of the following: (1) suffer emotional distress; or (2) fear bodily injury or death of himself or herself or a member of his or her family or household.
- The actor knows or should have known that at least one of the acts that constitute the “course of conduct” will cause the specific person to do any of the following: (1) suffer serious emotional distress; or (2) place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- The actor’s acts cause the specific person to do any of the following: (1) suffer serious emotional distress; or (2) induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

“Course of conduct” is defined to mean “a series of two or more acts carried out over time, however short or long, that show a continuity of purpose” and includes a list of various types of actions, including the following:

- Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker, or friend of the victim.

2019 SENATE BILL 235

2019 Senate Bill 235 amends these two types of actions that are included in the definition of “course of conduct” to expressly include contacting a person through electronic means. Specifically, the bill amends these two types of actions to provide that the following is included in the definition of the course of conduct:

- Contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the victim’s telephone or electronic device or any other person’s telephone or electronic device to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues.

- Sending to the victim any physical or electronic material or contacting the victim by any means, including any message, comment, or other content posted on any Internet site or web application.
- For the purpose of obtaining information about, disseminating information about, or communicating with the victim, to sending any physical or electronic material to or contacting by any means, including any message, comment, or other content posted on any Internet site or web application, a member of the victim's family or household or an employer, coworker, or friend of the victim.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 amends the actions related to contacting persons other than the victim, listed in the third bullet point above, in the following two ways: (1) to specify that the course of conduct includes sending messages to any "current or former employer"; and (2) to reorganize the way the action is phrased. Under the substitute amendment, the actions that are included in the definition of course of conduct, described in the third bullet point above, include the following:

Sending to a member of the victim's family or household, or any current or former employer, of the victim, or any current or former coworker of the victim, or any friend of the victim, any physical or electronic material, or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application for the purpose of obtaining information about, disseminating information about, or communicating with the victim.

BILL HISTORY

Senator Jacque offered Senate Substitute Amendment 1 to Senate Bill 235 on October 16, 2019. On October 29, 2019, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of the substitute amendment and passage of Senate Bill 235, as amended.

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