2019 SENATE BILL 386


AN ACT to amend 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,
943.143 (1) (a) 3. and 943.143 (1) (b); and to create 943.01 (2k) (a) 6., 943.01 (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; relating to:
trespassing on the property of an energy provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class H felony to trespass on the property of an energy provider or to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of “energy provider” is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

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.

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

SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read:
943.01 (2k) (a) 1. a. The production, transmission, delivery, or furnishing of heat, power, or light, or water.

SECTION 2. 943.01 (2k) (a) 3. of the statutes is amended to read:

943.01 (2k) (a) 3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power, or water for its members.

SECTION 3. 943.01 (2k) (a) 6. of the statutes is created to read:

943.01 (2k) (a) 6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, storage transportation, or delivery system.

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

943.01 (2k) (c) Paragraph (b) does not apply to any of the following:

1. Any person who is:

   a. Monitoring compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements.

   b. Engaging in picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning any of the following: wages or salaries; hour; working conditions; benefits, including welfare, sick leave, insurance, pension or retirement provisions; or the managing or maintenance of collective bargaining agreements and the terms to be included in those agreements.

   c. Engaged in union organizing or recruitment activities that is otherwise lawful including attempting to reach workers verbally, in writing, and in the investigation of non-union working conditions.

2. An exercise of a person's right of free speech or assembly that is otherwise lawful.
SECTION 5. 943.143 (1) (a) 1. a. of the statutes is amended to read:

943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of heat, power, or light, or water.

SECTION 6. 943.143 (1) (a) 3. of the statutes is amended to read:

943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power, or water for its members.

SECTION 7. 943.143 (1) (a) 6. of the statutes is created to read:

943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, storage, transportation, or delivery system.

SECTION 8. 943.143 (1) (b) of the statutes is amended to read:

943.143 (1) (b) “Energy provider property” means property that is part of an electric, generation, distribution, or transmission, or part of a natural gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, transmission, or distribution system and that is owned, leased, or operated by an energy provider.

SECTION 9. 943.143 (3) of the statutes is created to read:

943.143 (3) This section does not apply to any of the following:

(a) Any person who is:

1. Monitoring compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements.

2. Engaging in picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning any of the following: wages or salaries; hour; working conditions; benefits, including welfare, sick leave, insurance, pension or retirement provisions; or the managing or
maintenance of collective bargaining agreements and the terms to be included in those agreements.

3. Engaging in union organizing or recruitment activities that are otherwise lawful including attempting to reach workers verbally, in writing, and in the investigation of non-union working conditions.

(b) An exercise of a person’s right of free speech or assembly that is otherwise lawful.

(END)