



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0168/2  
PJH:jld:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 171**

October 15, 2009 – Offered by COMMITTEE ON PERSONAL PRIVACY.

1     **AN ACT** *to create* 940.315, 968.355 and 968.365 of the statutes; **relating to:**  
2             unlawful use of a global positioning device and providing a penalty.

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

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

4             **940.315 Global positioning devices.** (1) Whoever places a global  
5             positioning device on a vehicle owned by another person without that person's  
6             knowledge and consent or intentionally obtains information regarding another  
7             person's movement or location generated by a global positioning device without that  
8             person's knowledge or consent is guilty of a Class A misdemeanor. This section does  
9             not apply to a person, acting within the scope of his or her employment, who installs  
10            a subscription-based communication or navigation system, to a law enforcement  
11            officer acting in his or her official capacity and pursuant to a warrant issued under  
12            s. 968.365, or to an employer, as defined in s. 343.245 (1) (b), acting to track the

1 movement or location of a commercial motor vehicle owned, leased, or assigned for  
2 use by the employer during business hours.

3 (2) Whoever places a global positioning device on a vehicle used primarily by  
4 his or her spouse after a petition for an annulment, divorce, or legal separation has  
5 been filed without that person's knowledge and consent is guilty of a Class A  
6 misdemeanor. This subsection does not apply to a law enforcement officer acting in  
7 his or her official capacity or to an employer, as defined in s. 323.245 (1) (b), acting  
8 to track the movement or location of a commercial vehicle owned, leased, or assigned  
9 for use by the employer during business hours.

10 **SECTION 2.** 968.355 of the statutes is created to read:

11 **968.355 Application for an order for global positioning device.** (1) The  
12 attorney general or a district attorney may make application for an order or an  
13 extension of an order under s. 968.365 authorizing or approving the installation and  
14 use of a global positioning device, in writing under oath or equivalent affirmation,  
15 to a circuit court for the county where the device is to be located.

16 (2) An application under sub. (1) shall include all of the following:

17 (a) The identity of the person making the application and the identity of the law  
18 enforcement agency conducting the investigation.

19 (b) A full and complete statement of the facts and circumstances relied upon  
20 by the applicant, to justify the applicant's belief that an order should be issued or  
21 extended, including:

22 1. Details of the particular offense that the applicant has probable cause to  
23 believe has been, is being, or is about to be committed by the person who owns the  
24 vehicle to which the global positioning device is to be attached.

1           2. A certification by the applicant that the information likely to be obtained is  
2 relevant to the ongoing criminal investigation being conducted by that agency.

3           **SECTION 3.** 968.365 of the statutes is created to read:

4           **968.365 Issuance of an order for a global positioning device.** (1) Upon  
5 an application made under s. 968.355, the court shall enter an ex parte order  
6 authorizing the installation and use of a global positioning device within the  
7 jurisdiction of the court if the court finds that the applicant has proved to the court  
8 that there is probable cause to believe that the person who owns the vehicle to which  
9 the global positioning device is to be attached has, is, or will commit an offense and  
10 that the applicant has certified to the court that the information likely to be obtained  
11 by the installation and use is relevant to an ongoing criminal investigation.

12           (2) An order issued under this section shall do all of the following:

13           (a) Specify the identity, if known, of the person who owns the vehicle to which  
14 the global positioning device is to be attached.

15           (b) Specify the identity, if known, of the person who is the subject of the criminal  
16 investigation.

17           (c) Specify, if known, the registration plate numbers and the color, make, model,  
18 and year of any motor vehicle to which the global positioning device is to be attached.

19           (d) Provide a statement of the offense to which the information likely to be  
20 obtained by the global positioning device relates.

21           (3) An order issued under this section shall authorize the installation and use  
22 of a global positioning device for a period not to exceed 60 days.

23           (4) Extensions of the order may be granted, but only upon an application for  
24 an order under s. 968.355 and upon the judicial finding required by sub. (1). The  
25 period of extension shall be for a period not to exceed 60 days.

