



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 222 [2003 Assembly Bill 738]	Stalking
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 222 makes various modifications to the offense of stalking. Stalking is a Class I felony, punishable by a term of imprisonment and extended supervision not to exceed 3-½ years and a fine of \$10,000.

The crime of stalking includes three elements. The *first element* is that the actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to fear bodily injury or the death of himself or herself or a member of his or her family or household. The Act also applies the stalking offense to a course of conduct that would cause a reasonable person to suffer serious emotional distress. The Act defines “suffer serious emotional distress” as to feel terrified, intimidated, threatened, harassed, or tormented.

“Course of conduct” is defined as a series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.
4. Appearing at the victim’s home or contacting the victim’s neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. 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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, sending material to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

The Act adds to the activities that may be considered in establishing the defendant's course of conduct photographing, videotaping, audiotaping or, through any other electronic means, monitoring or recording the activities of a specific person. In addition, under the Act, causing another person to engage in any of the acts described above may be considered in establishing a course of conduct.

The *second element* is that the actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the victim in reasonable fear of bodily injury or death, as described above. Prior law required a showing that the actor intended that at least one of the acts that constituted the course of conduct would 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 *third element* is that the actor's acts must cause the person to suffer serious emotional distress or induce fear of bodily injury or death of himself or herself or a member of his or her family or household. Prior law required a showing that the actor's acts induced fear of bodily injury or death in the specific person.

Effective Date: Act 222 becomes effective on April 27, 2004.

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