



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2015 Wisconsin Act 369**  
[2015 Senate Bill 546]

**Internet Crimes Against Children**

### INTERNET CRIMES AGAINST CHILDREN APPROPRIATION

2015 Wisconsin Act 369 transfers \$1,000,000 from an existing appropriation for drug law enforcement, crime laboratories, and genetic evidence activities to a new appropriation that may be used for criminal investigative operations and law enforcement relating to Internet crimes against children, prosecution of Internet crimes against children, and activities of state and local Internet crimes against children task forces.

### ADMINISTRATIVE SUBPOENA AUTHORITY

The Act also authorizes the Attorney General (AG) or his or her designee to issue an administrative subpoena upon an electronic communication service or remote computing service (Internet service provider) to compel an Internet service provider to produce certain information. Specifically, the Act authorizes the AG or his or her designee to issue an administrative subpoena upon an Internet service provider to compel the production of information about a customer or subscriber if both of the following apply:

- The information likely to be obtained is relevant to an ongoing investigation of an Internet crime against a child.
- The AG or his or her designee has reasonable cause to believe that an Internet or electronic service account provided by an electronic communication service or remote computing service has been used in the crime.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Under the Act, an “Internet crime against a child” is defined as the commission of, or the solicitation, conspiracy, or attempt to commit, any of the following crimes:

- A violation of sexual exploitation of a child, use of a computer to facilitate a child sex crime, exposing a child to harmful material or harmful descriptions or narrations, or possession of child pornography.
- A violation of crimes against children under ch. 948, Stats., that involves the use of a device that permits the transmission of wire or electronic communications or images through an electronic communications service, as defined under the statutes, or a remote computing service, as defined under the statutes.

The Act requires that the subpoena describe each record or other information pertaining to a customer or subscriber of the service to be produced. The Act also requires that the subpoena prescribe a reasonable return date by which the person served with the subpoena must assemble each record or other information and make them available. The subpoena may be issued to compel the production of any of the following information about the customer or subscriber:

- Name.
- Address.
- Duration, including the start date and end date, of the assignment of any Internet protocol address to the customer or subscriber.

The Act also allows the person served with a subpoena to petition a court to modify or quash the subpoena, or to prohibit disclosure of information by the court. Such a petition may be made before the return date specified in the subpoena.

If the investigation into an Internet crime against a child does not result in a prosecution or other proceeding against a person, the Act requires the AG or his or her designee to either destroy, or return to the person who produced the records, information requested by the subpoena. If certain conditions are met, the Act also permits the AG or his or her designee to order that the subpoena be kept confidential until after all requested documents and records are produced. Records and information produced in response to a subpoena are not subject to Wisconsin’s Open Records Law, except that the AG or his or her designee may disclose the records and information to another law enforcement agency, an Internet crimes against children task force, or a district attorney.

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