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State of Misconsin 2013 - 2014 LEGISLATURE



## 2013 ASSEMBLY BILL 767

February 14, 2014 – Introduced by Representatives NEYLON, AUGUST, STRACHOTA, CRAIG, SANFELIPPO, MURPHY, BIES, A. OTT, MARKLEIN, KNUDSON, CZAJA, TRANEL, KLEEFISCH, KESSLER, SINICKI, HINTZ, HEBL, C. TAYLOR, VRUWINK and NASS, cosponsored by Senators GROTHMAN and CARPENTER. Referred to Committee on Criminal Justice.

1 AN ACT *to create* 940.315 of the statutes; **relating to:** unlawful use of a global

positioning device and providing a penalty.

## Analysis by the Legislative Reference Bureau

This bill prohibits certain uses of a global positioning device (GPS). Under the bill, a person who places a GPS on a vehicle owned by another person without that person's knowledge or who intentionally obtains information regarding another person's movement or location generated by a GPS without that person's knowledge is guilty of a Class A misdemeanor. Additionally, under the bill a person who places a GPS on a vehicle used primarily by his or her spouse without the spouse's knowledge after a petition for an annulment, divorce, or legal separation has been filed is guilty of a Class A misdemeanor.

The bill creates exceptions for a person who installs a subscription-based communication or navigation system, for an employer who places a GPS to track, during business hours, commercial motor vehicles used for his or her business, and for a law enforcement officer acting in his or her official capacity.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

## **ASSEMBLY BILL 767**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

940.315 Global positioning devices. (1) Whoever places a global
positioning device on a vehicle owned by another person without that person's
knowledge or intentionally obtains information regarding another person's
movement or location generated by a global positioning device without that person's
knowledge is guilty of a Class A misdemeanor.

7 (2) Whoever places a global positioning device on a vehicle used primarily by
8 his or her spouse without that person's knowledge after a petition for an annulment,
9 divorce, or legal separation has been filed is guilty of a Class A misdemeanor.

(3) This section does not apply to a person, acting within the scope of his or her
employment, who installs a subscription-based communication or navigation
system, to a law enforcement officer acting in his or her official capacity, or to an
employer, as defined in s. 343.245 (1) (b), acting to track the movement or location
during business hours of a commercial motor vehicle owned, leased, or assigned for
use by the employer.

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(END)