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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** Melissa Schmidt, Senior Staff Attorney, and Raine Black, Legal Intern

March 23, 2020

### 2019 Wisconsin Act 132 [2019 Assembly Bill 454]

### The Crime of Swatting

State law contains various crimes that prohibit intentionally conveying false information in certain circumstances, such as bomb scares, false alarms to public officers, and threats to release harmful substances, among others.

2019 Wisconsin Act 132 creates the crime of swatting, which prohibits a person from intentionally conveying, or causing to be conveyed, any false information that an emergency exists if the information elicits, or could elicit, a response from a specialized tactical team.<sup>1</sup>

Under the act, a violation of the crime of swatting is a Class I felony. It is a Class H felony if the violation results in bodily harm<sup>2</sup> to any person; and it is a Class E felony if the violation results in great bodily harm<sup>3</sup> to any person. The penalty for a Class I felony is a fine of up to \$10,000, imprisonment up to three years and six months, or both. The penalty for a Class H felony is a fine of up to \$10,000, imprisonment of up to six years, or both. The penalty for a Class E felony is a fine of up to \$50,000, imprisonment of up to 15 years, or both.

**Effective date:** March 5, 2020.

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<sup>1</sup> The act defines a “specialized tactical team” as “a special weapons and tactics team or a tactical response team that is designated by a law enforcement agency and whose members are recruited, selected, trained, equipped, and assigned to resolve critical incidents that involve a threat to public safety.”

<sup>2</sup> “Bodily harm” means “physical pain or injury, illness, or any impairment of physical condition.” [s. 939.22 (4), Stats.]

<sup>3</sup> “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.” [s. 939.22 (14), Stats.]