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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-1141/1 PJH:kjf:jm

2015 ASSEMBLY BILL 19

January 29, 2015 – Introduced by Representatives Neylon, Knudson, Czaja, Craig, T. Larson, August, Murphy, Kleefisch, Ballweg, Tittl, Thiesfeldt, E. Brooks, Tranel, Kahl, Hutton, Mursau, Kremer, Murtha, Hintz, Sargent, Genrich, Sinicki, Kessler, Ohnstad, Subeck and Doyle, cosponsored by Senators Petrowski, Marklein, Olsen, Cowles, Carpenter, C. Larson and L. Taylor. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 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 a parent or guardian who places a GPS to track the movement or location of his or her minor child or ward, for a business owner who places a GPS to track a motor vehicle used for his or her business, for a lienholder who places a GPS to track a motor vehicle for the purpose of repossessing the vehicle, 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.

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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 or leased 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.

- (2) Whoever places a global positioning device on a vehicle used primarily by his or her spouse without that person's knowledge after a petition for an annulment, 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, to a parent or guardian acting to track the movement or location of his or her minor child or minor ward, to a lienholder or agent of a lienholder acting to track the movement or location of a motor vehicle in order to repossess the motor vehicle, or to an employer or business owner acting to track the movement or location of a motor vehicle owned, leased, or assigned for use by the employer or business owner.

18 (END)