



2019 ASSEMBLY BILL 68

March 7, 2019 - Introduced by Representatives KULP, QUINN, KOLSTE, SPIROS, SPREITZER, TITTL, SORTWELL, NOVAK, RAMTHUN, ROHRKASTE, SKOWRONSKI, SINICKI, VRUWINK, TUSLER, THIESFELDT, PRONSCHINSKE, C. TAYLOR and SUBECK, cosponsored by Senators BEWLEY, MARKLEIN and JACQUE. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT** *to amend* 947.0125 (2); and *to create* 947.0125 (4) of the statutes;
2 **relating to:** creating a false identity on social media and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of a Class B misdemeanor if he or she, with the intent to frighten, intimidate, threaten, abuse, or harass, sends an e-mail or other electronic message that threatens a person or property, that contains obscene, lewd, or profane language or suggests a lewd or lascivious act, or while intentionally preventing the disclosure of his or her identity. This bill adds to the list of intentions the intent to defraud or harm and adds that it is a Class B misdemeanor if the person posts such a message, not just sends a message. In addition, this bill provides that a person is guilty of a Class B misdemeanor if he or she, with the intent to frighten, intimidate, harm, threaten, abuse, harass, or defraud, knowingly uses a name or other likeness of another person on a computerized communication system to create a false identity without that person's consent (a practice commonly known as catfishing).

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.

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

ASSEMBLY BILL 68**SECTION 1**

1 **SECTION 1.** 947.0125 (2) of the statutes is amended to read:

2 947.0125 (2) Whoever, with the intent to frighten, intimidate, harm, threaten,
3 abuse, harass, or defraud, does any of the following is guilty of a Class B
4 misdemeanor:

5 (a) ~~With intent to frighten, intimidate, threaten, abuse or harass another~~
6 ~~person,~~ Posts or sends a message to ~~the~~ a person on an electronic mail or other
7 computerized communication system and in that message threatens to inflict injury
8 or physical harm to any person or the property of any person.

9 (b) ~~With intent to frighten, intimidate, threaten, abuse or harass another~~
10 ~~person,~~ Posts or sends a message on an electronic mail or other computerized
11 communication system with the reasonable expectation that ~~the~~ a person will receive
12 the message and in that message threatens to inflict injury or physical harm to any
13 person or the property of any person.

14 (c) ~~With intent to frighten, intimidate, threaten or abuse another person,~~ Posts
15 or sends a message to ~~the~~ a person on an electronic mail or other computerized
16 communication system and in that message uses any obscene, lewd, or profane
17 language or suggests any lewd or lascivious act.

18 (d) ~~With intent to frighten, intimidate, threaten or abuse another person,~~ Posts
19 or sends a message on an electronic mail or other computerized communication
20 system with the reasonable expectation that ~~the~~ a person will receive the message
21 and in that message uses any obscene, lewd, or profane language or suggests any
22 lewd or lascivious act.

23 (e) ~~With intent to frighten, intimidate, threaten or abuse another person,~~ Posts
24 or sends a message to ~~the~~ a person on an electronic mail or other computerized

ASSEMBLY BILL 68

1 communication system while intentionally preventing or attempting to prevent the
2 disclosure of his or her own identity.

3 (f) While intentionally preventing or attempting to prevent the disclosure of his
4 or her identity ~~and with intent to frighten, intimidate, threaten or abuse another~~
5 ~~person,~~ posts or sends a message on an electronic mail or other computerized
6 communication system with the reasonable expectation that ~~the~~ a person will receive
7 the message.

8 **SECTION 2.** 947.0125 (4) of the statutes is created to read:

9 947.0125 (4) (a) Whoever, with intent to frighten, intimidate, harm, threaten,
10 abuse, harass, or defraud, knowingly uses a name, voice, signature, photograph, or
11 other likeness of another person on any computerized communication system to
12 create a false identity without such person's consent, or in the case of a minor the
13 consent of his or her parent or legal guardian, is guilty of a Class B misdemeanor.

14 (b) Paragraph (a) does not apply to satire or parody.

15 (END)