



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4684/1
CMH:jld

2017 SENATE BILL 513

November 6, 2017 - Introduced by Senators BEWLEY and OLSEN, cosponsored by Representatives KULP, QUINN, TITTL, KOLSTE, BERCEAU, SUBECK, NEYLON, SPREITZER and SPIROS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 947.0125 (2); and *to create* 947.0125 (4) of the statutes;
2 **relating to:** impersonation of another on social media and providing criminal
3 penalties.

Analysis by the Legislative Reference Bureau

Under this bill, an individual is guilty of a Class B misdemeanor if he or she impersonates another in an email or on a social network or other social media (commonly known as “catfishing”) with the intent to frighten, intimidate, harm, threaten, abuse, harass, defraud, or obtain a benefit if a reasonable person would believe that the impersonator was the individual being impersonated.

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

4 **SECTION 1.** 947.0125 (2) of the statutes is amended to read:
5 947.0125 (2) Whoever, with the intent to frighten, intimidate, harm, threaten,
6 abuse, harass, defraud, or obtain a benefit, does any of the following is guilty of a
7 Class B misdemeanor:

SENATE BILL 513**SECTION 1**

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

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

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

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

19 (e) ~~With intent to frighten, intimidate, threaten or abuse another person,~~ Posts
20 or sends a message to ~~the~~ a person on an electronic mail or other computerized
21 communication system while intentionally preventing or attempting to prevent the
22 disclosure of his or her own identity.

23 (f) While intentionally preventing or attempting to prevent the disclosure of his
24 or her identity ~~and with intent to frighten, intimidate, threaten or abuse another~~
25 ~~person,~~ , posts or sends a message on an electronic mail or other computerized

SENATE BILL 513

1 communication system with the reasonable expectation that ~~the~~ a person will receive
2 the message.

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

4 947.0125 (4) (a) Whoever, with intent to frighten, intimidate, harm, threaten,
5 abuse, harass, defraud, or obtain a benefit, uses a name, voice, signature,
6 photograph, or other likeness that does not belong to him or her to post or message
7 on social media, on a social network, or in a message sent on an electronic mail or
8 other computerized communication system, regardless of whether the name, voice,
9 signature, photograph, or other likeness belongs to an actual person, if a reasonable
10 person would believe that the actor is the other person, is guilty of a Class B
11 misdemeanor.

12 (b) Paragraph (a) does not apply if the person being impersonated under par.
13 (a) is an actual person who has given consent to be impersonated or, in the case of
14 a minor being impersonated, if the minor's parent or guardian has given consent.

15 (c) Paragraph (a) does not apply to satire or parody.

16 (END)