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TO: Members of the Assembly Committee on Criminal Justice
FROM: Representative André Jacque
DATE: November 7, 2013
RE: Assembly Bill 156

Chairman Kleefisch and Colleagues:

Thank you for the opportunity to testify before you today as the author of Assembly Bill 156.

Earlier this year I reintroduced legislation to close a loophole in Wisconsin's statutes which allows for cyberharassment by proxy. Although it is currently illegal to use the Internet or email to harass another person, it is not illegal to encourage others, known or unknown to a perpetrator, to harass someone.

Cyberharassment by proxy commonly occurs when a person uses another person's email address or user name, or creates an imposter account to encourage harassment of a victim. The perpetrator may contact everyone in their address book and spread sexual innuendos and materials, lies and purposefully inflammatory messages, and reveal contact or personal information about the victim. In some cases, websites dedicated to harassing a person have been created, and the victim may not be able to identify who the harasser is.

Similar to current penalties for harassment, under this bill a person is guilty of a Class A misdemeanor if he or she sends, posts, or displays a message on a computerized communication that invites another person to harass a third person or that invites another person to contact the third person using obscene, lewd, or profane language or suggesting a lewd or lascivious act.

Under the AB 156, a person is guilty of inviting harassment if all of the following apply: 1) the person sends, posts, or displays a message on a computerized communication system; 2) the message invites another person to contact a specified victim; 3) the person's message includes information on how to contact the victim; 4) the person intends that the victim be harassed, frightened, intimidated, threatened, or abused by the contact from the other person; 5) the person intends that the contact from the other person serve no legitimate purpose; and 6) as a result of the message, another person contacts the victim and the victim is harassed, frightened, intimidated, threatened, or abused by the contact.

A person is guilty of inviting obscene, lewd, or profane contact if all of the following apply: 1) the person sends, posts, or displays a message on a computerized communication system; 2) the message invites another person to contact a specified victim using obscene, lewd, or profane language or suggesting a lewd or lascivious act; 3) the person's message includes information on how to contact the victim; 4) the person intends the victim to be harassed, frightened, intimidated, threatened, or abused by the contact from the other person; and 5) as a result of the person's message, another person contacts the victim using obscene, lewd, or profane language or suggesting a lewd or lascivious act and the victim is harassed, frightened, intimidated, threatened, or abused by the contact.

This legislation is modeled after 2007 Assembly Bill 51, which had strong bipartisan support and passed the Assembly by a 93-1 vote. In the 2003 and 2005 sessions this bill also received broad support as it passed in the Assembly unanimously on voice votes and also passed unanimously in the Senate Committee on Judiciary, Corrections and Privacy.

Thank you again for your time and for your consideration of Assembly Bill 156.