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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** David Moore, Senior Staff Attorney

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### 2021 Wisconsin Act 28 [2021 Senate Bill 85]

### Stalking

2021 Wisconsin Act 28 makes changes to the crime of stalking to explicitly include contacting a victim or the victim's family through various electronic means.

Under Wisconsin's stalking law, a person is guilty of a Class I felony if all of the following apply:

- The person intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.
- The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

For the purposes of this crime, "course of conduct" is defined to mean "a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose," including a variety of statutorily enumerated acts. 2021 Wisconsin Act 28 modifies several of these statutorily enumerated acts to include contacting or sending communications or messages to a victim or victim's family through various electronic means, such as by sending a text message or e-mail or posting a message, comment, or other content on any Internet website or web application.

**Effective date:** April 25, 2021

DM:mca;jal