



1995 SENATE BILL 437

November 22, 1995 - Introduced by Senators HUELSMAN, ROSENZWEIG, BUETTNER, PANZER and FITZGERALD, cosponsored by Representatives NASS, SCHNEIDERS, GOETSCH, LA FAVE, OWENS, BALDUS, LADWIG, WIRCH, OLSEN and WILDER. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber and amend* 946.68 (1); *to amend* 943.60 (1), 946.68 (2) and
2 946.69 (2) (intro.); and *to create* 946.68 (1) (c) of the statutes; **relating to:**
3 criminal slander of title, simulating legal process and falsely assuming to act
4 as a public officer, public employe or utility employe and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill changes current law governing criminal slander of title, simulating legal process and falsely assuming to act as a public officer, public employe or utility employe. Specifically, current law, and the changes made by this bill, are as follows:

Criminal slander of title

Under current law, no person may submit for filing, docketing or recording any legal instrument relating to title in real or personal property if he or she knows that the contents or any part of the contents of the instrument are false, a sham or frivolous. A person who violates this prohibition may be imprisoned for not more than 2 years or fined not more than \$10,000 or both. This bill increases the penalty for violating this prohibition by providing that a violator may be imprisoned for not more than 5 years or fined not more than \$10,000 or both.

Simulating legal process

Under current law, no person may, with the intent to induce payment of a claim, send or deliver to another person any document that simulates a summons, complaint or court process. A person who violates this prohibition may be imprisoned for not more than 90 days or fined not more than \$1,000 or both.

The bill expands the prohibition under current law by providing that no person may send or deliver a document that simulates any legal process, and by removing the requirement that the simulated legal process be sent or delivered with the intent to induce payment of a claim. The bill also increases the penalties for violating the prohibition by providing that a violator may be imprisoned for not more than 2 years

or fined not more than \$10,000 or both, except that if the document is sent or delivered with the intent to induce payment of a claim or if the document simulates any criminal process the violator may be imprisoned for not more than 5 years or fined not more than \$10,000 or both.

Falsely assuming to act as a public officer, public employe or employe of a utility

Under current law, no person may do any of the following: 1) assume to act in an official capacity or assume to perform an official function if the person knows that he or she is not the public officer, public employe or utility employe that he or she assumes to be; or 2) exercise any function of a public office if the person knows that he or she is not qualified to exercise that function or that he or she no longer has the right to exercise that function. A person who violates these prohibitions may be imprisoned for not more than 9 months or fined not more than \$10,000 or both. This bill increases the penalty for violating these prohibitions by providing that a violator may be imprisoned for not more than 2 years or fined not more than \$10,000 or both.

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

1 **SECTION 1.** 943.60 (1) of the statutes is amended to read:

2 943.60 (1) Any person who submits for filing, docketing or recording any lien,
3 claim of lien, lis pendens, writ of attachment or any other instrument relating to title
4 in real or personal property, knowing the contents or any part of the contents to be
5 false, sham or frivolous, is guilty of a Class ~~E~~ D felony.

6 **SECTION 2.** 946.68 (1) of the statutes is renumbered 946.68 (1) (a) and amended
7 to read:

8 946.68 (1) (a) ~~Whoever~~ Except as provided in pars. (b) and (c), whoever sends
9 or delivers to another any document which simulates ~~a summons, complaint, or court~~
10 legal process is guilty of a Class E felony.

11 (b) If the document under par. (a) is sent or delivered with intent thereby to
12 induce payment of a claim, the person is guilty of a Class B misdemeanor D felony.

13 **SECTION 3.** 946.68 (1) (c) of the statutes is created to read:

1 946.68 (1) (c) If the document under par. (a) simulates any criminal process,
2 the person is guilty of a Class D felony.

3 **SECTION 4.** 946.68 (2) of the statutes is amended to read:

4 946.68 (2) Proof that ~~the~~ a document specified under sub. (1) was mailed or was
5 delivered to any person with intent that it be forwarded to the intended recipient is
6 sufficient proof of sending.

7 **SECTION 5.** 946.69 (2) (intro.) of the statutes is amended to read:

8 946.69 (2) (intro.) Whoever does any of the following is guilty of a ~~Class A~~
9 ~~misdemeanor~~ Class E felony:

10 **SECTION 6. Initial applicability.**

11 (1) This act first applies to offenses occurring on the effective date of this
12 subsection.

13

(END)