

BOB KULP

STATE REPRESENTATIVE • 69TH ASSEMBLY DISTRICT

Committee on Criminal Justice and Public Safety

November 16, 2017

Rep. Kulp Testimony in Favor of AB 603

Thank you Mr. Chairman, members of the committee, for having this hearing today on our bill AB 603 which updates our current “cyberbullying” statutes.

The term “Catfishing” is a reference to online impersonation by an individual to commit fraud on a potential victim. The original statutes of 947.0125 were enacted in 1996 when internet use was starting to get underway. It seems like it was yesterday, but it has been 21 years already! Since that time, Facebook, Twitter and other social media sites have come into being. The world has really changed.

I brought this idea up to Senator Bewley after an online actor attempted financial fraud against a friend of mine. The online actor was trying to get money by targeting vulnerable people. This is wrong!

To address this issue, this bill cleans up the language for our modern world and ensures law enforcement can combat this growing internet issue. Current law is intended for just email and assumes that a person is themselves on the internet. This bill corrects this in two ways. It adds types of conduct that are not currently prohibited and expands the law’s coverage beyond just email. Several lines were added in statute 947.0125 to this end which are “to conduct harm, to defraud and to obtain a benefit.” This prohibits pretending to be someone you are not online with social media to “frighten intimidate, harm, threaten, abuse, harass, defraud or obtain a benefit.”

While combating online crimes, this bill also takes into consideration every person’s first amendment rights. Parody and satire are protected under this bill.

Our office wrote this bill with the Wisconsin Department of Justice. Other states including Texas, Oklahoma, California and Pennsylvania have similar laws on their books.

This bill is about cleaning up the language. I am happy with the strong bi-partisan support and positive media coverage this bill has created. I encourage you Mr. Chairman and members of this committee to support passage of this common sense bill. Thank you.

REPRESENTING WISCONSIN'S 69TH ASSEMBLY DISTRICT



SENATOR JANET BEWLEY
WISCONSIN STATE SENATE

Assembly Committee on Criminal Justice and Public Safety
Public Hearing on Assembly Bill 603
November 16, 2017

Representative Spiros and Committee members,

I am sorry I wasn't able to speak in person today. On behalf of those who've suffered devastating impacts from the type of cyber-impersonation AB 603 would address I want to thank you for holding this hearing today.

I was pleased when Representative Kulp asked me to work on this bill with him. Earlier this year I had been contacted by a constituent who had been the victim of an online impersonation by an individual in another state. At the time she contacted me she was still suffering from the consequences. Although the specifics of her case differ from those addressed by Assembly Bill 603, this bill is an important opportunity to not only hold offenders accountable, but hopefully deter this activity going forward so we don't have more constituents and Wisconsinites maliciously victimized.

For every person we hear from about the devastating impact online impersonation can have on lives, families and careers, we can be certain there are, at least, dozens more. This bill would give law enforcement and prosecutors a tool they haven't had when contacted by victims of so-called catfishing - impersonating another online with the intent to threaten, abuse, harass, or swindle.

It's very clear from those who aren't able to be at the hearing today just how difficult, personal and embarrassing this can be to discuss publicly. I am grateful the committee has chosen to bring this bill up for consideration with respect to the highly personal and mortifying experiences that can result.

Thank you again for your consideration of AB 603, legislation that can help place the shame and blame for this activity where it belongs – on the perpetrators and not the victims.



25th Senate District

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I am here today because people dear to me have been affected by impersonators, and I believe it is important to outlaw such behavior through any medium including all social media. I personally know three people that have been affected in different ways. Just last week one of my sons was almost bilked out of \$7000 by a person posing as an IRS agent with a Washington DC phone number and apparently an official looking caller ID. They caught him at a vulnerable moment, the day before launching his new business and four days before he was scheduled to travel outside the country. Thankfully he contacted someone who was able to confirm it was a hoax, but not until the hour long phone call had made him late for work and almost drained his savings account. My sister, a US Forest Service Forester came close to wiring money to someone who used her brother-in-law's email address to contact her. Here is her testimony in her own words:

I received an email from my brother-in-law's email address asking for money to be sent quickly because the family was in an airport in England and somehow needed the money to get on the plane. I can't remember the exact details. The message wasn't worded the way he would have said it, but it was believable enough since they travelled extensively at the time. I responded asking, "How could I help?". I emailed (dumb) my credit card information in a response email but they said they couldn't use that so I was headed to WalMart to somehow send money when I was told it was a scam and John was at home. I cancelled that credit card and in the end wasn't harmed. Looking back we could see the initial email was from the correct address but the response email was slightly different and was from a different time zone.

Mary LaPlant

A friend of mine was on a different side of the same scam and I was a recipient of the imposter's email with her name and email address on it:

Some years ago, I believe it was about 2008, I was woken up about 4:00 am by a phone call. The call was from an old friend who had moved to Greece. He wanted to know if I was alright. He told me that he had received a message [email] that I was in London without any money and would he please wire me money to get home. I remember being locked out of my yahoo mail account and being locked out of my cell phone account. Unfortunately I cannot remember how everything was resolved. The message went out to all of my email contacts. I did make a police report.

As far as I recall, no one was fooled into sending any money but it was terrifying to know someone could access my information and impersonate me. I didn't know where it would end. I wish I could recall more of the details.

Thank you.

Carol Rumberger

In two of these examples responsible adults were taken off guard by what looked like legitimate messages from people they knew. Can you imagine the devastation that could be wielded on unsuspecting children if social media accounts of relatives or close friends are taken over by deviants wanting to do them harm, for instance, encouraging them to meet them at a certain place to pick up a surprise for their parents? This behavior needs to be clearly illegal with penalties commensurate with the potential and actual harm done, and eventually funding needs to be allocated for research as to how to find and prosecute the perpetrators. We need to get tougher with cyber-criminals. This bill is a step toward eliminating such behavior in Wisconsin.

Respectfully submitted,

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