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*Testimony before the Senate Committee on Judiciary and Public Safety  
Senator André Jacque  
February 8, 2022*

Chairman Wanggaard and Colleagues,

Thank you for holding this hearing on Senate Bill 257 and Assembly Bill 251, strong bi-partisan legislation relating to impersonating a public officer, public employee, or employee of a utility.

Currently, there is no criminal penalty for a person who intentionally misleads others into believing they are a public official, officer, or public employee.

Under current Wisconsin Law, it is a Class I felony for a person to do the following:

1. Assume to act in an official capacity, or to perform an official function, knowing that they are not the specific public officer, public employee, or the employee of a utility that he or she assumes to be (Example: an individual claiming to be State Representative Jane Doe at a community event, when they are not).
2. Exercise any function of a public office knowing that they are not qualified to do so, or that his or her right to act has ceased (Example: an individual impersonating a judge and falsely officiating a marriage).

However, it is not illegal for an individual to represent oneself as a public officer, employee, or the employee of a utility with the intent to mislead others into believing that they do in fact hold that role. For example, if an impersonating person pretended to be a public officer in an attempt to receive discounts on products or services he or she would not be held accountable under Wisconsin's current law, as they are not acting in an official capacity or exercising the function of a public office.

Recently, there was in fact a case where an individual was impersonating a state representative at local organizations and businesses in an attempt to request tours and receive discounts on products and services, and to gain priority access to local establishments. I am also aware of attempts to impersonate Federal labor inspectors and building inspectors (including my dad, a former City of Green Bay plumbing inspector). Unfortunately, this behavior is currently legal in the State of Wisconsin. We must close this loophole in our state statutes in order to protect our local communities from this fraudulent and deceptive behavior.

This legislation passed the Assembly Criminal Justice and Public Safety Committee on a 14-0 vote, and the full Assembly on a voice vote. Thank you for your consideration of Senate Bill 257 and Assembly Bill 251.



MELISSA AGARD  
STATE SENATOR

February 7, 2022

Thank you Chairperson Wanggaard and members of the Committee on Judiciary and Public Safety for allowing me to submit testimony on Senate Bill 257.

A number of years ago as a State Representative, I was informed by a trusted member of my community that there was an individual of the 48<sup>th</sup> Assembly District who was going to local businesses and facilities and requesting tours and discounts on services. This individual was not assuming my identity by my name, rather they were using the title of "State Representative from the 48<sup>th</sup> Assembly District" to advance themselves and deceive the hard working people of my community. If you or I were to use our position to coerce members of our community to provide such services, we would be violating our states strict code of ethics. Yet, after speaking to local law enforcement and attorneys, I learned that due to a loophole in Wisconsin law, this individual would face no consequences.

Under current Wisconsin statutes, it is a Class I felony for a person to assume to act in an official capacity or to perform an official function, knowing that they are not the person that they are presenting themselves to be. Additionally, it is illegal to exercise any function of a public office knowing that they are not qualified to act, for example an individual impersonating a judge and falsely officiating a marriage.

That said, it is not illegal for an individual to represent oneself as a public officer, public employee, or the employee of a utility with the intent to mislead others into believing that he or she is a public official. For example, if an impersonating person pretended to be a state representative in an attempt to receive discounts on products or services, or to gain priority access to local establishments, they would not currently be held accountable under Wisconsin's current law.

Senate Bill 257 looks to close this loophole by making it a Class I felony to represent oneself as a public official or employee with the intent to mislead others into believing that they are actually a public official.

We must do all that we can to protect our local communities from those who look to take advantage of their hospitality. Our small businesses are the backbone of our communities, and we cannot allow scammers to manipulate our valued community members without repercussions. This bipartisan legislation puts our community members first, and closes an absurd loophole in our statutes that is well overdue. Thank you to Representative Callahan, Senator Jacque, and Senator Ballweg for your leadership and collaboration.

Thank you for your consideration. Please don't hesitate to reach out to my office with any questions.

In Service,

A handwritten signature in black ink that reads "Melissa Agard".

Melissa Agard  
State Senator  
16<sup>th</sup> Senate District