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FOR IMMEDIATE RELEASE

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October 17, 2023

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SENATE PASSES SEN. JACQUE BILL TO STOP CYBERCRIMINALS

Measure aligns state and federal law to target crimes using social media, other technologies

MADISON...Wisconsin law enforcement officials would have more tools to target cybercrimes under bipartisan legislation passed today by the State Senate which adopts updated federal legal definitions of certain investigative techniques to account for modern social media communications.

State Sen. Jacque (R-De Pere), co-author of the measure along with State Rep. Jeff Mursau, said he first became aware of the need for this legislation after discussions with the Wisconsin Department of Justice (DOJ), the Wisconsin District Attorneys' Association, and local law enforcement.

“Investigators and prosecutors are struggling with enforceability and applicability of warrants that, under current state law, allow devices called ‘pen registers’ to trace phone lines, but not social media activity,” Sen. Jacque said. “With the growing vulnerability of cyber networks to criminal activity, this gap in the law has been a major hurdle for successful investigations.”

Under current law, a “pen register” is defined as a device that records or decodes electronic or other impulses that identify the numbers dialed or transmitted on a telephone line. The attorney general or a district attorney can apply for a court order to install a pen register or a “trap and trace” device to investigate sources of possible online criminal activity.

“Obviously, modern communication is so much more than making calls from telephones,” Sen. Jacque said. “State law needs to adapt and evolve along with today’s social media and the criminal opportunities it has spawned.”

Sen. Jacque said the bill mirrors federal law by expanding the definition of pen registers to include a device *or process* that records or decodes dialing, *routing, addressing, or signaling information* transmitted on a telephone line *or by an instrument or facility from which a wire or electronic communication is transmitted*.

“These updates will provide clarity to ensure that public safety officials may lawfully employ the latest techniques to investigate cybercrimes,” Sen. Jacque said. “This is common sense legislation that will help make Wisconsinites safer as communications technologies continue to evolve.”

The proposed legislation ([Senate Bill 331](#)) cleared the Senate Judiciary and Public Safety Committee. The measure passed committees in both chambers last session and the full Senate on a voice vote but was not acted on by the Assembly before the session adjourned. It now heads to the State Assembly and must be signed by the Governor to become law.

Senator André Jacque represents Northeast Wisconsin’s First Senate District, consisting of Door and Kewaunee Counties and portions of Brown, Calumet, Manitowoc, and Outagamie counties.

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