

**1474 THREATS TO COMMUNICATE DEROGATORY INFORMATION —  
§ 943.31**

**Statutory Definition of the Crime**

Section 943.31 of the Criminal Code of Wisconsin is violated by one who maliciously threatens, [with intent to extort money or any pecuniary advantage whatever] [or] [with intent to compel the person so threatened to do any act against the person's will], to disseminate or to communicate to anyone information, whether true or false, that would humiliate or injure the reputation of the threatened person or another.

**State's Burden of Proof**

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

**Elements of the Crime That the State Must Prove**

1. The defendant maliciously threatened (name threatened person) to disseminate or to communicate to anyone certain information about [(name threatened person)] [(name other person)]. [(Identify the information) is information.]<sup>1</sup>
2. The defendant maliciously<sup>2</sup> threatened to disseminate or communicate information, whether true or false, that would humiliate or injure the reputation of [(name threatened person)] [(name other person)].

3. The defendant made the threat [with intent to extort money or any pecuniary advantage whatever] [with intent to compel the person threatened to do any act against the person's will].

### **Jury's Decision**

If you are satisfied beyond a reasonable doubt that all three elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

### **COMMENT**

Wis JI-Criminal 474 was originally published in 1974 and revised in 1985, 1995, and 2004. This revision was approved by the Committee in December 2016; it reflects significant changes made to § 943.31 by 2015 Wisconsin Act 335 [effective date: April 1, 2016].

1. Section 943.31 provides in part: "For the purpose of this section, 'information' includes any photograph, exposed film, motion picture, videotape, or data that represents a visual image, a sound recording, or any data that represents or produces an audio signal." The Committee recommends inserting the applicable term in the blank in the instruction.

2. A definition of "maliciously" is found in Wis JI-Criminal 1473A Extortion: Accuse Or Threaten To Accuse. It states: "A threat is made 'maliciously' if it is made willfully and with an illegal intent." See footnote 4 of that instruction for an explanation of the derivation of the definition.