



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 118
[2007 Assembly Bill 8]

Use of Cameras and Other Recording Devices in Locker Rooms

2007 Wisconsin Act 118 requires owners or operators of locker rooms to adopt a written policy relating to interviews conducted in the locker room and use of recording devices in the locker room and creates penalties for capturing the image of a nude or partially nude person in a locker room and for exhibiting or distributing such an image.

Locker Room Policy

The Act provides that any person, including the state, that owns or operates a locker room must adopt a written policy that does all of the following:

- Specifies who may enter and remain in the locker room to interview or seek information from any individual in the locker room.
- Specifies the recording devices that may be used in the locker room and the circumstances under which they may be used.
- Reflects the privacy interests of individuals who use the locker room.
- Specifies that no person may use a cell phone to capture, record, or transfer a representation of a nude or partially nude person in the locker room.

Penalties for Capturing a Representation of a Nude or Partially Nude Person in a Locker Room

The Act provides that whoever, while present in a locker room, intentionally captures a representation of a nude or partially nude person while the person is nude or partially nude in the locker room is guilty of a Class B misdemeanor (punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both).

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act further provides that whoever does any of the following is guilty of a Class A misdemeanor (punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both):

- Captures a representation of a nude or partially nude person while the actor is present in, and the person is nude or partially nude in, the locker room and exhibits or distributes the representation to another.
- Transmits or broadcasts an image of a nude or partially nude person from a locker room while the person is nude or partially nude in the locker room.

These provisions do not apply if the person consents to the capture of the representation or consents to the exhibition or distribution of the representation or to the transmission or broadcast of the image and one of the following applies:

- The person is, or the actor reasonably believes that the person is, 18 years of age or older when the person gives his or her consent.
- The person's parent, guardian, or legal custodian consents to the capture of the representation or to the exhibition, distribution, transmission, or broadcast.

Effective Date: Act 118 takes effect on April 4, 2008, except that the provision requiring the owner or operator of a locker room to have a written policy, as required by the Act, takes effect on October 1, 2008.

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