

1983 Assembly Bill 590

Date of enactment: **May 10, 1984**
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1983 Wisconsin Act 489

AN ACT to amend 119.04 (1); and to create 118.32 and 942.02 of the statutes, relating to strip searches of pupils and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.32 of the statutes is created to read:

118.32 Strip search by school employe. Any official, employe or agent of any school or school district is prohibited under s. 942.02 from conducting a strip search of any pupil.

SECTION 2. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28 (15), 115.34, 115.345, 115.76, 115.77, 115.79 to 115.89, 118.015, 118.025, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.126, 118.135, 118.14, 118.15, 118.16, 118.18, 118.19 (3) (b) and (7), 118.20, 118.24 (2) (c) to (f), 118.255, 118.30, 118.32, 120.12 (15), 120.13 (1), (19) and (26), 120.49 (6) and (14) and 120.61 are applicable to the board of school directors and to schools in 1st class cities.

SECTION 3. 942.02 of the statutes is created to read:

942.02 Strip search by school employe. (1) The legislature intends, by enacting this section, to protect pupils from being strip searched. By limiting the coverage of this section, the legislature is not condoning the use of strip searches under other circumstances.

(2) In this section:

(a) "School" means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12 and which is commonly known as a kindergarten, elementary school, middle school, junior high school, senior high school or high school.

(b) "Strip search" means a search in which a person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

(3) Any official, employe or agent of any school or school district who conducts a strip search of any pupil is guilty of a Class B misdemeanor.

(4) This section does not apply to a search of any person who:

(a) Is serving a sentence, pursuant to a conviction, in a jail, state prison or house of correction.

(b) Is placed in or transferred to a secured correctional facility.

(c) Is committed, transferred or admitted under ch. 51, 971 or 975.

(5) This section does not apply to any law enforcement officer conducting a strip search under s. 968.255.
