



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 50 [2003 Senate Bill 14]	Invasion of Privacy Offenses
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

Act 50 creates invasion of privacy offenses and permits a court to require a person who is found to have committed an invasion of privacy offense to register as a sex offender.

Background Information

Under current law, whoever knowingly installs a surveillance device in any private place, or uses a surveillance device that has been installed in a private place, with the intent to observe any nude or partially nude person without the consent of the person observed is guilty of a Class A misdemeanor. “Private place” is defined as a place where a person may reasonably expect to be safe from surveillance.

2003 Act 50

Act 50 creates additional invasion of privacy offenses. Under the act, a person is guilty of a Class A misdemeanor if the person does any of the following:

- a. Looks into a private place that is, or is part of, a public accommodation and in which a person may reasonably be expected to be nude or partially nude for the purpose of sexual arousal or gratification and without the consent of each person who is present in the private place.
- b. Looks into a private place that is, or is part of, a public accommodation and in which a person may reasonably be expected to be nude or partially nude but in which no person is present for the purpose of sexual arousal or gratification.
- c. Enters another person’s private property without that person’s consent and looks into any individual’s dwelling unit if all of the following apply:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

- The actor looks into the dwelling unit for the purpose of sexual arousal or gratification and with the intent to intrude upon or interfere with an individual's privacy.
- The actor looks into a part of the dwelling unit in which an individual is present.
- The individual has a reasonable expectation of privacy in that part of the dwelling unit.
- The individual does not consent to the actor looking into that part of the dwelling unit.

The act defines "private place" as a place where a person may reasonably expect to be safe from being observed without his or her knowledge and consent.

Under the act, if a person is convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect of the above-described offense, the court may order the person to register as a sex offender.

The act provides that if a juvenile (i.e., a person age 17 or younger) is adjudicated delinquent for an invasion of privacy offense, described above, the juvenile court must expunge the court's record of the adjudication if it was the first adjudication based on a violation of an invasion of privacy offense and if the court determines that the juvenile has satisfactorily complied with the conditions of his or her dispositional order. If an adult was under 18 at the time of conviction for an invasion of privacy offense, the court must order at the time of sentencing that the record be expunged upon successful completion of the sentence. Once the person's record is expunged, the act provides that the person is no longer required to comply with requirements for the sex offender registry and the Department of Corrections must purge all of the information in the registry concerning that person.

Effective Date: The act takes effect on September 5, 2003 and first applies to offenses committed on that date.

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