



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 8

**Senate Substitute
Amendment 2**

Memo published: February 1, 2008

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485) and
Ron Sklansky, Senior Staff Attorney (266-1946)

Assembly Bill 8 requires the owner or operator of a locker room to adopt a written policy regarding conducting interviews in the locker room and the use of recording devices in the locker room. Under the bill, it is a Class B misdemeanor to capture a representation of a nude or partially nude person while in a locker room. Also, under the bill, it is a Class A misdemeanor to exhibit, distribute, transmit, or broadcast such a representation. A Class B misdemeanor is punishable by a fine not to exceed \$1,000 and imprisonment not to exceed 90 days. A Class A misdemeanor is punishable by a fine not to exceed \$10,000 and imprisonment not to exceed nine months.

Assembly Amendment 1 requires an owner or operator of a locker room to include in the written policy required under the bill a prohibition on the use of a cell phone in the locker room except in emergencies. The amendment also requires the owner or operator to prominently post the written policy. In addition, the owner or operator must also prominently post within or in the vicinity of the locker room a sign prohibiting the use of a cell phone within the locker room.

The amendment provides that whoever uses a cell phone in a locker room is subject to a forfeiture of not more than \$200. The provision does not apply, however, in an emergency situation. If a person has been subject to the forfeiture three or more times, the offense is a Class B misdemeanor.

Assembly Amendment 1 to Assembly Amendment 1 provides that failure of a locker room owner or operator to post a notice regarding the prohibition on cell phone use is not a defense to a criminal prosecution.

Senate Substitute Amendment 2 restores the bill to the version originally introduced in the Assembly with the additional provision that the written locker room policy must specify 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.

Legislative History

On January 31, 2008, the Senate adopted Senate Substitute Amendment 2 on a vote of Ayes, 18; Noes, 14. On the same day, the Senate concurred in Assembly Bill 8, as amended, on a voice vote.

AS:RS:wu:ty