



## 2023 SENATE BILL 260

May 2, 2023 - Introduced by Senators WIMBERGER, BALLWEG, FELZKOWSKI and MARKLEIN, cosponsored by Representatives STEFFEN, ARMSTRONG, BEHNKE, BODDEN, BRANDTJEN, BROOKS, DITTRICH, MACCO, MICHALSKI, MURPHY, NEDWESKI, ROZAR, SCHMIDT and SORTWELL. Referred to Committee on Government Operations, Elections and Consumer Protection.

1     **AN ACT** *to create* 20.933 of the statutes; **relating to:** interception of oral  
2           communications by public bodies in public spaces.

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### *Analysis by the Legislative Reference Bureau*

Under current law, it is a crime for a person to intentionally intercept or attempt to intercept an oral communication or to intentionally use a device or attempt to use a device to intercept an oral communication, subject to certain exceptions primarily related to law enforcement.

Under this bill, subject to current law exceptions related to law enforcement, no state agency, broadly defined, no local governmental unit, and no official of such an agency or local governmental unit may intercept an oral communication in a building or space owned, leased, or operated by the agency or local governmental unit, except that a state agency or local governmental unit may authorize such interception of oral communications if all of the following apply:

1. The governing body of the local governmental unit authorizes the interception by a two-thirds vote of the body's membership.

2. The governing body or head of the state agency or local governmental unit authorizes the interception at least once each year. The authorization must include information concerning the costs and operational procedures and capabilities associated with the interception, and the specific areas where interception is authorized.

3. Each area where interception is authorized contains a posting in plain view advising the public that oral communications in the area may be recorded.

**SENATE BILL 260**

4. Recordings of the interceptions are retained by the state agency or local governmental unit for no more than 240 days after origination.

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

1           **SECTION 1.** 20.933 of the statutes is created to read:

2           **20.933 Interception of oral communications in public spaces. (1)**

3           DEFINITIONS. In this section:

4           (a) "Intercept" has the meaning given in s. 968.27 (9).

5           (b) "Local governmental unit" means a political subdivision of this state, a  
6 special purpose district in this state, an agency or corporation of a political  
7 subdivision or special purpose district, or a combination or subunit of any of the  
8 foregoing.

9           (c) "Oral communication" means any oral communication uttered by a person  
10 regardless of whether the person making the utterance exhibits an expectation that  
11 the communication is not subject to interception under circumstances justifying the  
12 expectation.

13           (d) "State agency" means an association, authority, board, department,  
14 commission, independent agency, institution, office, society, or other body in state  
15 government created or authorized to be created by the constitution or any law.

16           **(2) PROHIBITION.** (a) No state agency or local governmental unit or official of  
17 a state agency or local governmental unit may intercept an oral communication in  
18 a building or space owned, leased, or operated by the state agency or local  
19 governmental unit except as provided under par. (b) or s. 196.63, 968.28, 968.29,  
20 968.30, or 968.31 (2) (b) or (c).

**SENATE BILL 260**

1 (b) A state agency or local governmental unit may authorize the interception  
2 of oral communications in a building or space owned, leased, or operated by the state  
3 agency or local governmental unit if all of the following apply:

4 1. If applicable, the governing body of the local governmental unit authorizes  
5 the interception by a two-thirds vote of the body's membership.

6 2. The governing body or head of the state agency or local governmental unit  
7 authorizes the interception at least once each year. The authorization shall include  
8 information concerning the costs and operational procedures and capabilities  
9 associated with the interception, and the specific areas where interception is  
10 authorized.

11 3. Each area where interception is authorized contains a posting in plain view  
12 advising the public that oral communications in the area may be recorded.

13 4. Recordings of the interceptions are retained by the state agency or local  
14 governmental unit for no more than 240 days after origination.

15 (END)