



1997 ASSEMBLY BILL 116

February 18, 1997 - Introduced by Representatives HARSDF, FREESE, R. YOUNG, MUSSE, NOTESTEIN, F. LASEE, KREIBICH, SCHAFER, POWERS, WASSERMAN and GUNDERSON. Referred to Committee on Consumer Affairs.

1 **AN ACT to amend** 895.50 (2) (b) of the statutes; **relating to:** the right of privacy
2 concerning deceased individuals.

Analysis by the Legislative Reference Bureau

Under current law, one definition of "invasion of privacy" is the use of the name, portrait or picture of a living person for advertising purposes or for purposes of trade without having obtained the person's written consent. This bill expands that definition to include the use of the name, portrait or picture of a deceased person for advertising purposes or for purposes of trade without having obtained written consent. The written consent must be obtained from the person's heirs, successors, assigns, or purchaser in good faith of the use of the person's name, portrait or picture for value.

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

3 **SECTION 1.** 895.50 (2) (b) of the statutes is amended to read:
4 895.50 (2) (b) The use, for advertising purposes or for purposes of trade, of the
5 name, portrait or picture of any living person, without having first obtained the
6 written consent of the person ~~or, if,~~ if the person is a minor, ~~of the written consent~~

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SECTION 1

1 must first be obtained from his or her parent or guardian. If the person is deceased,
2 the written consent must first be obtained from his or her heirs, successors, assigns
3 or purchaser in good faith of the use of the name, portrait or picture for value.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to the use of a person's name, portrait or picture on the
6 effective date of this subsection.

7 (END)