

1999 DRAFTING REQUEST

Bill

Received: **12/31/98**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Topic:

Looking into a building for sexual purposes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 12/31/98	jgeller 01/2/99		_____			
/1			ismith 01/5/99	_____	lrb_docadmin 01/5/99	lrb_docadmin 01/7/99	

FE Sent For:

Not Needed

<END>

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1?	olsenje	1 1/2 1/2 jlg	IS 1/5/99	IS/JF 1/5/99			

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<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

1534

JEO

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12-28-98	Legislator or agency requesting this draft: SENATOR BURKE
Name/phone number of person submitting request: BARRY, 6-8535	
Persons to contact for questions about this draft (names and phone numbers please): BARRY ASTENFELDER, 6-8535	
Describe the problem, including any helpful examples. How do you want to solve the problem? Please re-draft 1997 SB 207, LRB 2463/2 which is attached.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-2463/2
JEO:kaf:km

1997 SENATE BILL 207

May 13, 1997 - Introduced by Senators BURKE, CLAUSING, HUELSMAN, MOEN, PLACHE, ROESSLER and ROSENZWEIG, cosponsored by Representatives BOCK, BLACK, ALBERS, BOYLE, CULLEN, GRONEMUS, GUNDERSON, HARS DORF, NOTESTEIN, PLALE, RILEY, SERATTI, SYKORA and TURNER. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** chapter 942 (title); and **to create** 939.32 (1) (f), 942.08 and
2 944.25 of the statutes; **relating to:** looking into a building for sexual purposes,
3 criminal invasion of privacy and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, there are various crimes involving sexually related activity, such as prohibitions against a person exposing his or her genitals in public or committing a sex act in public. In addition, under current law, with certain exceptions, a person is prohibited from doing any of the following: 1) making a visual representation (including a photograph, motion picture or videotape) that depicts nudity without the knowledge and consent of the person who is depicted nude; or 2) possessing or distributing a visual representation that depicts nudity if the person knows or has reason to know that the visual representation was made without the knowledge and consent of the person who is depicted nude.

This bill does all of the following:

1. The bill prohibits a person from knowingly installing or using a surveillance device in any place with the intent to observe any nude or partially nude person without the consent of the person observed. The prohibition applies only if the person is acting for purposes of sexual gratification or arousal. The bill defines "surveillance device" to mean any device, instrument, apparatus, implement, mechanism or contrivance that is used, designed to be used or primarily intended to be used to observe the activities of a person, including a peephole or similar method of direct sight observation. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SENATE BILL 207

2. The bill prohibits a person from going or remaining on the property of another, without consent, and looking into a building at another. The prohibition applies only if the person is acting for purposes of sexual gratification or arousal. Upon conviction, a violator may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. Persons who attempt to commit this new crime are subject to the same penalties.

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

1 **SECTION 1.** 939.32 (1) (f) of the statutes is created to read:

2 939.32 (1) (f) Whoever attempts to commit a crime under s. 944.25 is subject
3 to the penalty provided in that section for the completed act.

4 **SECTION 2.** Chapter 942 (title) of the statutes is amended to read:

5 **CHAPTER 942**

6 **CRIMES AGAINST REPUTATION,**

7 **PRIVACY AND CIVIL LIBERTIES**

8 **SECTION 3.** 942.08 of the statutes is created to read:

9 **942.08 Invasion of privacy. (1)** In this section:

10 (a) "Nude or partially nude person" means any human being who has less than
11 fully and opaquely covered genitals, pubic area or buttocks, any female human being
12 who has less than a fully opaque covering over any portion of a breast below the top
13 of the nipple, or any male human being with covered genitals in a discernibly turgid
14 state.

15 (b) "Surveillance device" means any device, instrument, apparatus,
16 implement, mechanism or contrivance used, designed to be used or primarily
17 intended to be used to observe the activities of a person. "Surveillance device"
18 includes a peephole or similar method of direct sight observation.

D-Note

1999 BILL

1 *Regen*
AN ACT *to create* 939.32 (1) (f) and 944.25 of the statutes; **relating to:** looking
2 into a building for sexual purposes and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, there are various crimes involving sexually related activity, such as prohibitions against a person exposing his or her genitals in public or committing a sex act in public. In addition, under current law, with certain exceptions, a person is prohibited from doing any of the following: 1) making a visual representation (including a photograph, motion picture or videotape) that depicts nudity without the knowledge and consent of the person who is depicted nude; or 2) possessing or distributing a visual representation that depicts nudity if the person knows or has reason to know that the visual representation was made without the knowledge and consent of the person who is depicted nude.

Finally, current law prohibits a person from knowingly installing a surveillance device in any private place, or from knowingly using a surveillance device installed in a private place, with the intent to observe any nude or partially nude person without the consent of the person observed.

This bill prohibits a person from going or remaining on the property of another, without consent, and looking into a building at another. The prohibition applies only if the person is acting for purposes of sexual gratification or arousal. Upon conviction, a violator may be fined not more than \$10,000 or imprisoned for not more

BILL

than nine months or both. Persons who attempt to commit this new crime are subject to the same penalties.

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

1 **SECTION 1.** 939.32 (1) (f) of the statutes is created to read:

2 939.32 (1) (f) Whoever attempts to commit a crime under s. 944.25 is subject
3 to the penalty provided in that section for the completed act.

4 **SECTION 2.** 944.25 of the statutes is created to read:

5 **944.25 Looking into building for sexual purpose.** Whoever does all of the
6 following is guilty of a Class A misdemeanor:

7 (1) Enters or remains on the property of another without the consent of the
8 owner or occupant of the property.

9 (2) While on that property and acting for purposes of sexual arousal or sexual
10 gratification, looks into a building at a person.

11

(END) ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1534
LRB-~~0916~~/1dn
JEO;jlg:hmh

Monday, December 14, 1998 } new
date

This is a redraft of 1997 Senate Bill 207, minus the provisions concerning criminal invasion of privacy because those provisions were enacted in substantially the same form in 1997 Wisconsin Act 271.

Jefren E. Olsen
Legislative Attorney
266-8906

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1534/1dn
JEO:jlg:ijs

January 5, 1999

This is a redraft of 1997 Senate Bill 207, minus the provisions concerning criminal invasion of privacy because those provisions were enacted in substantially the same form in 1997 Wisconsin Act 271.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/5/99

To: Senator Burke

Relating to LRB drafting number: LRB-1534

Topic

Looking into a building for sexual purposes

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction D. Burke

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906