

2003 DRAFTING REQUEST

Bill

Received: **11/26/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

The right of privacy

Instructions:

See Attached 01-0830

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>
/?	rnelson2 12/06/2002	kfollett 12/13/2002 kfollett 12/16/2002		_____			
/1			jfrantze 12/17/2002	_____	sbasford 12/17/2002	mbarman 12/18/2002	

Ver. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*None
Needed*

<END>

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FE Sent For:		11/13 12/13 1/16/02	11/16/02	12/16			

Most current drafts delivered to: Schneider

*Cont. Amendment
Schneider*

Subject	Topic	LRB No.	Introduced As	LRB received initial request	Most recent draft sent to requester	Date placed on hold or cancelled	Attorney - Phone No.
Employ Pub - employee benefits Employ Pub - retirement	Creditable service under the Wisconsin retirement system for federal peace corps, VISTA, and national service programs	-0821/1	AB-68	10/28/00	11/28/00		Rick A. Champagne 266-9930
Employ Pub - employee benefits Employ Pub - retirement	Purchase of long-term care insurance under the Wisconsin retirement system	-0822/1	AB-69	10/28/00	11/21/00		Rick A. Champagne 266-9930
Transportation - traffic laws	Animal obstructing driver's view	-0828/1	AB-70	10/29/00	11/03/00		Timothy N. Fast 266-9739
Veterans - memorials/museum	Care of Korean War Memorial at Plover	-0829/1	AB-71	10/30/00	11/03/00		Ivy G. Sager-Rosenthal 261-4455
✓ Courts - miscellaneous	The right of privacy	-0830/1		10/30/00	11/03/00		Robert P. Nelson 267-7511
✓ Constitutional Amendments	Creating an independent constitutional right of privacy of individuals	-0835/1	AJR-23	10/30/00	10/31/00		Attorney Peter J. Dykman 266-7098
✓ Children - juvenile justice Nat. Res. - boats ATVs	Personal flotation device requirements for underaged persons	-0837/1	AB-72	10/30/00	11/21/00		Mary Gibson-Glass 267-3215
✓ Trade Regulation - cigars/tobacco	Tobacco free school zones	-0838/1	AB-73	10/30/00	12/12/00		Mary Gibson-Glass 267-3215
✓ Nat. Res. - boats ATVs	Observers of water ski boats	-0839/1	AB-74	10/30/00	11/03/00		Mary Gibson-Glass 267-3215

3
2001 BILL

Regen

- 1 AN ACT to create 895.50 (2) (d) and 895.50 (2m) of the statutes; relating to:
- 2 expanding the right of privacy.

Analysis by the Legislative Reference Bureau

~~COURTS AND PROCEDURE~~
~~CIRCUIT COURTS~~

Under current law, an individual whose privacy is unreasonably invaded is entitled to equitable relief to restrain the invasion, compensatory damages, and reasonable attorney fees. An "invasion of privacy" in current law means any of the following:

- 1. A highly offensive intrusion upon the privacy of another in a place that a reasonable person would consider private or in a manner that is actionable for trespass.
- 2. The advertising or trade use of the name or picture of a living person without first receiving that person's permission.
- 3. The publicity given to the private life of another that is highly offensive if the person that publicized the private life had acted unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved or with actual knowledge that there was no legitimate public interest in the matter publicized.

Insert
and

This bill adds another definition of "invasion of privacy". Under the bill, it is an invasion of a person's privacy if publicity is given to a matter concerning that person that places that person in a false light if that false light would be highly offensive to another person.

X

BILL

Under the bill, if the person placed in the false light is a public person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher had knowledge of the falsity of the matter or acted with reckless disregard as to the falsity of the matter. If the person placed in the false light is a private person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher did not use reasonable care. Under the bill, the truth of the publicized matter is a defense to an action for invasion of the person's privacy if the publisher acted with good motives and for justifiable ends.

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

1 SECTION 1. 895.50 (2) ^{✓ e} (~~1~~) of the statutes is created to read:

2 895.50 (2) ^{✓ e} (~~1~~) Publicity given to a matter concerning another person that places
3 the other person before the public in a false light if the false light in which the other
4 person was placed would be highly offensive to a reasonable person.

5 SECTION 2. 895.50 (2m) [✓] of the statutes is created to read:

6 895.50 (2m) (a) In this subsection: [✓]

7 1. "Private person" means a person who is not a [✓] public person.

8 2. "Public person" means that the person has general fame or notoriety in the
9 community and pervasive involvement in the affairs of society; the person has put
10 himself or herself in the public eye with respect to the issues or events reported; or
11 the person has deliberately engaged the public's attention to influence the issues or
12 events reported.

13 3. "Publisher" [✓] means any person who gives publicity to a matter, including a
14 person who communicates the matter in a newspaper or magazine, on radio or
15 television, or by electronic means.

16 (b) If the person who is the subject of the publicity under sub. (2) ^{✓ e} (~~a~~) is a public
17 person, the publisher is liable under this section if the publisher had knowledge of
18 or acted with reckless disregard as to the falsity of the publicized matter.

BILL

1

(c) If the person who is the subject of the publicity under sub. (2) (a) is a private person, the publisher is liable under this section if the publisher did not use reasonable care.

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(d) Truth of the publicized matter is an absolute defense to an action for the violation of a person's privacy under sub. (2) (a) if the publisher acted with good motives and for justifiable ends.

6

fix
companion

7

SECTION 930. Initial applicability, circuit courts.

8

(1) RIGHT OF PRIVACY. The treatment of section 895.50 (2) (a) and (2m) of the statutes first applies to publicity given to a matter concerning another person on the effective date of this subsection.

9

10

11

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0947/?ins
RPN:.....

insert anl:

The capturing of

*making
making*

4. ~~Captures~~ a representation that depicts nudity without the knowledge and consent of the person who is depicted nude while that person is nude in a circumstance in which he or she has a reasonable expectation of privacy, ~~make~~ a reproduction of that representation, or possess~~es~~^{ing}, distribut~~es~~^{ing}, or exhibit~~s~~^{ing} that representation or reproduction.

Mentkowski, Annie

From: Schneider, Marlin
Sent: Tuesday, December 17, 2002 3:11 PM
To: LRB.Legal
Subject: Draft review: LRB-0947/1 Topic: The right of privacy

It has been requested by <Schneider, Marlin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0947/1 Topic: The right of privacy

Barman, Mike

From: Barman, Mike
Sent: Wednesday, January 22, 2003 11:12 AM
To: Baldus, John
Cc: Rep.Schneider
Subject: Requested PDF's



03-0938/1



03-0938/1dn



03-0943/1



03-0945/1



03-0946/1



03-0947/1



03-0958/1



03-0959/1



03-0959/1dn



03-0972/1



03-0972/1dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
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