

2003 DRAFTING REQUEST

Bill

Received: **10/22/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Mike**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **rlr**

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Peeping toms

Instructions:

Redraft 2001 SB 371 with amendment

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>
/?	mdsida 10/25/2002	jdyer 12/19/2002		_____			S&L Crime
/1			pgreensl 12/19/2002	_____	sbasford 12/19/2002	amentkow 12/19/2002	S&L Crime
/2	mdsida	jdyer	rschluet	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/16/2003	01/17/2003	01/17/2003	_____	01/21/2003	01/21/2003	
		jdye	rschluet	_____			
		01/17/2003	01/21/2003	_____			
		jdye		_____			
		01/20/2003		_____			

FE Sent For:

↙
at intro 1/29

<END>

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/?	mdsida 10/25/2002	jdyer 12/19/2002		_____			S&L Crime
/1		<i>1/20 jld</i>	pgreensl 12/19/2002	_____	sbasford 12/19/2002	amentkow 12/19/2002	

[Handwritten signature]
1-20-3

12/19/2002 12:43:24 PM

Page 2

LRB-0536

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<END>

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/?	mdsida 10/25/2002	jdye 12/19/2002		_____			S&L Crime
/1			pgreensl 12/19/2002	_____	sbasford 12/19/2002		

12/19/2002 10:25:16 AM

Page 2

LRB-0536

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<END>

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FE Sent For:

		1/12/19 jld	1/19 PS	12/19 <END>			
				PS/RS			

FRIDAY 12/20

2001 - 2002 LEGISLATURE

-0536/1
LRB-2583/3
MGD:ldj/pg
↑
Stacy

3
2001 SENATE BILL 371

January 11, 2002 - Introduced by Senators ROESSLER, BURKE, DARLING and A. LASEE, cosponsored by Representatives MEYERHOFER, HINES, MCCORMICK, PETTIS, LASSA, GRONEMUS, ALBERS, JESKEWITZ and RYBA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

Reger

1 AN ACT to renumber and amend 301.45 (1d) (b), 938.355 (4m), 942.08 (2) and
2 973.015 (1); to amend 301.45 (1m) (title), 942.08 (1) (b) and 973.015 (2); and
3 to create 301.45 (1d) (b) 3., 301.45 (1p), 301.45 (7) (e), 938.355 (4m) (b), 942.08
4 (2) (b), 942.08 (2) (c) and 973.015 (1) (b) of the statutes; relating to: invasion
5 of privacy and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may knowingly install a surveillance device in any private place or use a surveillance device that has been installed in a private place with the intent to observe any nude or partially nude person without the consent of the person observed. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

This bill prohibits a person from doing any of the following: 1) looking into a private place in which a person may reasonably be expected to be nude or partially nude, if the person looking does so for the purpose of sexual arousal or gratification and without the consent of any person who is present in the private place; or 2) looking into the dwelling of another for the purpose of sexual arousal or gratification, with the intent to intrude upon or interfere with the privacy of another, and without the consent of any person who is present in the dwelling. A person who violates either of these "peeping tom" prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both. The bill also requires anyone who violates one of the peeping tom prohibitions or who violates the existing prohibition

2d

NO In addition, under the bill, if a court finds that a person has

SENATE BILL 371

the person's conduct was sexually motivated and register would be in the public interest
if the court determines that the person to register would be in the public interest, the court may order the person

regarding installing or using a surveillance device to register with the department of corrections (DOC) as a sex offender.

This bill also contains provisions relating to expunging a delinquency adjudication or a conviction based on a violation of one of the peeping tom prohibitions. Under current law, a juvenile who has been adjudged delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the conditions of the dispositional order and that the juvenile will benefit and society will not be harmed by the expungement. Current law also provides that, if a person was under the age of 21 at the time of committing an offense for which he or she has been found guilty and the maximum penalty for the offense is imprisonment for one year or less in the county jail, the court may, if it determines the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record be expunged upon successful completion of the sentence. This bill requires the court to expunge a juvenile's delinquency adjudication if the peeping tom violation was the juvenile's first offense and if he or she complied with the dispositional order. Similarly, the bill requires the court to order that the record of a person's peeping tom conviction be expunged upon successful completion of the sentence if the person was under 18 years old at the time of the offense and he or she had no prior peeping tom convictions. Finally, if a person's delinquency adjudication or conviction record is expunged in this manner, the person is no longer required to register as a sex offender, and DOC must expunge the record of the person's delinquency adjudication or conviction from the sex offender registry, unless the person is required to register as a sex offender based on the commission of another sex offense.

the expungement order ends any

a court required

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

✓ CRIME

court's

no for violating one of the peeping tom prohibitions, the expungement order ends that requirement

INS ✓
2/0 ←

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

- 1 SECTION 1. 301.45 (1d) (b) of the statutes is renumbered 301.45 (1d) (b) (intro.)
- 2 and amended to read.
- 3 301.45 (1d) (b) (intro.) "Sex offense" means ~~a~~ any of the following:
- 4 1. A violation, or the solicitation, conspiracy or attempt to commit a violation,
- 5 of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05,
- 6 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or
- 7 948.30, or.

SENATE BILL 371

1 ~~2. A violation, or the solicitation, conspiracy, or attempt to commit a violation,~~
2 ~~of s. 940.30 or 940.31 if the victim was a minor and the person who committed the~~
3 ~~violation was not the victim's parent.~~

4 SECTION 2. 301.45 (1d) (b) 3. of the statutes is created to read:

5 301.45 (1d) (b) 3. A violation, or the solicitation, conspiracy, or attempt to
6 commit a violation, of s. 942.08 (2) occurring on or after the effective date of this
7 subdivision [revisor inserts date].

8 SECTION 3. 301.45 (1m) (title) of the statutes is amended to read:

9 301.45 (1m) (title) EXCEPTION TO REGISTRATION REQUIREMENT; UNDERAGE SEXUAL
10 ACTIVITY.

11 SECTION 4. 301.45 (1p) of the statutes is created to read:

12 301.45 (1p) EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION

13 OF PRIVACY CONVICTION. A person who is covered under sub. (1g) based solely on a
14 delinquency adjudication or conviction for a violation of s. 942.08 (2) (b) or (c) is not
15 required to comply with the reporting requirements under this section if the
16 delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the conviction
17 is expunged under s. 973.015 (2).

18 SECTION 5. 301.45 (7) (e) of the statutes is created to read:

19 301.45 (7) (e) The department shall purge all of the information maintained
20 in the registry under sub. (2) concerning a person to whom sub. (1p) applies if any
21 of the following occurs:

- 22 1. The department receives notice under s. 938.355 (4m) (b) that a court has
23 expunged the record of the person's delinquency adjudication for the violation
24 described in sub. (1p).
25 2. The department issues a certificate of discharge under s. 973.015 (2).

PWF

INS 3/12

SENATE BILL 371

1 3. The department receives a certificate of discharge issued under s. 973.015

2 (2) by the detaining authority.

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3 SECTION 6. 938.355 (4m) of the statutes is renumbered 938.355 (4m) (a) and

4 amended to read:

5 938.355 (4m) (a) A juvenile who has been adjudged delinquent may, on
6 attaining 17 years of age, petition the court to expunge the court's record of the
7 juvenile's adjudication. The Subject to par. (b), the court may expunge the court's
8 record of the juvenile's adjudication if the court determines that the juvenile has
9 satisfactorily complied with the conditions of his or her dispositional order and that
10 the juvenile will benefit and society will not be harmed by the expungement.

RUF

11 SECTION 7. 938.355 (4m) (b) of the statutes is created to read:

12 938.355 (4m) (b) The court shall expunge the court's record of a juvenile's
13 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
14 (2) (b) or (c) and if the court determines that the juvenile has satisfactorily complied
15 with the conditions of his or her dispositional order. Notwithstanding s. 938.396 (2)
16 (a), the court shall notify the department promptly of any expungement under this
17 paragraph.

18 SECTION 8. 942.08 (1) (b) of the statutes is amended to read:

19 942.08 (1) (b) "Private place" means a place where a person may reasonably
20 expect to be safe from surveillance being observed without his or her knowledge and
21 consent.

RUF

22 SECTION 9. 942.08 (2) of the statutes is renumbered 942.08 (2) (intro.) and
23 amended to read:

24 942.08 (2) (intro.) Whoever knowingly does any of the following is guilty of a
25 Class A misdemeanor:

SENATE BILL 371

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(a) Knowingly installs a surveillance device in any private place, or uses a surveillance device that has been installed in a private place, with the intent to observe any nude or partially nude person without the consent of the person observed is guilty of a Class A misdemeanor.

5 SECTION 10. 942.08 (2) (b) ^X of the statutes is created to read:

6 942.08 (2) (b) For the purpose of sexual arousal or gratification and without the
7 consent of any person who is present in the private place, looks into a private place
8 that is or is part of a public accommodation, as defined in s. 134.48 (1) (b), and in
9 which a person may reasonably be expected to be nude or partially nude.

10 SECTION 11. 942.08 (2) (c) ^X of the statutes is created to read:

11 942.08 (2) (c) Enters private property without the consent of any person
12 present on the property and, for the purpose of sexual arousal or gratification, with
13 the intent to intrude upon or interfere with the privacy of another, and without the
14 consent of any person who is present in the dwelling, looks into the dwelling of
15 another.

MS ✓
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16 SECTION 12. 973.015 (1) ^X of the statutes is renumbered [✓] 973.015 (1) (a) and
17 amended to read:

PwF

18 973.015 (1) (a) ~~When~~ Subject to par. (b), [✓] when a person is under the age of 21
19 at the time of the commission of an offense for which the person has been found guilty
20 in a court for violation of a law for which the maximum penalty is imprisonment for
21 one year or less in the county jail, the court may order at the time of sentencing that
22 the record be expunged upon successful completion of the sentence if the court
23 determines the person will benefit and society will not be harmed by this disposition.

24 SECTION 13. 973.015 (1) (b) ^X of the statutes is created to read:

**SENATE AMENDMENT,
TO 2001 SENATE BILL 371**

INS 2/0

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert:

3 ~~SECTION 17.~~ [#] 51.20 (13) (ct) 1m. [✓] of the statutes is amended to read:

4 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
5 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
6 is found to have committed any violation, or to have solicited, conspired, or attempted
7 to commit any violation, of ch. 940, 944, or 948 or ss. 942.08 [✓] or 943.01 to 943.15, the
8 court may require the subject individual to comply with the reporting requirements
9 under s. 301.45 if the court determines that the underlying conduct was sexually
10 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
11 protection to have the subject individual report under s. 301.45.

12 2. Page 2, line 1: delete the material beginning with that line and ending on
13 page 3, line 7.

(end ins 2/0)

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INS 3/12

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3. Page 3, line 13: delete lines 13 and 14 and substitute OF PRIVACY ADJUDICATION OR CONVICTION. If a person is covered under sub. (1g) based solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b) or (c), the person is not

NO #

(end ins 3/12)

4. Page 4, line 2 after that line insert:

INS 4/2

SECTION 938.34 (15m) (am) of the statutes is amended to read:

938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the juvenile to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the juvenile report under s. 301.45.

SECTION 938.345 (3) (a) (intro.) of the statutes is amended to read:

938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection or services on the basis of a violation, or the solicitation, conspiracy, or attempt to commit a violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the juvenile to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the juvenile report under s. 301.45. In determining whether it would be in the interest of public protection to have the juvenile report under s. 301.45, the court may consider any of the following:

(end ins 4/2)

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4/2

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5. Page 5, line 15: after that line insert:

INS 5/15

~~SECTION 1m.~~ [#] 971.17 (1m) (b) 1m. of the statutes is amended to read:

971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under sub. (1) is found not guilty by reason of mental disease or defect for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the defendant to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the defendant report under s. 301.45.

(end ins 5/15)

6. Page 6, line 13: after that line insert:

INSERT 6/13

~~SECTION 1m.~~ [#] 973.048 (1m) of the statutes is amended to read:

973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or places a person on probation for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the person to comply with the reporting requirements under s. 301.45 if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest of public protection to have the person report under s. 301.45.

(END) (end ins 6/13)

INS
5/15

PURF

INS
6/13

PURF

Emery, Lynn

From: Driedric, Michael
Sent: Thursday, December 19, 2002 12:36 PM
To: LRB.Legal
Subject: Draft review: LRB-0536/1 Topic: Peeping toms

It has been requested by <Driedric, Michael> that the following draft be jacketed for the SENATE:

Draft review: LRB-0536/1 Topic: Peeping toms

1/6/03

Basford, Sarah

To: Sen.Roessler
Subject: LRB -0536/1 (attached)



03-0536/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Dsida, Michael

From: Driedric, Michael
Sent: Monday, January 13, 2003 12:31 PM
To: Dsida, Michael
Subject: FW: lrb 0536

I was wondering if you could answer this for me?

MIKE
Office of Senator Carol Roessler

-----Original Message-----

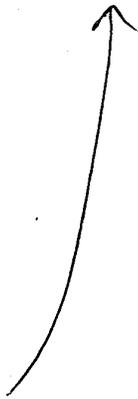
From: Marschman, Kathy
Sent: Monday, January 13, 2003 11:37 AM
To: Driedric, Michael
Subject: lrb 0536

In the analysis included in the cosponsorship memo the second prohibition is "looking into the dwelling of another...without the consent of any person who is present in the dwelling."

How does this bill address the situation of a peeping tom that has the consent (and perhaps assistance) of a person in the dwelling to view someone else in the dwelling without that individual's knowledge or consent?

Thanks. ~Kathy

Kathy Marschman
Research Assistant/Committee Clerk
Representative Jerry Petrowski
86th Assembly District
608.266.1182/Toll-Free: 888.534.0086



1/14
Plc from Mike -
Redraft to address

and going onto 3rd person's property under par (c)

1/16 Plc to Mike
~~Plc~~ Cover cases in which no one is present?
- Yes

01/14/2003



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0536/D
MGD:jld:pg 2

SOON

2003 BILL

Regen

1 AN ACT to renumber and amend 938.355 (4m), 942.08 (2) and 973.015 (1); to
2 amend 51.20 (13) (ct) 1m., 301.45 (1m) (title), 938.34 (15m) (am), 938.345 (3)
3 (a) (intro.), 942.08 (1) (b), 971.17 (1m) (b) 1m., 973.015 (2) and 973.048 (1m); and
4 to create 301.45 (1p), 301.45 (7) (e), 938.355 (4m) (b), 942.08 (2) (b), 942.08 (2)
5 (c) and 973.015 (1) (b) of the statutes; relating to: invasion of privacy and
6 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may knowingly install a surveillance device in any private place or use a surveillance device that has been installed in a private place with the intent to observe any nude or partially nude person without the consent of the person observed. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

This bill prohibits a person from doing any of the following: 1) looking into a private place in which a person may reasonably be expected to be nude or partially nude, if the person looking does so for the purpose of sexual arousal or gratification and without the consent of any person who is present in the private place; or 2) looking into the dwelling of another for the purpose of sexual arousal or gratification, with the intent to intrude upon or interfere with the privacy of another, and without the consent of any person who is present in the dwelling. A person who violates either one of these "peeping tom" prohibitions may be fined not more than \$10,000 or

that is, or is part of, a facility that is open to the public and

each ✓

from private property

insert (D) ✓

BILL

imprisoned for not more than nine months or both. In addition, under the bill, if a court finds that a person has violated one of the peeping tom prohibitions or the existing prohibition regarding installing or using a surveillance device, the court may order the person to register with the Department of Corrections (DOC) as a sex offender if the court determines that the person's conduct was sexually motivated and that requiring the person to register would be in the public interest.

This bill also contains provisions relating to expunging a delinquency adjudication or a conviction based on a violation of one of the peeping tom prohibitions. Under current law, a juvenile who has been adjudged delinquent for any offense may, after attaining 17 years of age, petition the court to expunge the record of the adjudication. The court may expunge the record if it determines that the juvenile has satisfactorily complied with the conditions of the dispositional order and that the juvenile will benefit and society will not be harmed by the expungement. Current law also provides that, if a person was under the age of 21 at the time of committing an offense for which he or she has been found guilty and the maximum penalty for the offense is imprisonment for one year or less in the county jail, the court may, if it determines that the person will benefit and society will not be harmed by this disposition, order at the time of sentencing that the record be expunged upon successful completion of the sentence. This bill requires the court to expunge a juvenile's delinquency adjudication if the peeping tom violation was the juvenile's first offense and if he or she complied with the dispositional order. Similarly, the bill requires the court to order that the record of a person's peeping tom conviction be expunged upon successful completion of the sentence if the person was under 18 years old at the time of the offense and he or she had no prior peeping tom convictions. Finally, if a court required the person to register as a sex offender for violating one of the peeping tom prohibitions, the court's expungement order ends that requirement and DOC must expunge the record of the person's delinquency adjudication or conviction from the sex offender registry.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 51.20 (13) (ct) 1m. of the statutes is amended to read:
2 51.20 (13) (ct) 1m. Except as provided in subd. 2m., if the subject individual is
3 before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and
4 is found to have committed any violation, or to have solicited, conspired, or attempted

BILL

1 to commit any violation, of ch. 940, 944, or 948 or ss. 942.08 or 943.01 to 943.15, the
2 court may require the subject individual to comply with the reporting requirements
3 under s. 301.45 if the court determines that the underlying conduct was sexually
4 motivated, as defined in s. 980.01 (5), and that it would be in the interest of public
5 protection to have the subject individual report under s. 301.45.

6 **SECTION 2.** 301.45 (1m) (title) of the statutes is amended to read:

7 301.45 (1m) (title) ~~EXCEPTION TO REGISTRATION REQUIREMENT; UNDERAGE SEXUAL~~
8 ACTIVITY

9 **SECTION 3.** 301.45 (1p) of the statutes is created to read:

10 301.45 (1p) ~~EXCEPTION TO REGISTRATION REQUIREMENT; EXPUNGEMENT OF INVASION~~
11 ~~OF PRIVACY ADJUDICATION OR CONVICTION.~~ If a person is covered under sub. (1g) based
12 solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in
13 connection with a delinquency adjudication or a conviction for a violation of s. 942.08
14 (2) (b) ^{(d), or (e),} (c), the person is not required to comply with the reporting requirements
15 under this section if the delinquency adjudication is expunged under s. 938.355 (4m)
16 (b) or if the conviction is expunged under s. 973.015 (2).

17 **SECTION 4.** 301.45 (7) (e) of the statutes is created to read:

18 301.45 (7) (e) The department shall purge all of the information maintained
19 in the registry under sub. (2) concerning a person to whom sub. (1p) applies if any
20 of the following occurs:

21 1. The department receives notice under s. 938.355 (4m) (b) that a court has
22 expunged the record of the person's delinquency adjudication for the violation
23 described in sub. (1p).

24 2. The department issues a certificate of discharge under s. 973.015 (2).

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1 3. The department receives a certificate of discharge issued under s. 973.015
2 (2) by the detaining authority.

3 **SECTION 5.** 938.34 (15m) (am) of the statutes is amended to read:

4 938.34 (15m) (am) Except as provided in par. (bm), if the juvenile is adjudicated
5 delinquent on the basis of any violation, or the solicitation, conspiracy, or attempt to
6 commit any violation, under ch. 940, 944, or 948 or ss. 942.08[✓] or 943.01 to 943.15, the
7 court may require the juvenile to comply with the reporting requirements under s.
8 301.45 if the court determines that the underlying conduct was sexually motivated,
9 as defined in s. 980.01 (5), and that it would be in the interest of public protection to
10 have the juvenile report under s. 301.45.

11 **SECTION 6.** 938.345 (3) (a) (intro.) of the statutes is amended to read:

12 938.345 (3) (a) (intro.) If the court finds that a juvenile is in need of protection
13 or services on the basis of a violation, or the solicitation, conspiracy, or attempt to
14 commit a violation, under ch. 940, 944, or 948 or ss. 942.08[✓] or 943.01 to 943.15, the
15 court may require the juvenile to comply with the reporting requirements under s.
16 301.45 if the court determines that the underlying conduct was sexually motivated,
17 as defined in s. 980.01 (5), and that it would be in the interest of public protection to
18 have the juvenile report under s. 301.45. In determining whether it would be in the
19 interest of public protection to have the juvenile report under s. 301.45, the court may
20 consider any of the following:

21 **SECTION 7.** 938.355 (4m) of the statutes is renumbered 938.355 (4m) (a) and
22 amended to read:

23 938.355 (4m) (a) A juvenile who has been adjudged delinquent may, on
24 attaining 17 years of age, petition the court to expunge the court's record of the
25 juvenile's adjudication. The Subject to par. (b), the court may expunge the court's

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1 record of the juvenile's adjudication if the court determines that the juvenile has
2 satisfactorily complied with the conditions of his or her dispositional order and that
3 the juvenile will benefit and society will not be harmed by the expungement.

4 **SECTION 8.** 938.355 (4m) (b) of the statutes is created to read:

5 938.355 (4m) (b) The court shall expunge the court's record of a juvenile's
6 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
7 (2) (b) ^{(c), (d), or (e)} and if the court determines that the juvenile has satisfactorily complied
8 with the conditions of his or her dispositional order. Notwithstanding s. 938.396 (2)
9 (a), the court shall notify the department promptly of any expungement under this
10 paragraph.

11 **SECTION 9.** 942.08 (1) (b) of the statutes is amended to read:

12 942.08 (1) (b) "Private place" means a place where a person may reasonably
13 expect to be safe from surveillance being observed without his or her knowledge and
14 consent.

15 **SECTION 10.** 942.08 (2) of the statutes is renumbered 942.08 (2) (intro.) and
16 amended to read:

17 942.08 (2) (intro.) Whoever knowingly does any of the following is guilty of a
18 Class A misdemeanor:

19 (a) Knowingly installs a surveillance device in any private place, or uses a
20 surveillance device that has been installed in a private place, with the intent to
21 observe any nude or partially nude person without the consent of the person observed
22 is guilty of a Class A misdemeanor.

23 **SECTION 11.** 942.08 (2) (b) of the statutes is created to read:

24 942.08 (2) (b) For the purpose of sexual arousal or gratification and without the
25 consent of any person who is present in the private place, looks into a private place

each ✓

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1 that is or is part of a public accommodation, as defined in s. 134.48 (1) (b), and in
2 which a person may reasonably be expected to be nude or partially nude.

CNSent
6/2

3 SECTION 12. 942.08 (2) (c) of the statutes is created to read:

4 942.08 (2) (c) Enters private property without the consent of any person
5 present on the property and, for the purpose of sexual arousal or gratification, with
6 the intent to intrude upon or interfere with the privacy of another, and without the
7 consent of any person who is present in the dwelling, looks into the dwelling of
8 another.

✓
CNS
6/8

9 SECTION 13. 971.17 (1m) (b) 1m. of the statutes is amended to read:

10 971.17 (1m) (b) 1m. Except as provided in subd. 2m., if the defendant under
11 sub. (1) is found not guilty by reason of mental disease or defect for any violation, or
12 for the solicitation, conspiracy, or attempt to commit any violation, of ch. 940, 944,
13 or 948 or ss. 942.08 or 943.01 to 943.15, the court may require the defendant to
14 comply with the reporting requirements under s. 301.45 if the court determines that
15 the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that
16 it would be in the interest of public protection to have the defendant report under s.
17 301.45.

18 SECTION 14. 973.015 (1) of the statutes is renumbered 973.015 (1) (a) and
19 amended to read:

20 973.015 (1) (a) ~~When~~ Subject to par. (b), when a person is under the age of 21
21 at the time of the commission of an offense for which the person has been found guilty
22 in a court for violation of a law for which the maximum penalty is imprisonment for
23 one year or less in the county jail, the court may order at the time of sentencing that
24 the record be expunged upon successful completion of the sentence if the court
25 determines the person will benefit and society will not be harmed by this disposition.

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1 **SECTION 15.** 973.015 (1) (b) of the statutes is created to read:

2 973.015 (1) (b) The court shall order at the time of sentencing that the record
3 be expunged upon successful completion of the sentence if the offense was a violation
4 of s. 942.08 (2) (b) ~~(c)~~ ^{(d), or (e)} and the person was under the age of 18 when he or she
5 committed it.

6 **SECTION 16.** 973.015 (2) of the statutes is amended to read:

7 973.015 (2) A person has successfully completed the sentence if the person has
8 not been convicted of a subsequent offense and, if on probation, the probation has not
9 been revoked and the probationer has satisfied the conditions of probation. Upon
10 successful completion of the sentence the detaining or probationary authority shall
11 issue a certificate of discharge which shall be forwarded to the court of record and
12 which shall have the effect of expunging the record. If the person has been
13 imprisoned, the detaining authority shall also forward a copy of the certificate of
14 discharge to the department.

15 **SECTION 17.** 973.048 (1m) of the statutes is amended to read:

16 973.048 (1m) Except as provided in sub. (2m), if a court imposes a sentence or
17 places a person on probation for any violation, or for the solicitation, conspiracy, or
18 attempt to commit any violation, under ch. 940, 944, or 948 or ss. 942.08 or 943.01
19 to 943.15, the court may require the person to comply with the reporting
20 requirements under s. 301.45 if the court determines that the underlying conduct
21 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
22 of public protection to have the person report under s. 301.45.

23 **SECTION 18. Initial applicability.**

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0536/2ins
MGD:.....

1 ~~analysis~~ **analysis INSERT**

2 ~~analysis~~ (NO \$) Comparable prohibitions (minus the consent provisions) apply to cases in
3 which no one is present in the private place or dwelling. ✓

4 **INSERT 6/2**

5 **SECTION 1.** 942.08 (2) (c) ✓ of the statutes is created to read:

6 942.08 (2) (c) For the purpose of sexual arousal or gratification, looks into a
7 private place that is, or is part of, ✓ a public accommodation, as defined in s. 134.48 (1)
8 (b), and in which a person may reasonably be expected to be nude or partially nude
9 but in which no person is present.

10 **INSERT 6/8**

11 **SECTION 2.** 942.08 (2) (e) ✓ of the statutes is created to read:

12 942.08 (2) (e) Enters private property and, for the purpose of sexual arousal or
13 gratification and with the intent to intrude upon or interfere with the privacy of
14 another, looks into the dwelling ✓ of another in which no person is present.