AN ACT to create 134.985 of the statutes; relating to: removal of certain criminal record information from Internet sites without a fee and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, the operator of an Internet site that publishes criminal record information and charges a fee to remove the information has 15 days to remove a person's criminal record information, without charging a fee, if the operator receives a written request for removal that shows any of the following: 1) no criminal charge was brought against the person; 2) the criminal charge was resolved through dismissal, acquittal, or otherwise without a conviction; 3) the criminal charge was reduced to a civil penalty; or 4) the person's conviction was expunged. The bill defines criminal record information as information showing that a person has been arrested, charged, prosecuted, convicted, or sentenced for a criminal offense, including booking photographs and fingerprints. An Internet site operator who violates these requirements is subject to a fine of up to $10,000 or imprisonment for up to nine months, or both.

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:
SECTION 1. 134.985 of the statutes is created to read:

134.985 Removal of criminal record information from Internet sites.

(1) DEFINITION. In this section, “criminal record information” means information showing that an individual has been arrested, charged, prosecuted, convicted, or sentenced for a criminal offense, including the individual’s photograph or digital image or fingerprint.

(2) REMOVAL OF CRIMINAL RECORD INFORMATION. A person who operates or otherwise controls an Internet site that contains criminal record information and who charges a fee for the removal of criminal record information from the Internet site shall remove an individual’s criminal record information from the Internet site without charging a fee within 15 days after receiving a written request for removal from the individual or the individual’s agent that contains documentation showing any of the following:

(a) No criminal charge was brought against the individual.

(b) The criminal charge against the individual was resolved through dismissal, acquittal, or otherwise without a conviction.

(c) The criminal charge against the individual was reduced to a civil penalty.

(d) The individual’s conviction was expunged or otherwise set aside by court order.

(3) PENALTY. A person who violates sub. (2) may be fined not more than $10,000 or imprisoned for not more than 9 months, or both.

(END)