

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1706/P1dn  
KRP:cjs

February 12, 2019

Rep. Dittrich:

In preparing this bill, I have attempted to create reasonable restrictions and limitations on a homeowner's right to use a surveillance device in connection with the sale of a home. However, those restrictions and limitations are a matter of policy for you to decide, and the restrictions and limitations included in the bill are merely placeholders and suggestions. Please carefully consider whether more, fewer, or simply different limitations or prohibited uses should apply.

I also have attempted to identify other current statutes related to privacy and the use of surveillance devices and to clarify potential conflicts between the bill and current law. Please consider whether the way in which I attempted to resolve those conflicts is consistent with your intent and whether other conflicts exist that are not currently addressed in the bill.

The bill, as currently drafted, does not create any penalties for a homeowner who uses a surveillance device in a way that is not authorized by the bill. Depending on the circumstances of the use, an aggrieved individual may have a remedy under s. 995.50, stats., and criminal laws may apply.

Note that the bill does not address what constitutes a reasonable expectation of privacy for constitutional purposes, including under the 4th Amendment.

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