



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3187/1
RAC:amn

2019 SENATE BILL 247

1 **AN ACT** *to renumber and amend* 995.50 (2); and *to create* 995.50 (2) (bm) and
2 995.60 of the statutes; **relating to:** the use of a surveillance device by an owner
3 of real estate in connection with the sale of the real estate and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 995.50 (2) of the statutes is renumbered 995.50 (2) (am), and 995.50
6 (2) (am) 1., as renumbered, is amended to read:
7 995.50 **(2)** (am) 1. Intrusion upon the privacy of another of a nature highly
8 offensive to a reasonable person, except as provided under par. (bm), in a place that
9 a reasonable person would consider private, or in a manner ~~which~~ that is actionable
10 for trespass.

SENATE BILL 247**SECTION 2**

1 **SECTION 2.** 995.50 (2) (bm) of the statutes is created to read:

2 995.50 (2) (bm) “Invasion of privacy” does not include the use of a surveillance
3 device under s. 995.60.

4 **SECTION 3.** 995.60 of the statutes is created to read:

5 **995.60 Use of surveillance devices in connection with real estate sales.**

6 **(1) DEFINITIONS.** In this section:

7 (a) “Real estate” means land and the improvements to the land.

8 (b) “Record” means to take a photograph, to make a motion picture, videotape,
9 audiotape, recording, or other visual or audio representation, or to record or store in
10 any medium data that represents a visual image or sound recording.

11 (c) “Representation” means a photograph, exposed film, motion picture,
12 videotape, audiotape, recording, other visual or audio representation, or data that
13 represents a visual image or audio recording.

14 (d) “Surveillance device” means a camera, audio or video recorder, or any other
15 device that may be used to observe, record, or transfer sounds or images.

16 **(2) USE OF SURVEILLANCE DEVICES.** Except as provided under sub. (3), an owner
17 of real estate may use a surveillance device in or on the real estate to observe or record
18 an individual who is present in or on the real estate for a private showing, open
19 house, or other viewing of the real estate in connection with the owner’s attempt to
20 sell the real estate.

21 **(3) PROHIBITED USES.** (a) An owner of real estate may not use a surveillance
22 device under sub. (2) in a bathroom or washroom.

23 (b) 1. Except as provided under subd. 2., an owner of real estate may not copy,
24 sell, rent, broadcast, post, publish, distribute, disclose, transfer, or otherwise share
25 a representation of an individual recorded with a surveillance device under sub. (2).

