

2019 Senate Bill 247 (LRB -3187)

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

2019

05-30.	S.	Introduced by Senators Bernier, Bewley and Wanggaard ; cosponsored by Representatives Jagler, Stafsholt, Ballweg, Felzkowski, Fields, James, B. Meyers, Pronschinske, Skowronski, Spiros, Tusler, Wichgers and Allen.	219
05-30.	S.	Read first time and referred to Committee on Utilities and Housing	219
08-13.	S.	Public hearing held	
09-06.	S.	Executive action taken	
09-06.	S.	Report passage recommended by Committee on Utilities and Housing, Ayes 5, Noes 0	361
09-06.	S.	Available for scheduling	
09-26.	S.	Representative Wittke added as a cosponsor	402
11-01.	S.	Placed on calendar 11-5-2019 pursuant to Senate Rule 18(1)	473
11-05.	S.	Read a second time	485
11-05.	S.	Ordered to a third reading	485
11-05.	S.	Rules suspended	485
11-05.	S.	Read a third time and passed	485
11-05.	S.	Ordered immediately messaged	485
11-06.	A.	Received from Senate	362
11-12.	A.	Refused to suspend rules to withdraw from Senate message and take up, Ayes 60, Noes 35	391

2020

01-13.	A.	Read first time and referred to committee on Rules	453
01-13.	A.	Placed on calendar 1-15-2020 by Committee on Rules	
01-15.	A.	Read a second time	
01-15.	A.	Ordered to a third reading	
01-15.	A.	Rules suspended	
01-15.	A.	Read a third time and concurrred in	
01-15.	A.	Ordered immediately messaged	
01-15.	S.	Received from Assembly concurred in	

9MB



19en S B-247

ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 3187, 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

1/15/2020

Topic: Same as relating clause or Indicated below.

1/16/20

Date

[Handwritten Signature]

Enrolling Drafter



State of Wisconsin
2019-2020 LEGISLATURE

CORRECTIONS IN:

2019 SENATE BILL 247

Prepared by the Legislative Reference Bureau
(January 15, 2020)

In enrolling, the following correction was made:

1. Page 2, line 18: delete "SURVEILLANCE" and substitute "SURVEILLANCE".

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3187/1
KRP:ejs

2019 SENATE BILL 247

May 30, 2019 - Introduced by Senators BERNIER, BEWLEY and WANGGAARD, cosponsored by Representatives JAGLER, STAFSHOLT, BALLWEG, FELZKOWSKI, FIELDS, JAMES, B. MEYERS, PRONSCHINSKE, SKOWRONSKI, SPIROS, TUSLER, WICHGERS and ALLEN. Referred to Committee on Utilities and Housing.

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

This bill provides that an owner of real estate may, with certain exceptions, use a surveillance device in or on the real estate, other than in a bathroom or washroom, to observe or record an individual who is present for a private showing, open house, or other viewing of the real estate in connection with the owner's attempt to sell the real estate. The bill specifies that such use of a surveillance device is not an invasion of the individual's privacy under current state law recognizing the right of privacy.

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

SENATE BILL 247**SECTION 1**

1 a reasonable person would consider private, or in a manner which that is actionable
2 for trespass.

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

4 995.50 (2) (bm) "Invasion of privacy" does not include the use of a surveillance
5 device under s. 995.60.

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

7 **995.60 Use of surveillance devices in connection with real estate sales.**

8 (1) DEFINITIONS. In this section:

9 (a) "Real estate" means land and the improvements to the land.

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

13 (c) "Representation" means a photograph, exposed film, motion picture,
14 videotape, audiotape, recording, other visual or audio representation, or data that
15 represents a visual image or audio recording.

16 (d) "Surveillance device" means a camera, audio or video recorder, or any other
17 device that may be used to observe, record, or transfer sounds or images.

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

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

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

4 2. An owner of real estate may provide a representation of an individual
5 recorded with a surveillance device under sub. (2) pursuant to a court order or to the
6 request of a law enforcement officer who is investigating possible criminal conduct.

7 (4) INTERPRETATION. (a) The use of a surveillance device by an owner of real
8 estate in or on the real estate under this section does not constitute installing a
9 surveillance device in a private place for purposes of s. 942.08 (2) (a).

10 (b) An owner of real estate that records a representation of an individual with
11 a surveillance device under this section does not capture a representation of the
12 individual under circumstances in which the individual has a reasonable
13 expectation of privacy for purposes of s. 942.09 (2) (am) 1.

14 (5) ENFORCEMENT. An individual who violates sub. (3) (b) 1. may be required
15 to forfeit not more than \$500.

16 (END)