

2019 DRAFTING REQUEST

Bill

For: **Kathleen Bernier (608) 266-7511** Drafter: **kpleviak**
 By: **Nathan** Secondary Drafters:
 Date: **5/8/2019** May Contact:
 Same as LRB: **-1706**

Submit via email: **YES**
 Requester's email: **Sen.Bernier@legis.wisconsin.gov**
 Carbon copy (CC) to: **krista.pleviak@legis.wisconsin.gov**
fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow property owner to use recording device during open house or other property showing

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kpleviak 5/8/2019	csicilia 5/8/2019	dwalker 5/8/2019	lparisi 5/8/2019	

FE Sent For: ²

<END>

Not Needed

Pleviak, Krista

From: Sen.Bernier
Sent: Wednesday, May 8, 2019 9:25 AM
To: Pleviak, Krista
Cc: Bellin, Charlie
Subject: LRB 1706

Good morning Krista,

Can you please send us a Senate version of LRB 1706 related to realtors and in home privacy. Thank you,

Nathan Duerkop
Chief of Staff
Senator Kathy Bernier
23rd Senate District

Email: nathan.duerkop@legis.wisconsin.gov
Toll-Free: 1-888-437-9436
Office: (608) 266-7511
Direct: (715) 498-2905



State of Wisconsin
2019 - 2020 LEGISLATURE

3187
LRB-1706/1
KRP:cjs

TODAY

2019 BILL

Companion
AMP

No CHANGES

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

BILL**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.

BILL

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)

Parisi, Lori

From: Duerkop, Nathan
Sent: Wednesday, May 08, 2019 11:09 AM
To: LRB.Legal
Subject: Draft Review: LRB -3187/1

Please Jacket LRB -3187/1 for the SENATE.