
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Tom Koss, Staff Attorney

2025 Assembly Bill 171

Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment 1

BACKGROUND

2023 Wisconsin Act 235 provides certain privacy protections for the personal information of judicial officers upon the submission of a written request. Very generally, Act 235 does the following:

- Prohibits a government agency from publicly posting or displaying a judicial officer's personal information, provided the government agency has received a written request that it refrain from disclosing that information.
- Prohibits a data broker from knowingly selling, licensing, trading, purchasing, or otherwise making available for consideration the personal information of a judicial officer or a judicial officer's immediate family, provided the judicial officer has made a written request to the data broker.
- Prohibits any person, business, or association from publicly posting or displaying on the internet publicly available content that includes the personal information of a judicial officer or a judicial officer's immediate family members, provided the judicial officer has made a written request to the person, business, or association that it refrain from disclosing or acquiring the personal information.
- Establishes a procedure for completing a written request for the protection of a judicial officer's personal information.
- Requires any provider of a public-facing land records website to establish a process for judicial officers and their immediate family members to opt out from the display and search functions of their names on the website.
- Creates penalties and a procedure for enjoining violations. A judicial officer whose personal information is made public as a result of a violation may bring an action seeking injunctive or declaratory relief, and certain violations are punishable as a Class G felony.
- Exempts from disclosure under the Public Records Law personal information of a judicial officer held by an authority or held by the Ethics Commission in certain types of documents, if the judicial officer submits a written request.

2025 ASSEMBLY BILL 171

2025 Assembly Bill 171 makes several changes to Act 235's provisions, including those relating to the procedure for submitting a written request, the prohibition against publicly posting or displaying a judicial officer's personal information, the requirement that an operator of a land records website establish an opt-out process, and enforcement mechanisms.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 makes the following changes:

- Amends the definition of “personal information” to refer to a home address that is directly associated or displayed with a judicial officer’s name, including a secondary residence, and limits a judicial officer to identifying no more than two secondary residences as part of a written request.
- Modifies the general prohibition on the sale of or public posting or display by a data broker or other person or business of the personal information of a judicial officer or judicial officer’s immediate family that is subject to a written request, including by allowing a business to transfer personal information, otherwise protected by written request, if the business meets one of the exceptions in the definition of “data broker,” the transfer is to a third-party based on a business need of the business, and the transferred personal information would not be publicly posted or displayed by either party.
- Modifies the procedure for a judicial officer completing a written request for the protection of personal information, as follows:
 - Requires that a judicial officer’s written request identify with reasonable specificity the personal information to be protected, and further, requires a judicial officer to submit the written request directly to a government agency’s “designated officer,” as defined in the amendment.
 - Requires that both the written request and a consent to release personal information otherwise protected by a written request be notarized.
 - Specifies that the forms prescribed by the Director of State Courts for written requests and consents to release, whether blank or completed, must be kept confidential, including under the Public Records Law, but the fact that a written request or consent to release exists or has been submitted or received is not confidential.
 - Establishes additional situations in which personal information subject to a written request may otherwise be released, such as if the information is contained in a record that a government agency provides to another government agency, provided that the record may not be made publicly available, or the release is a notice of sex offender registration.
 - Specifies that a written request for protection of a judicial officer’s personal information relating to property expires, with respect to any information regarding the property, within 90 days of the property ceasing to be a permanent or secondary residence.
- Modifies the requirement that a provider of land records website establish a process that allows judicial officers to opt out from the display and search functions of their names, as follows:
 - Expands the definition of “land records website” to include a public land records database linked from a website, not just a public website, that allows users to search and retrieve a real estate property database or geographic records, but further clarifies that the definition does not include the register of deeds index.
 - Maintains the requirement that a provider of a public-facing land records website establish a process for opting out and further clarifies that, in order to opt out from the display and search functions, a judicial officer or representative from the judicial officer’s employer on the judicial officer’s behalf (but not an immediate family member) must submit a written request.
 - Provides that a provider that establishes an opt-out process does not violate the judicial privacy law by continuing to display an address if a name is removed, provided that the link between the name and address is severed and precludes a search and retrieval that displays a name.

- Regarding violations, does the following:
 - Specifies that a writ of mandamus is the only type of action that a judicial officer may take against a government agency.
 - Provides that if a judicial officer prevails in a general enforcement action or writ of mandamus, the court shall order the person who committed the violation to pay the judicial officer's costs and reasonable attorney fees.
 - Expressly provides that any person who intentionally submits false information on a written request, or on a form to consent to the release personal information otherwise protected by a written request, may be prosecuted for the crime of false swearing.
- Provides that any personal information of a judicial officer in the Ethics Commission's possession is not subject to public inspection, except for information related to lobbying, provided the judicial officer has submitted a written request to the Ethics Commission. Under current law, a judicial officer's personal information contained in a statement of economic interest, report of economic transactions, or campaign finance report filed with the Ethics Commission is not subject to public inspection, provided the judicial officer has submitted a written request to the Ethics Commission.
- Specifies that the current law requirement that a county register of deeds shield from disclosure and keep confidential documents containing information covered by a judicial officer's written request only applies to personal information that is included in electronic recorded documents, and that the requirements applicable to registers of deeds supersede any statutory requirements under the Public Records Law.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 1 to Assembly Substitute Amendment 1 makes the following changes:

- Modifies the procedure for a judicial officer completing a written request for the protection of personal information by requiring a judicial officer to submit a written request directly to a person, data broker, business, or association, and requiring a government agency that releases personal information to another government agency to provide the receiving agency with all written requests applicable to the records and provide notice to the judicial officer.
- Regarding violations, repeals a provision in current law that provides that when an employee of a government agency has complied with the conditions set forth in the law, it is not a violation if an employee of a government agency publishes personal information, in good faith, on the website of the government agency in the ordinary course of carrying out public functions and clarifies who is required to pay the attorney fees of a judicial officer who prevails in an enforcement action.

BILL HISTORY

Representative Tusler offered Assembly Substitute Amendment 1 on May 7, 2025, and Assembly Amendment 1 to Assembly Substitute Amendment 1 on May 20, 2025. On May 21, 2025, the Assembly Committee on Criminal Justice and Public Safety voted to do all of the following on votes of Ayes, 13; Noes, 0: recommend adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1; recommend adoption of Assembly Substitute Amendment 1, as amended; and recommend passage of Assembly Bill 171, as amended.

For a full history of the bill, visit the Legislature's [bill history page](#).

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