

State of Wisconsin



2015 Assembly Bill 8

Date of enactment: **November 11, 2015**

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2015 WISCONSIN ACT 80

AN ACT to amend 301.45 (1p) (a), 938.355 (4m) (b) and 973.015 (1m) (a) 2.; and to create 942.08 (3) of the statutes; relating to: invading an individual's privacy by viewing under or through clothing and providing a penalty.

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

SECTION 1. 301.45 (1p) (a) of the statutes is amended to read:

301.45 (1p) (a) If a person is covered under sub. (1g) based solely on an order that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d); or (3), the person is not required to comply with the reporting requirements under this section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the conviction is expunged under s. 973.015 (1m) (b).

SECTION 2. 938.355 (4m) (b) of the statutes is amended to read:

938.355 (4m) (b) The court shall expunge the court's record of a juvenile's adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08 (2) (b), (c), or (d); or (3), and if the court determines that the juvenile has satisfactorily complied with the conditions of his

or her dispositional order. Notwithstanding s. 938.396 (2), the court shall notify the department promptly of any expungement under this paragraph.

SECTION 3. 942.08 (3) of the statutes is created to read:

942.08 (3) Whoever knowingly installs or uses any device, instrument, mechanism, or contrivance to intentionally view, broadcast, or record under the outer clothing of an individual that individual's genitals, pubic area, breast, or buttocks, including genitals, pubic area, breasts, or buttocks that are covered by undergarments, or to intentionally view, broadcast, or record a body part of an individual that is not otherwise visible, without that individual's consent, is guilty of a Class I felony.

SECTION 4. 973.015 (1m) (a) 2. of the statutes is amended to read:

973.015 (1m) (a) 2. The court shall order at the time of sentencing that the record be expunged upon successful completion of the sentence if the offense was a violation of s. 942.08 (2) (b), (c), or (d); or (3), and the person was under the age of 18 when he or she committed it.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."