

State of Wisconsin



2019 Senate Bill 247

Date of enactment: **January 21, 2020**

Date of publication*: **January 22, 2020**

2019 WISCONSIN ACT 72

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.

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

SECTION 1. 995.50 (2) of the statutes is renumbered 995.50 (2) (am), and 995.50 (2) (am) 1., as renumbered, is amended to read:

995.50 (2) (am) 1. Intrusion upon the privacy of another of a nature highly offensive to a reasonable person, except as provided under par. (bm), in a place that a reasonable person would consider private, or in a manner ~~which that~~ is actionable for trespass.

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

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

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

995.60 Use of surveillance devices in connection with real estate sales. (1) DEFINITIONS. In this section:

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

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

(c) "Representation" means a photograph, exposed film, motion picture, videotape, audiotape, recording,

other visual or audio representation, or data that represents a visual image or audio recording.

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

(2) USE OF SURVEILLANCE DEVICES. Except as provided under sub. (3), an owner of real estate may use a surveillance device in or on the real estate to observe or record an individual who is present in or on the real estate 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.

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

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

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

* 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."

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

(b) An owner of real estate that records a representation of an individual with a surveillance device under this

section does not capture a representation of the individual under circumstances in which the individual has a reasonable expectation of privacy for purposes of s. 942.09 (2) (am) 1.

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