1997 ASSEMBLY BILL 276

April 11, 1997 – Introduced by Representatives Seratti, Hoven, Wasserman, Green, Freese, Albers, Ainsworth, Musser, Otte, Kreibich, Lazich, Hasenohrl, Walker, Gunderson, Powers, Ryba and Sykora, cosponsored by Senator A. Lasee. Referred to Committee on Criminal Justice and Corrections.

- 1 AN ACT to amend chapter 942 (title); and to create 942.08 of the statutes;
- 2 **relating to:** criminal invasion of privacy and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person is prohibited from doing any of the following: 1) making a visual representation (including a photograph, motion picture or videotape) that depicts nudity without the knowledge and consent of the person who is depicted nude; or 2) possessing or distributing a visual representation that depicts nudity if the person knows or has reason to know that the visual representation was made without the knowledge and consent of the person who is depicted nude.

This bill prohibits a person from knowingly installing or using a surveillance device in any place with the intent to observe any nude or partially nude person without the consent of the person observed. The bill defines "surveillance device" to mean any device, instrument, apparatus, implement, mechanism or contrivance that is used, designed to be used or primarily intended to be used to observe the activities of a person, including a peephole or similar method of direct sight observation. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

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

ASSEMBLY BILL 276

19

1	Section 1. Chapter 942 (title) of the statutes is amended to read:
2	CHAPTER 942
3	CRIMES AGAINST REPUTATION,
4	PRIVACY AND CIVIL LIBERTIES
5	Section 2. 942.08 of the statutes is created to read:
6	942.08 Invasion of privacy. (1) In this section:
7	(a) "Nude or partially nude person" means any human being who has less than
8	fully and opaquely covered genitals, pubic area or buttocks, any female human being
9	who has less than a fully opaque covering over any portion of a breast below the top
10	of the nipple, or any male human being with covered genitals in a discernibly turgid
11	state.
12	(b) "Surveillance device" means any device, instrument, apparatus,
13	implement, mechanism or contrivance used, designed to be used or primarily
14	intended to be used to observe the activities of a person. "Surveillance device'
15	includes a peephole or similar method of direct sight observation.
16	(2) Whoever knowingly installs or uses a surveillance device in any place with
17	the intent to observe any nude or partially nude person without the consent of the
18	person observed is guilty of a Class A misdemeanor.

(END)