1997 SENATE BILL 207

May 13, 1997 – Introduced by Senators Burke, Clausing, Huelsman, Moen, Plache, Roessler and Rosenzweig, cosponsored by Representatives Bock, Black, Albers, Boyle, Cullen, Gronemus, Gunderson, Harsdorf, Notestein, Plale, Riley, Seratti, Sykora and Turner. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

- 1 AN ACT to amend chapter 942 (title); and to create 939.32 (1) (f), 942.08 and
- 2 944.25 of the statutes; **relating to:** looking into a building for sexual purposes,
- 3 criminal invasion of privacy and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, there are various crimes involving sexually related activity, such as prohibitions against a person exposing his or her genitals in public or committing a sex act in public. In addition, 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 does all of the following:

1. The 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 prohibition applies only if the person is acting for purposes of sexual gratification or arousal. 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.

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2. The bill prohibits a person from going or remaining on the property of another, without consent, and looking into a building at another. The prohibition applies only if the person is acting for purposes of sexual gratification or arousal. Upon conviction, a violator may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. Persons who attempt to commit this new crime are subject to the same penalties.

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

Section 1. 939.32 (1) (f) of the statutes is created	. to reau:
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- 939.32 (1) (f) Whoever attempts to commit a crime under s. 944.25 is subject to the penalty provided in that section for the completed act.
 - **Section 2.** Chapter 942 (title) of the statutes is amended to read:

CHAPTER 942

CRIMES AGAINST REPUTATION.

PRIVACY AND CIVIL LIBERTIES

Section 3. 942.08 of the statutes is created to read:

942.08 Invasion of privacy. (1) In this section:

- (a) "Nude or partially nude person" means any human being who has less than fully and opaquely covered genitals, pubic area or buttocks, any female human being who has less than a fully opaque covering over any portion of a breast below the top of the nipple, or any male human being with covered genitals in a discernibly turgid state.
- (b) "Surveillance device" means any device, instrument, apparatus, implement, mechanism or contrivance used, designed to be used or primarily intended to be used to observe the activities of a person. "Surveillance device" includes a peephole or similar method of direct sight observation.

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(2) Whoever knowingly installs or uses a surveillance device in any place with
the intent to observe any nude or partially nude person without the consent of the
person observed and acting for purposes of sexual arousal or sexual gratification is
guilty of a Class A misdemeanor.
Section 4. 944.25 of the statutes is created to read:
944.25 Looking into building for sexual purpose. Whoever does all of the
following is guilty of a Class A misdemeanor:
(1) Enters or remains on the property of another without the consent of the
owner or occupant of the property.
(2) While on that property and acting for purposes of sexual arousal or sexual
gratification, looks into a building at a person.

(END)