



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

**Testimony in Support of Assembly Bill 171
Assembly Committee on Criminal Justice & Public Safety
May 7, 2025**

Chairman Spiros and Committee Members,

Thank you for the opportunity to testify in support of Assembly Bill 171.

After the passage of 2023 Act 235 last session, which provided critical privacy protections for judicial officers, we made a commitment to work with stakeholders to further clarify certain aspects of the new law. We pledged to listen, to collaborate, and to refine the law so it could be implemented effectively without unintended consequences.

Over the past year, we sat down with stakeholders from every corner of this issue. Judicial officers. County officials. Clerks. Attorneys. Land records experts. Our goal was to ensure the privacy of our judges is protected, while also maintaining the integrity and functionality of the public records system.

Assembly Bill 171 is the product of that process, a thoughtful, bipartisan effort shaped by hands-on expertise.

Assembly Bill 171 makes several key clarifications, including:

- Requiring notarization for written privacy requests;
- Ensuring requests clearly describe which records contain sensitive personal information;
- Defining who receives these requests and what constitutes a residence;
- Enabling appropriate information-sharing between government agencies; and
- Clarifying the role and responsibilities of the Register of Deeds.

Organizations like the Wisconsin Counties Association, Wisconsin Land Information Council, Wisconsin Court System, Wisconsin Land Title Association, and others were at the table throughout this process and are in support of this legislation, a testament to the cooperation and balance we've achieved.

I urge the committee to support this legislation and help us deliver on the promise we made to protect judicial officers and the public record system alike. Thank you for your time and consideration. I am happy to answer any of your questions.

Testimony of Hon. Scott J. Nordstrand
Circuit Judge, St. Croix County

Regarding Judicial Security Legislation Trailer (AB 171)
Before the Assembly Committee on Criminal Justice & Public Safety
May 7, 2025

Good afternoon, Chair Spiros and members of the committee,

My name is Scott Nordstrand. I am a Circuit Judge in St. Croix County. I am here today to offer my support in favor of Assembly Bill 171, as amended by Assembly Substitute Amendment 1.

I grew up in St. Croix County and have practiced law in Wisconsin and Alaska for over 37 years. In Alaska, I worked as a private civil litigator and in state government as Deputy Attorney General, Acting Attorney General and Commissioner of Administration for Governor Frank Murkowski. After returning to Wisconsin, I worked as a corporate lawyer before Governor Walker appointed me to the bench in 2019. I was elected to that position by the citizens of St. Croix County in 2020. It's the greatest professional honor of my life.

I also serve as Vice Chair of the Legislative Committee of the Wisconsin Judicial Conference. Our committee of judges is tasked with reviewing legislation impacting the courts and—on rare occasions—offering legislation for your consideration. This is one of those rare occasions.

On June 3, 2022, retired Judge John Roemer of Juneau County was shot to death by a defendant that he had sentenced to six years in prison in 2005. Judge Roemer served as a Circuit Judge for 13 years, before retiring in 2017. He was a veteran, retiring as a lieutenant colonel in the U.S. Army Reserves, and previously served as both a public defender and an assistant district attorney. By all accounts, he was a bright, thoughtful, and caring judge.

In his retirement letter to the Governor, he said: "I graciously wish to thank the citizens of the state of Wisconsin and the county of Juneau for giving me this precious opportunity to serve as their circuit court judge. It is a responsibility that, at times, I can barely fathom." Sadly, his exercise of that awesome responsibility resulted in a disgruntled defendant killing him in his own home.

Immediately following this tragedy, Chief Justice Ziegler charged the Legislative Committee with investigating possible legislation to address (and hopefully lessen) the risks faced by judges outside the courthouse.

With the leadership of Representative Tusler and Senator Wanggaard, that work culminated in the enactment of three laws: 2023 Wisconsin Acts 234, 235, and 236.

Act 235 provided various means to help maintain the privacy of a judge's personal information, including: home address; personal phone numbers; personal email addresses; vehicle license plate numbers; government ID numbers; banking and credit information; marital status; date of birth; and the identity of a judge's immediate family members. Amended Assembly Bill 171 is offered as technical trailer legislation to Act 235.

The breadth of that legislation, which touched many government agencies, every county government, and particular private entities, generated many post-enactment suggestions on how to better achieve the goal of judicial privacy in the most practical and effective way. In the last year, the Legislative Committee of the Judicial Conference, Court System staff and the authors of AB 171 have been working with these stakeholders to that end. This legislation is the culmination of those efforts and the Legislative Committee is very grateful to everyone who participated in achieving this updated version of the Judicial Privacy Act.

As this is technical legislation with bipartisan support, I will not review every element included in the bill. If parts of the bill that I do not address that raise questions for you, either I or Court System staff are happy to answer those questions now or after the hearing.

There are eight changes that I want to mention specifically.

First, the bill creates a definition of a “designated officer”— the officer or employee of a government agency designated to fulfill the Act 235 duties. The “designated officer” is the person to whom judges send their requests. If there is no one designated, they send the requests to the the agency’s highest-ranking officer or employee. (Section 5)

Second, the bill defines and limits the term “secondary residence” from Act 235 to no more than two secondary residences that must be regularly lived in for at least 14 days each year. (Sections 8 & 13)

Third, the bill requires a Judge to submit a written request to the Ethics Commission in order to obtain privacy protections from information posted on the electronic campaign finance system. (Section 2)

Fourth, the bill requires a judge’s written request to identify with “reasonable specificity” the personal information to be protected at the particular government agency or private entity. (Section 13)

Fifth, the bill states that shielding of the property information ends within 90 days after the property ceases to be a permanent or secondary residence. Judges must provide written notification to the agency of the change. (Section 17)

Sixth, one of the most significant sets of changes in the bill is a very carefully and narrowly tailored list of exceptions to Act 235 protections. Three good examples of these exceptions are: allowing government agencies to share information to facilitate normal government business needs; sharing information with title insurance companies; and compliance with sex offender registration notification laws. These exceptions were developed at the request of our government and private sector business partners to allow necessary data disclosure, while protecting judicial privacy to the greatest degree possible. (Section 5)

Seventh, makes the Director’s written request forms—whether blank or completed—confidential and not subject to public records requests. It further requires notarization of requests to avoid

fraudulent submissions. It also makes it a Class H felony to intentionally submit false information on the official written request form. (Sections 13 & 23)

Finally, the bill clarifies the remedies available to a judge for disclosure of shielded information. It authorizes injunctive relief against private parties and mandamus relief against government agencies. (Sections 21 & 22)

As I said when Act 235 was being considered by this committee a year ago, every day, judges in Wisconsin face parties, witnesses, and victims at some of the most desperate moments in their lives. The goal of Act 235 is to reduce threats to judges that are all too common in Wisconsin. The hope is that this trailer legislation will help achieve that goal in a way that is as operationally efficient as possible.

On behalf of the judges on the Legislative Committee, I ask for your support for Assembly Bill 171, as amended. If you have any questions, I would be glad to take them. Thank you.

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: Wednesday, May 7, 2025

SUBJECT: Support of Assembly Bill 171: Privacy Protections for Judicial Officers

Thank you for the opportunity to submit written comment on Senate Bill 169/Assembly Bill 171, which provides much needed clarity to 2023 Wisconsin Act 235, commonly known as the Judicial Privacy Act. As indicated in the LRB analysis accompanying the Bill, the Judicial Privacy Act took effect on April 1, 2025. For many months, stakeholders representing the Director of State Courts, Registers of Deeds, County Treasurers, County Land Information Officers, title insurance companies and others have been meeting to both plan implementation and discuss opportunities for better legislative guidance so as to ensure the purpose of the Act (to safeguard a judicial officer's personal information) is fulfilled to the greatest extent possible. The WCA, on behalf of its member counties and all of the other stakeholders within the county family, is pleased to support the Bill, as amended, and appreciates the opportunity to provide testimony in support of this needed legislation.

As indicated above, the Bill provides needed clarity in a number of areas:

1. A government agency's obligation to shield information is triggered by submission of a written request. The Bill adds a notarization requirement to provide both a government agency and a judicial officer with reasonable certainty that a request is legitimate.
2. Act 235 is silent as to the person or office within a government agency with whom a request for shielding is filed. The Bill provides a government agency with the opportunity to identify a point of contact for receipt of a judicial officer's request for shielding. This will assist government agencies in ensuring the appropriate handling of such requests.
3. The Bill clarifies that statutorily-required personal notices (*e.g.*, tax notices) provided directly to a judicial officer do not fall within the category of prohibited "posting" or "display." This ensures appropriate functioning within government agency offices and departments consistent with existing legal requirements.

4. Under Act 235, there is no express exemption to the shielding requirement for information exchanged between government agencies when those agencies are carrying out their governmental functions. This has created concerns and confusion in implementation as many agencies have suggested that independent statutory obligations related to confidentiality obviate the need for compliance with Act 235. The Bill clarifies that government agencies may exchange information that is otherwise subject to shielding so long as (a) they are doing so to carry out a governmental function; and (b) the agencies are aware of the shielding obligation so as to prevent further downstream disclosure.
5. The Bill clarifies circumstances where a government agency can be held civilly liable for failure to properly implement a valid shielding request. In essence, the Bill replicates the existing liability procedures in the Wisconsin Public Records Law whereby a judicial officer can ask a court for a writ of mandamus directing a government agency to implement the shield. As well, similar to the Wisconsin Public Records Law, a judicial officer that prevails in any such action is entitled to reimbursement of fees and costs associated with the claim.

There are, of course, several other technical revisions that are important and the WCA supports those changes as well. That said, the WCA and other stakeholders receive feedback on Act 235 implementation on nearly a daily basis. Such feedback has led to further discussion on refining certain provisions in the Bill. The WCA will continue to work with legislative staff on the refinements, which are more technical in nature and do not impact the substantive provisions in the Bill.

The WCA thanks Senator Wanggaard, Representative Tusler and their staff for their work in addressing the important issues surrounding Act 235 and its implementation.

WCA respectfully requests your support for SB 169/AB 171.

Contact: Marcie Rainbolt, Government Affairs Associate
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To: Assembly Committee on Criminal Justice and Public Safety

From: Wisconsin Land Information Association

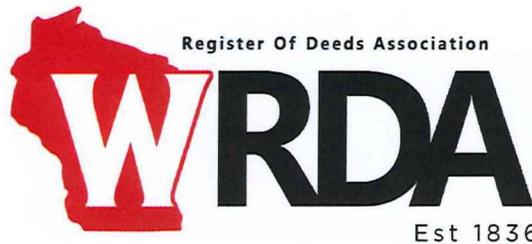
Re: Support of AB 171

The Wisconsin Land Information Association (WLIA), is in support of AB-171. WLIA is a grassroots organization consisting of over 1,000 public and private sector professionals who develop, maintain, distribute, and utilize land information systems and data critical to all sectors of business in Wisconsin.

WLIA would like to thank Representative Tusler and the Director of State Courts for working with WLIA and others on this important legislation. WLIA has also worked with Sen. Wanggaard on the companion bill. AB-171 is a result of discussions with Rep. Tusler and the Director of State Courts a year ago, that some changes to Act 235 would be needed. At that time it was agreed that it was important to provide needed protections for judicial officers in the state, and work on fixes afterwards.

Following the signing of Act 235, WLIA established a Judicial Privacy Act Task Force that consisted of professionals from GIS, real property, register of deeds, land title, financial institutions, assessors, county corporation counsels, surveyors and many others. The Task Force worked to identify issues and areas of concern in Act 235. Through this collaboration, proposed changes were developed that ultimately resulted in AB-171.

WLIA would respectfully ask for your support of AB-171, to provide the needed changes to Act 235 that will clarify the interactions between local, county, state government, and private entities, while providing the needed protections for judicial officers in the State of Wisconsin. Our association thanks this committee for their time and consideration of this important legislation.



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To: Members of the Criminal Justice and Public Safety Committee

From: Wisconsin Register of Deeds Association

Date: May 7, 2025

Re: Testimony in Support of Assembly Bill 171 – Senate Substitute Amendment SB 169 Judicial Privacy

Chair Spiros and Members of the Criminal Justice and Public Safety Committee,

AB 171/ SB 169 provides important clarifications and improvements to Wisconsin’s judicial privacy laws. It strikes a careful and necessary balance between protecting the personal information of our judicial officers and maintaining the essential functionality of land records and real estate transactions.

Following the passage of Act 235 last year, PRIA Local began holding monthly meetings to determine how we could implement the new law while still fulfilling our statutory responsibilities. We formed a work group that included 21 professionals from across the state—representing state, county, and municipal government, as well as the private sector. Participants included the Wisconsin Counties Association, Attolles Law, the Wisconsin Land Information Association, and legal counsel from the Director of State Courts. Working collaboratively with Representative Tusler and Senator Wanggaard’s offices, we developed trailer legislation to ensure that commerce would not be unintentionally disrupted by the new law.

This bill clarifies several key areas. Importantly, the bill eliminates unnecessary confidentiality agreements with municipalities and other government entities. Under AB 171/SB 169, shielding requests must be notarized, records must be described with reasonable particularity, and agencies must be notified within 90 days when a property is no longer associated with a judicial officer.

Finally, the bill provides liability protections for public employees, ensuring they are not held personally responsible unless their actions were intentional or reckless. If you have any questions or would like to discuss this further, please don’t hesitate to reach out to Heather Kuhn, WRDA president, at 715.232.1228. or via email.

These are smart, measured reforms that protect individual privacy without compromising transparency or access to vital land records. I respectfully urge your support of AB 171/SB 169.

Thank you for your time and consideration.

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“Few things have to last as long as county records.”



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May 6, 2025

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Chair Spiros, Vice-Chair Piwowarczyk, Members of the Committee:

On behalf of the Consumer Data Industry Association, I write to express support for AB 171, as amended by committee substitute, which clarifies certain provisions of Act 235. CDIA appreciated that opportunity to collaborate with the legislature and other stakeholders last year on Act 235 and wish to reiterate our gratitude for the willingness of the legislature and stakeholders to again collaborate with us on the important changes AB 171 makes to Act 235, specifically Section 10 of the Committee Substitute (pg. 9, line 9).

CDIA, founded in 1906, is the trade organization representing the consumer reporting industry, including agencies like the three nationwide credit bureaus, regional and specialized credit bureaus, background check companies and others. CDIA exists to promote responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

Thanks to the adjustments made by AB 171, existing law remains as protective as before but adds important clarifications to ensure members of the protected class will not experience unnecessary and avoidable challenges in accessing new lines of credit, mortgages, auto loans, other retail transactions, insurance products or even securing tenancy. Further, these key provisions will ensure that CDIA members' services that help fight identity theft, stop fraudulent transactions, and combat other financial crimes are not unintentionally disrupted. The same is true for state services and benefits, state unemployment insurance, or state tax refunds that require authentication of applicants or beneficiaries' identities.

CDIA and its members recognize the important protections Act 235 affords to Wisconsin's judicial officers and their families who may face higher risks to their safety and well-being as a result of their public service. We are grateful to the committee for incorporating our requested clarifications into the committee substitute to AB 171 to avoid unintentionally disrupting the protected class's ability to easily and seamlessly complete normal day-to-day financial transactions and access other critical services like insurance markets and fraud protection. With this in mind, we respectfully urge the committee to approve AB 171, as amended.

Thank you for your time and consideration, please reach out to me should you, your colleagues, or staff have any questions.

Sincerely,

Zachary W. Taylor
Director, Government Relations
Consumer Data Industry Association