



State of Wisconsin
2025 - 2026 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 171

May 7, 2025 - Offered by Representative TUSLER.

AN ACT *to renumber and amend* 19.55 (2) (cm) and 757.07 (1) (g); *to amend* 19.36 (15), 59.43 (1r), 757.07 (1) (a) 12., 757.07 (1) (k), 757.07 (4) (b) 1. a., 757.07 (4) (b) 2., 757.07 (4) (d), 757.07 (4) (e) 3., 757.07 (4m) (a), 757.07 (4m) (b) and 757.07 (5) (a) and (b); *to create* 757.07 (1) (am), 757.07 (1) (g) 2m., 757.07 (1) (im), 757.07 (3) (c) 2. c., 757.07 (4) (dm) 2., 757.07 (4) (e) 2. d. to h., 757.07 (4) (e) 5. and 6., 757.07 (4m) (c), 757.07 (5) (cm), 757.07 (5) (d) and 757.07 (5m) of the statutes; **relating to:** privacy protections for judicial officers and providing a penalty.

Analysis by the Legislative Reference Bureau

2023 Wisconsin Act 235, effective April 1, 2025, established certain privacy protections for judicial officers upon submission of a written request. A “written request,” under Act 235, is a written notice signed by a judicial officer or a representative of the judicial officer’s employer requesting a government agency, business, association, or other person to refrain from publicly posting or displaying

publicly available content that includes the personal information of the judicial officer or the judicial officer's immediate family that is completed and filed as required under Act 235 and the provisions of the bill.

Act 235 provides that a written request is valid if the judicial officer sends the request to the director of state courts and the director of state courts has a policy and procedure for filing the request, or if the judicial officer sends the request directly to a government agency, person, data broker, business, or association. The bill modifies the latter option, specifying that the judicial officer must send the request directly to the designated officer of a government agency. The bill defines a "designated officer" to mean the officer or employee of a government agency in a position designated in writing by the agency to fulfill its duties under Act 235 and the bill or, in the absence of a written designation, the highest ranking officer or employee for the government agency. The bill also changes a requirement that the director of state courts must, each quarter, provide to the appropriate officer with ultimate supervisory authority for a government agency a list of judicial officers who have submitted a written request for privacy protections to instead require that the director of state courts provide the designated officer for a government agency with such a list.

Under current law, as created by Act 235, a judicial officer may identify a secondary residence as a home address that is subject to the privacy protections provided to judicial officers upon submission of a written request. This bill provides that a judicial officer may identify no more than two secondary residences for such protection. Under Act 235, a written request is generally valid for 10 years or until the judicial officer's death, whichever occurs first. The bill expressly provides that a written request for protection of a judicial officer's personal information relating to property expires, with respect to any information regarding the property, within 90 days of the property ceasing to be a permanent or secondary residence. The bill requires a judicial officer to provide written notice within 90 days of the property ceasing to be a permanent or secondary residence to the government agency that received the written request for protection of personal information relating to the property. The bill also modifies the definition of personal information for purposes of the privacy protections to provide that it does not include addresses without owner or occupant names associated with the address on public facing websites for address verification, including for utilities and emergency services.

Act 235 includes several exceptions allowing the release of personal information otherwise subject to protection upon receipt of a written request from a judicial officer, including if a judicial officer or immediate family member submits a consent to the release of personal information otherwise protected by a written request. The bill provides additional exceptions allowing disclosure, including if 1) the information is contained in a record that a government agency provides to any other government agency, provided that the record may not be made publicly available; 2) the release is part of the publication of a notice; 3) the release is to a title insurance company, an authorized agent of a title insurance company, a professional land surveyor licensed in this state, or an attorney licensed to practice

law in this state, provided that the record may not be made publicly available; 4) the release is to adjacent land owners seeking land records, provided that the record may not be made publicly available; or 5) the release is a notice of sex offender registration or any associated notice relating to sex offender registration. Under the bill, a government agency that provides a record to another government agency must notify the receiving agency of the written request and protections applicable to the record and of the receiving agency's obligation upon receipt to ensure the record is not made publicly available.

Act 235 generally prohibits data brokers from knowingly selling, licensing, trading, purchasing, or otherwise making available for consideration the personal information of a judicial officer or a judicial officer's immediate family if the judicial officer has made a written request to the data broker. Act 235 defines a "data broker" as a commercial entity that collects, assembles, or maintains personal information concerning an individual who is not a customer or an employee of that entity in order to sell the information or provide third-party access to the information, but also provides certain exceptions to the definition, including for law enforcement agencies or law enforcement support organizations or vendors. The bill clarifies this exception to specify it applies to law enforcement support organizations and vendors that provide data support services to law enforcement agencies and, further, that for purposes of the exception, the term "law enforcement support organizations" does not include charitable organizations.

The bill also adds to the list of circumstances created by Act 235 under which a judicial officer's personal information may be transferred after receipt of a written request. The bill provides that a business that falls within one of the exceptions to the definition of a "data broker" under Act 235 may transfer a judicial officer's personal information if the transfer is to a third party based on a business need of the business and the transferred information would not be publicly posted or displayed by either the business or the third party.

The bill adds a requirement that both a written request for privacy protection and a consent to release personal information otherwise protected by a judicial officer's written request must be notarized and must identify with reasonable specificity the personal information to be protected. Under the bill, the forms prescribed by the Director of State Courts office for a written request and for consent to release personal information otherwise protected by a written request, whether blank or completed, are confidential and exempt from disclosure under the public records law. However, the fact that a written request or a consent to release exists or has been submitted or received is not confidential. An entity that receives written requests or consents to release may maintain a list of judicial officers who submitted them and may share those lists with subunits within their organization.

The bill also includes several changes regarding the protections as applied to land records. The bill modifies the definition of a land records website to include a public land records database linked from a public website that allows users to search and retrieve a real estate property database or geographic records. The bill also expressly provides that a land records website does not include the register of deeds index. Under Act 235, providers of public-facing land records websites must

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establish a process for judicial officers and the immediate family members of judicial officers to opt out from the display and search functions of their names. The bill requires that in order to opt out, a judicial officer or a representative of the judicial officer's employer on behalf of the judicial officer must submit a written request to opt out from the display and search functions of their names and the names of their immediate family members. Under the bill, only a judicial officer or a representative of the judicial officer's employer on behalf of the judicial officer may submit such a written request on the judicial officer's behalf and on behalf of the judicial officer's immediate family members. An immediate family member may not submit the written request. The bill also provides that a provider of a public-facing land records website does not violate the judicial officer privacy protections by continuing to display an address if a name is removed, as long as the link between the name and address is severed and precludes a search and retrieval that displays name.

Under current law, as created by Act 235, if a judicial officer submits a written request to the Ethics Commission, the judicial officer's personal information contained in a statement of economic interests, report of economic transactions, or campaign finance report filed with the Ethics Commission is not available for public inspection. The bill extends that confidentiality requirement to include all such personal information in the Ethics Commission's possession unless related to lobbying, including personal information contained in a statement of economic interests, registration statement, or campaign finance report that is filed with the Ethics Commission by a judicial officer or the judicial officer's campaign committee.

The bill provides that the requirements applicable to the statutory privacy protections for judicial officers supersede statutory requirements that a government agency publicly post, display publicly available content, or permit inspection and copying.

The bill clarifies the civil remedies available, providing that a judicial officer may bring an action seeking injunctive or declaratory relief against any business, association, data broker, or other person responsible for a violation of the bill's requirements, except that if the violation is committed by a government agency, the judicial must instead bring an action for a writ of mandamus. If a judicial officer prevails, the court must order the person who committed the violation to pay the judicial officer's costs and reasonable attorney fees.

Finally, the bill provides that any person who intentionally submits false information on a written request for protection form or a form for consent to release personal information otherwise protected by a judicial officer's written request may be prosecuted for false swearing, a Class H felony for which the penalty is a fine of up to \$10,000 or up to six years in prison, or both.

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

SECTION 1. 19.36 (15) of the statutes is amended to read:

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19.36 (15) **PRIVACY PROTECTIONS FOR JUDICIAL OFFICERS.** If a judicial officer, as defined in s. 757.07 (1) (e), submits a written request under s. 757.07 (4), an authority shall not provide access under s. 19.35 (1) to a certification of residence under s. 8.10 (8) or to the personal information, as defined in s. 757.07 (1) (g), of a judicial officer, except as provided under s. 8.10 (8) (b). An authority shall not provide access under s. 19.35 (1) to any form, blank or completed, that is prescribed by the director of state courts under s. 757.07 (4) and used for the submission of written requests or for consent to release personal information otherwise protected by a judicial officer's written request.

SECTION 2. 19.55 (2) (cm) of the statutes, as created by 2023 Wisconsin Act 235, is renumbered 19.55 (2) (cm) (intro.) and amended to read:

19.55 (2) (cm) (intro.) If a judicial officer, as defined in s. 757.07 (1) (e), submits to the commission a written request under s. 757.07 (4), the personal information, as defined in s. 757.07 (1) (g), except information filed with the commission under subch. III of ch. 13, of ~~a~~ the judicial officer, including information contained in statements any of the following:

1. A statement of economic interests, ~~reports of economic transactions, and~~ filed under s. 19.43.

2. A registration statement or campaign finance ~~reports that are~~ report filed with the commission by the judicial ~~officers~~ officer or the candidate ~~committees~~ committee of the judicial officers officer. The commission shall quarterly review the electronic campaign finance information system for the personal information of judicial officers and remove such information from the system. ~~In addition, before~~

~~providing, upon a request, a statement of economic interests of a judicial officer, the commission shall remove the personal information of the judicial officer.~~

SECTION 3. 59.43 (1r) of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

59.43 (1r) PERSONAL INFORMATION OF JUDICIAL OFFICERS. The register of deeds shall shield from disclosure and keep confidential documents containing personal information covered by a written request of a judicial officer under s. 757.07, if the judicial officer specifically identifies the document number of any document to be shielded under this subsection. This Notwithstanding the scope of protection generally provided under s. 757.07 with regard to publicly available content, as defined in s. 757.07 (1) (h), this subsection applies only to electronic images of electronic recorded documents specifically identified by a judicial officer as covered by a written request under s. 757.07. The register of deeds may allow access to –a– an electronic recorded document subject to protection under this subsection only if the judicial officer consents to the access or access is otherwise permitted as provided under s. 757.07 (4) (e). This subsection does not apply to documents that are not electronic recorded documents. The requirements of this subsection supersede any statutory requirement that a government agency publicly post, display publicly available content, or permit inspection and copying under s. 19.35.

SECTION 4. 757.07 (1) (a) 12. of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (1) (a) 12. Law enforcement agencies or law enforcement support organizations and vendors that provide data support services to law enforcement

agencies. For purposes of this subdivision, law enforcement support organizations does not include charitable organizations.

SECTION 5. 757.07 (1) (am) of the statutes is created to read:

757.07 (1) (am) “Designated officer” means an officer or employee of a government agency in a position designated in writing by the government agency to fulfill its duties under this section. In the absence of a written designation, “designated officer” means the highest ranking officer or employee for the government agency.

SECTION 6. 757.07 (1) (g) of the statutes, as created by 2023 Wisconsin Act 235, is renumbered 757.07 (1) (g) 1., and 757.07 (1) (g) 1. a. and g., as renumbered, are amended to read:

757.07 (1) (g) 1. a. A home address, when directly associated with or displayed with a judicial officer’s name.

g. The ~~identification~~ names of children under the age of 18 of a judicial officer or an immediate family member of a judicial officer.

SECTION 7. 757.07 (1) (g) 2m. of the statutes is created to read:

757.07 (1) (g) 2m. “Personal information” does not include addresses without owner or occupant names associated with the address on public facing land records websites for address verification, including for utilities and emergency services.

SECTION 8. 757.07 (1) (im) of the statutes is created to read:

757.07 (1) (im) “Secondary residence” means a place that is not a person’s permanent residence, but where a person regularly lives for at least 14 days each year.

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SECTION 9. 757.07 (1) (k) of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (1) (k) “Written request” means written notice signed by a judicial officer or a representative of the judicial officer’s employer requesting a government agency, business, association, or other person to refrain from publicly posting or displaying publicly available content that includes the personal information of the judicial officer or judicial officer’s immediate family completed and filed pursuant to sub. (4).

SECTION 10. 757.07 (3) (c) 2. c. of the statutes is created to read:

757.07 (3) (c) 2. c. The business may transfer personal information otherwise protected by a written request if the business falls within one of the exceptions set forth in sub. (1) (a) 1. to 12., the transfer is to a 3rd party based on a business need of the business, and the transferred information would not be publicly posted or displayed by either the business or the 3rd party.

SECTION 11. 757.07 (4) (b) 1. a. of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (4) (b) 1. a. Sends the written request directly to the designated officer of a government agency, ~~person, data broker, business, or association.~~

SECTION 12. 757.07 (4) (b) 2. of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (4) (b) 2. In each quarter of a calendar year, the director of state courts shall provide to the ~~appropriate~~ designated officer ~~with ultimate supervisory authority~~ for a government agency a list of all judicial officers who have submitted a written request under subd. 1. b. The designated officer shall promptly provide a

copy of the list to the government agencies under his or her supervision. Receipt of the written request list compiled by the director of state courts office by the designated officer of a government agency shall constitute a written request to that agency for purposes of this subsection.

SECTION 13. 757.07 (4) (d) of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (4) (d) A judicial officer's written request shall be made on a form prescribed by the director of state courts ~~and, shall specify what~~ identify with reasonable specificity the personal information ~~shall be maintained as private to be protected, and shall be notarized.~~ If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request, but the judicial officer may identify no more than 2 secondary residences for protection under this section. A judicial officer's written request shall disclose the identity of the officer's immediate family and indicate that the personal information of these family members shall also be excluded to the extent that it could reasonably be expected to reveal personal information of the judicial officer.

(dm) 1. Any person receiving a written request form submitted by or on behalf of a judicial officer under ~~this paragraph~~ par. (d) shall treat the submission as confidential.

SECTION 14. 757.07 (4) (dm) 2. of the statutes is created to read:

757.07 (4) (dm) 2. The form prescribed by the director of state courts under par. (d), whether blank or completed, shall be kept confidential, but the fact that a written request exists or has been submitted or received is not confidential.

SECTION 15. 757.07 (4) (e) 2. d. to h. of the statutes are created to read:

757.07 (4) (e) 2. d. If the information is contained in a record that a government agency provides to any other government agency, provided that the record may not be made publicly available. A government agency that provides a record to another government agency under this subd. 2. d. shall notify the receiving agency of the written request and protections applicable to the record and of the receiving agency's obligation upon receipt to ensure the record is not made publicly available.

e. If the release is part of the publication of a notice, including a notice of an administrative hearing or appeal, that is required by law.

f. If the release is to a title insurance company, as defined in s. 708.15 (1) (v), an authorized agent of a title insurance company, a professional land surveyor licensed in this state, or an attorney licensed to practice law in this state, provided that the record may not be made publicly available.

g. If the release is to adjacent land owners seeking land records, provided that the record may not be made publicly available.

h. If the release is a notice of sex offender registration or any associated notice relating to sex offender registration.

SECTION 16. 757.07 (4) (e) 3. of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (4) (e) 3. A judicial officer or immediate family member of the judicial officer may consent to release personal information otherwise protected by a judicial officer's written request if the consent is made in writing on a form prescribed by the director of state courts and is notarized. An immediate family member of the judicial officer may only consent to the release of his or her own

personal information. The form prescribed by the director of state courts under this subdivision, whether blank or completed, shall be kept confidential, but the fact that a consent to release exists or has been submitted or received is not confidential.

SECTION 17. 757.07 (4) (e) 5. and 6. of the statutes are created to read:

757.07 (4) (e) 5. Notwithstanding subd. 1., a written request for protection of a judicial officer's personal information relating to property expires, with respect to any information regarding the property, within 90 days of the property ceasing to be a permanent or secondary residence. A judicial officer shall provide written notice within 90 days of the property ceasing to be a permanent or secondary residence to the government agency that received the written request for protection of personal information relating to the property.

6. An entity that receives a written request under par. (d) or a consent under subd. 3. to release personal information otherwise protected by a judicial officer's written request may maintain a list of judicial officers who submitted a written request or a consent to release and may share the list with any subunits within their organization.

SECTION 18. 757.07 (4m) (a) of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

757.07 (4m) (a) In this subsection, "land records website" means a public website or a public land records database linked from such a website that allows users to search and retrieve a real estate property database or geographic records, but does not include the register of deeds index.

SECTION 19. 757.07 (4m) (b) of the statutes, as created by 2023 Wisconsin Act 235, is amended to read:

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757.07 (4m) (b) Any provider of a public-facing land records website shall establish a process for judicial officers and immediate family members of judicial officers to opt out from the display and search functions of their names on the provider's public-facing land records website. In order to opt out from the display and search functions of the judicial officer's name or the names of the judicial officer's immediate family members under this subsection, a judicial officer or a representative from the judicial officer's employer on the judicial officer's behalf shall submit a written request to the provider of the public-facing land records website. Only a judicial officer or a representative from the judicial officer's employer on the judicial officer's behalf may use the opt out process established under this paragraph to submit a written request to opt out of the display and search functions of the judicial officer's name and the names of the judicial officer's immediate family members. An immediate family member of a judicial officer may not submit a written request to opt out of the display and search functions of the family member's name under this paragraph.

SECTION 20. 757.07 (4m) (c) of the statutes is created to read:

757.07 (4m) (c) A provider of a public-facing land records website that establishes an opt out process under par. (b) does not violate this section by continuing to display an address if a name is removed, provided that the link between the name and address is severed and precludes a search and retrieval that displays name.

SECTION 21. 757.07 (5) (a) and (b) of the statutes, as created by 2023 Wisconsin Act 235, are amended to read:

757.07 (5) (a) A judicial officer ~~whose personal information is made public as~~

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~~a result of a violation of this section may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. Notwithstanding s. 814.04, if the court grants injunctive or declaratory relief, the governmental agency, against any business, association, data broker, or other person responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney fees of this section, except that if the violation alleged has been committed by a government agency, the judicial officer may bring an action only as set forth under par. (b).~~

(b) Whenever a judicial officer believes that a government agency has violated the requirements under this section, the judicial officer may bring an action for a writ of mandamus. Provided that an employee of a government agency has complied with the conditions set forth in sub. (2), it is not a violation of this section if an employee of a government agency publishes personal information, in good faith, on the website of the government agency in the ordinary course of carrying out public functions.

SECTION 22. 757.07 (5) (cm) of the statutes is created to read:

757.07 (5) (cm) If a judicial officer prevails in an action under par. (a) or (b), the court shall, notwithstanding the limitations under s. 814.04, order the person who committed the violation to pay the judicial officer's costs and reasonable attorney fees.

SECTION 23. 757.07 (5) (d) of the statutes is created to read:

757.07 (5) (d) Any person who intentionally submits false information on a written request for protection form under s. 757.07 (4) (d) or on a form under s.

757.04 (4) (e) 3. for consent to release personal information otherwise protected by a judicial officer's written request may be prosecuted for a violation of s. 946.32.

SECTION 24. 757.07 (5m) of the statutes is created to read:

757.07 **(5m)** The provisions of this section supersede any statutory requirement that a government agency publicly post, display publicly available content, or permit inspection and copying under s. 19.35.

SECTION 25. Initial applicability.

(1) The treatment of s. 757.07 (4) (d) and (e) 3. as it applies to notarization requirements, the treatment of s. 757.07 (4) (d) as it applies to the requirement to identify with reasonable specificity the personal information to be protected, and the treatment of s. 757.07 (4) (b) 1. a. as it applies to the requirement to submit a written request to the designated officer of a government agency first apply to a written request, as defined in s. 757.07 (1) (k), submitted on the effective date of this subsection.

(END)