

CHAPTER 942

CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES

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942.01 Defamation. (1) Whoever with intent to defame communicates any defamatory matter to a third person without the consent of the person defamed is guilty of a Class A misdemeanor.

(2) Defamatory matter is anything which exposes the other to hatred, contempt, ridicule, degradation or disgrace in society or injury in his business or occupation.

(3) This section does not apply if the defamatory matter was true and was communicated with good motives and for justifiable ends or if the communication was otherwise privileged.

(4) No person shall be convicted on the basis of an oral communication of defamatory matter except upon the testimony of 2 other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty or no contest.

History: 1977 c. 173; 1979 c. 110 s. 60 (6).

942.02 Strip search by school employe.

NOTE: This section was renumbered s. 948.50 by 1987 Wis. Act 332, eff. 7-1-89. Prior to that date, this section reads:

942.02 STRIP SEARCH BY SCHOOL EMPLOYEE. (1) The legislature intends, by enacting this section, to protect pupils from being strip searched. By limiting the coverage of this section, the legislature is not condoning the use of strip searches under other circumstances.

(2) In this section:

(a) 'School' means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12 and which is commonly known as a kindergarten, elementary school, middle school, junior high school, senior high school or high school.

(b) 'Strip search' means a search in which a person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

(3) Any official, employe or agent of any school or school district who conducts a strip search of any pupil is guilty of a Class B misdemeanor.

(4) This section does not apply to a search of any person who:

(a) Is serving a sentence, pursuant to a conviction, in a jail, state prison or house of correction.

(b) Is placed in or transferred to a secured correctional facility.

(c) Is committed, transferred or admitted under ch. 51, 971 or 975.

(5) This section does not apply to any law enforcement officer conducting a strip search under s. 968.255."

942.03 Giving false information for publication. Whoever, with intent that it be published and that it injure any person, and with knowledge that it is false, communicates to a newspaper, magazine, or other publication any false statement concerning any person or any false and unauthorized advertisement is guilty of a Class A misdemeanor.

History: 1977 c. 173.

942.04 Denial of rights. (1) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Denies to another or charges another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), national origin or ancestry;

(b) Gives preferential treatment to some classes of persons in providing services or facilities in any public place of

accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry;

(c) Directly or indirectly publishes, circulates, displays or mails any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons; or

(d) Refuses to furnish or charges another a higher rate for any automobile insurance because of race, color, creed, physical condition, developmental disability as defined in s. 51.01 (5), national origin or ancestry.

(2) "Public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusement, goods or services are available either free or for a consideration except where provided by bona fide private, nonprofit organizations or institutions.

(3) No person, club or organization may refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public. Violators of this subsection are subject to the penalties imposed by sub. (1).

(4) Nothing in this section shall prohibit separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.

(5) Nothing in this section shall prohibit separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

(6) The person aggrieved may recover damages of not less than \$100 and costs in a civil action.

History: 1975 c. 94, 256, 275, 421, 422; 1977 c. 173; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1987 a. 265.

Nursing homes operated by bona fide private, nonprofit organizations or institutions come within exemption provided in (2). Religious nursing homes are not subject to (3). 70 Atty. Gen. 210.

This section potentially applies to service clubs. Constitutionality of state regulation of such clubs discussed. OAG 54-87.

942.05 Opening letters. Whoever does either of the following is guilty of a Class A misdemeanor:

(1) Knowing that he does not have the consent of either the sender or the addressee, intentionally opens any sealed letter or package addressed to another; or

(2) Knowing that a sealed letter or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof.

History: 1977 c. 173.

942.06 Use of polygraphs and similar tests. (1) No person may require or administer a polygraph, voice stress analysis, psychological stress evaluator or any other similar test purporting to test honesty without the prior written and informed consent of the subject.

(2) No person may disclose that another person has taken a polygraph, voice stress analysis, psychological stress evalu-

ator or any other similar test purporting to test honesty and no person may disclose the results of such a test to any person except the person tested, without the prior written and informed consent of the subject.

(3) Whoever violates this section is guilty of a Class B misdemeanor.

History: 1979 c. 319.