State of Wisconsin
2015 – 2016 LEGISLATURE

LRB–0163/3
PJH:eev:jf

2015 BILL

1 AN ACT *to amend* 301.45 (1p) (a), 938.355 (4m) (b) and 973.015 (1m) (a) 2.; and
2 *to create* 942.08 (3) of the statutes; **relating to:** invading an individual's
3 privacy by viewing under or through clothing and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the crime of invasion of privacy is a Class A misdemeanor. The crime includes actions such as knowingly installing a surveillance device in a private place with the intent to observe an individual who has less than fully and opaquely covered genitals, pubic area, buttocks, or breasts without the individual's consent. This bill creates an additional crime of invasion of privacy for an individual who knowingly installs or uses a device to intentionally view under outer clothing another individual's genitals, pubic area, breast, or buttocks, including genitals, pubic area, breasts, or buttocks that are covered by undergarments, or to view another body part of an individual that is not otherwise visible, without that individual's consent. Under the bill, whoever commits this offense is guilty of a Class I felony.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 301.45 (1p) (a) of the statutes is amended to read:

2 301.45 **(1p)** (a) If a person is covered under sub. (1g) based solely on an order
3 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a
4 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d)~~,~~
5 or (3), the person is not required to comply with the reporting requirements under
6 this section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or
7 if the conviction is expunged under s. 973.015 (1m) (b).

8 **SECTION 2.** 938.355 (4m) (b) of the statutes is amended to read:

9 938.355 **(4m)** (b) The court shall expunge the court's record of a juvenile's
10 adjudication if it was the juvenile's first adjudication based on a violation of s. 942.08
11 (2) (b), (c), or (d)~~,~~ or (3), and if the court determines that the juvenile has satisfactorily
12 complied with the conditions of his or her dispositional order. Notwithstanding s.
13 938.396 (2), the court shall notify the department promptly of any expungement
14 under this paragraph.

15 **SECTION 3.** 942.08 (3) of the statutes is created to read:

16 942.08 **(3)** Whoever knowingly installs or uses any device, instrument,
17 mechanism, or contrivance to intentionally view, broadcast, or record under the
18 outer clothing of an individual that individual's genitals, pubic area, breast, or
19 buttocks, including genitals, pubic area, breasts, or buttocks that are covered by
20 undergarments, or to intentionally view, broadcast, or record a body part of an

individual that is not otherwise visible, without that individual's consent, is guilty of a Class I felony.

SECTION 4. 973.015 (1m) (a) 2. of the statutes is amended to read:

973.015 **(1m)** (a) 2. The court shall order at the time of sentencing that the record be expunged upon successful completion of the sentence if the offense was a violation of s. 942.08 (2) (b), (c), or (d)~~,~~ or (3), and the person was under the age of 18 when he or she committed it.

(END)