2015 Assembly Bill 566

2015 WISCONSIN ACT 320

AN ACT to amend 942.08 (2) (intro.), 942.09 (2) (am) (intro.), 942.09 (3m) (a) (intro.), 942.09 (5) (a) (intro.) and 942.09 (5) (b) 1. (intro.); and to create 942.08 (3), 942.09 (2) (dm), 942.09 (3m) (am), 942.09 (5) (am) and 942.09 (5) (bn) of the statutes; relating to: invasions of privacy and providing a criminal penalty.

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

SECTION 1. 942.08 (2) (intro.) of the statutes is amended to read:

942.08 (2) Whoever Excep except as provided in sub. (3), whoever does any of the following is guilty of a Class A misdemeanor:

SECTION 2. 942.08 (3) of the statutes is created to read:

942.08 (3) A person who commits a violation specified under sub. (2) is guilty of a Class I felony if a victim of the violation had not, at the time of the violation, attained the age of 18 years.

SECTION 3. 942.09 (2) (am) (intro.) of the statutes is amended to read:

942.09 (2) (am) Whoever Excep except as provided in par. (dm), whoever does any of the following is guilty of a Class I felony:

SECTION 4. 942.09 (2) (dm) of the statutes is created to read:

942.09 (2) (dm) Except as provided in par. (bn), a person who commits a violation specified under par. (am) is guilty of a Class H felony if the person depicted in violation of par. (am) had not, at the time of the violation, attained the age of 18 years.

 SECTION 5. 942.09 (3m) (a) (intro.) of the statutes is amended to read:

942.09 (3m) (a) Whoever Excep except as provided in par. (am), whoever does any of the following is guilty of a Class A misdemeanor:

SECTION 6. 942.09 (3m) (am) of the statutes is created to read:

942.09 (3m) (am) A person who commits a violation specified under par. (am) is guilty of a Class I felony if the person depicted or represented in the violation of par. (am) had not, at the time of the violation, attained the age of 18 years.

SECTION 7. 942.09 (5) (a) (intro.) of the statutes is amended to read:

942.09 (5) (a) Whoever Excep except as provided in par. (am), whoever while present in a locker room, intentionally captures a representation of a nude or partially nude person while the person is nude or partially nude in the locker room is guilty of a Class B A misdemeanor. This paragraph does not apply if the person consents to the capture of the representation and one of the following applies:

SECTION 8. 942.09 (5) (am) of the statutes is created to read:

942.09 (5) (am) A person who commits a violation specified under par. (am) is guilty of a Class I felony if the
person represented in violation of par. (a) had not, at the time of the violation, attained the age of 18 years.

**SECTION 9.** 942.09 (5) (b) 1. (intro.) of the statutes is amended to read:

942.09 (5) (b) 1. (intro.) *Whoever* except as provided in par. (bn), whoever intentionally does any of the following is guilty of a Class A misdemeanor or felony:

**SECTION 10.** 942.09 (5) (bn) of the statutes is created to read:

942.09 (5) (bn) A person who commits a violation specified under par. (b) is guilty of a Class H felony if the person represented in violation of par. (a) had not, at the time of the violation, attained the age of 18 years.