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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 927**

**Senate Substitute Amendment 2**

### 2023 SENATE BILL 927

2023 Senate Bill 927 generally establishes privacy protections for judicial officers and a procedure for a judicial officer to submit to governmental and private entities a written request to keep certain personal information relating to a judicial officer and the judicial officer's immediate family out of public view or access.

#### Protections From Certain Disclosures by Governmental Agencies

Under the bill, a judicial officer's and a judicial officer's immediate family's personal information (personal information) is exempt from public records requests submitted to any governmental agency unless the agency has received consent to make the information available to the public. The bill defines personal information to include information related to the judicial officer or a judicial officer's immediate family member's identity, address, personal contact information, and certain information relating to a workplace or school.

Under the bill, a candidate for a judicial office or a judicial officer circulating certain nomination papers may, instead of having his or her name and residential address listed on nomination papers, file a certification of residence with the Elections Commission; the Elections Commission is required to verify the information but keep the address confidential. Additionally, under the bill, any governmental agency that receives a written request from a judicial officer for nondisclosure generally may not publicly post or display publicly available content that includes personal information and must remove the personal information from public display within five business days.

#### Protections From Certain Disclosures by Other Entities

The bill prohibits a data broker from knowingly selling, licensing, trading, or purchasing personal information or otherwise making personal information available for consideration.

Additionally, under the bill, upon receipt of a written request for nondisclosure of private information from a judicial officer, all persons, businesses, and associations (entities) must refrain from publicly posting or displaying on the internet publicly available content that includes any personal information. After an entity has received a written request from a judicial officer, the bill requires the entity to, within 72 hours of the request, remove the personal information from the internet, ensure that the personal information is not made available on any website or subsidiary website controlled by that entity, and identify any other instances of the private information that should also be removed.

In addition to certain civil remedies for noncompliance with a request for nondisclosure, the bill creates a separate crime for any person or other entity to knowingly post or display on the internet personal information with the intent to create or increase a threat to the health and safety of the judicial officer or the judicial officer's immediate family or if the post or display creates a natural and probable consequence of bodily injury or death of the judicial officer or immediate family member. Under the bill, a person who does so is guilty of a Class G felony.

## Exceptions

The prohibition against posting or publishing does not apply to personal information that the judicial officer or an immediate family member of the judicial officer voluntarily publishes on the internet after the bill goes into effect or personal information lawfully received from a state or federal government source, including from an employee or agent of the state or federal government. In addition, an entity may not be found in violation of the bill's provisions if the judicial officer fails to submit a written request for nondisclosure.

Additionally, the bill provides that a person may make a lawful transfer of private information at the request of the judicial officer or if the transfer is necessary to effectuate a request from the judicial officer.

## SENATE SUBSTITUTE AMENDMENT 2

Senate Substitute Amendment 2 generally retains the bill's provisions, but with the following changes:

- Modifies the definition of "judicial officer" to include tribal judges, reserve judges, and various types of court commissioners, consistent with other current law definitions of "judge."
- Requires that a judicial officer's written request for nondisclosure be made on a form prescribed by the Director of State Courts, and that any person receiving a written request must treat the submission as confidential.
- Specifies that a judicial officer's written request for nondisclosure is valid for 10 years or until the judicial officer's death.
- Clarifies the methods by which a judicial officer may consent to release of personal information otherwise protected by a judicial officer's written request for nondisclosure, and specifies throughout the amendment that such consent may allow for disclosure.
- Clarifies that personal information is generally exempted from disclosure pursuant to a public records request if a judicial officer submits a written request for nondisclosure.
- Requires personal information contained in certain documents submitted to the Ethics Commission to be exempted from public disclosure upon written request from a judicial officer and, relatedly, requires the Ethics Commission to conduct quarterly reviews to determine whether personal information must be removed from its system.
- Allows registers of deed to make certain disclosures related to the records held in their offices, subject to specific requests for nondisclosure by a judicial officer.
- Removes adult children from the definition of a judicial officer's immediate family member unless the adult child is residing in the judicial officer's primary home, and removes certain information relating to the officer's or family member's place of work, school, or daycare from the definition of personal information.
- Creates additional exceptions to the definition of a data broker, by specifying that a data broker does not include a law enforcement agency or insurance organization, an entity using personal information for activities authorized under certain federal laws, an entity performing acts relating to credit or consumer reporting, the investigation or prosecution of security incidents, or an entity using information that is lawfully made available through governmental records, through widely distributed media, or through another person.

- Requires any provider of a public-facing land records website to establish a process for judicial officers and judicial officers' immediate family members to opt out from the display and search functions of their names on the provider's public-facing land records website.
- Specifies that the obligations applicable to data brokers apply only if a judicial officer has submitted a written request for nondisclosure, and requires data brokers to act pursuant to the request within 10 business days.
- Clarifies the actions that an entity must take to remove information that is publicly displayed or posted pursuant to a written request for nondisclosure, and requires such action within 10 business days, rather than 72 hours, as provided under the bill.
- Allows a judicial officer to designate the Director of State Courts as the judicial officer's agent for purposes of service of process.

## **BILL HISTORY**

Senator Wanggaard offered Senate Substitute Amendment 2 on February 23, 2024. On February 27, 2024, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 7; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:ksm