



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 137
[2009 Assembly Bill 411]

**Sex Offender Registration for
Video Voyeurism**

2009 Wisconsin Act 137 permits a court to require a person who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect of invasion of sexual privacy (video voyeurism) to register as a sex offender. In addition, a person who is before the court on a civil commitment petition and is found to have committed invasion of sexual privacy may be required to register as a sex offender. The offense of invasion of sexual privacy prohibits making a visual representation that depicts a person nude without the person's consent while the person is nude in a circumstance in which he or she has a reasonable expectation of privacy, and prohibits making, or making and distributing, a visual representation of a person without the person's consent while the person is nude in a locker room.

Under the Act, when a court orders a person to register as a sex offender due to a violation of invasion of sexual privacy, the court may provide that the person be released from the requirements to register as a sex offender upon satisfying conditions specified by the court. A court may include this provision in an order for a person who has been convicted or found not guilty by reason of mental disease or defect only if the person was under the age of 21 when he or she committed the offense. Once the person has satisfied the conditions to be released from the requirement to register as a sex offender based on a violation of invasion of sexual privacy, the Department of Corrections must purge all of the registry information for that person.

Effective date: Act 137 took effect on March 18, 2010, and first applies to offenses committed on the effective date.

Prepared by: Anne Sappenfield, Senior Staff Attorney

April 15, 2010

AS:ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.