

Video Voyeurism

Voyeurism is generally defined as the act of observing others without their knowledge and infringing upon their personal privacy. More commonly, it refers to a sexual interest in spying on people engaged in intimate behaviors and activities that are considered to be private.

While video voyeurism isn't new, it has gained increasing media attention. With technology quickly evolving, video voyeurism has become a serious concern. Combined with easy internet access and uploading capabilities, victims of video voyeurism may find themselves unknowingly broadcast on websites and sharing programs. This kind of privacy violation goes beyond "window peeping" or solitary, individual acts of voyeurism by potentially turning one offender's video into online, non-consensual pornography.

Wisconsin Chapter 942 criminalizes video voyeurism in several ways.

Wis. Stat. 942.08 (Invasion of privacy) makes it a crime to:

- Install a surveillance device in any private place with the intent to observe nude/partially nude person without their consent
- To look into a private place or private place of public accommodation where a person may reasonably be expected to be nude for the purpose of sexual arousal or gratification

Wis. Stat. 942.09 (Representations depicting nudity) makes it a crime to:

- Captures an intimate representation without the consent of the person depicted under circumstances in which he or she has a reasonable expectation of privacy, if the person knows or has reason to know that the person who is depicted does not consent to the capture of the intimate representation.
- Make a reproduction of the intimate representation without knowledge consent of the person depicted
- Possess, distribute or exhibit such a representation or reproduction without consent of the person depicted.
- To intentionally photograph/videotape/capture any visual representation of a nude or partially nude person in a locker room and exhibit, transmit, broadcast or share that image with another.
- Posts, publishes, or causes to be posted or published, a private representation if the actor knows that the person depicted does not consent to the posting or publication of the private representation.
- Posts, publishes, or causes to be posted or published, a depiction of a person that he or she knows is a private representation, without the consent of the person depicted.
- Solicits an intimate or private representation from a person who the actor believes or has reason to believe has not attained the age of 18 years

*Penalties may increase if victims are under the age of 18.

WCASA is a membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 60 sexual assault service provider (SASP) agencies throughout the state that offer support, advocacy and information to victims of sexual assault and their families. For information sheets on other topics and for more information about sexual assault, please visit our website. This sheet may be reproduced in its original format only.

This information does not constitute legal advice.

Please note that this is an abridged information sheet; the statutes have not been printed in their entirety due to space restrictions.