

1977 Senate Bill 451

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CHAPTER 356, Laws of 1977

AN ACT to create 940.203 of the statutes, relating to sexual exploitation of children and providing a penalty.

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

SECTION 1. 940.203 of the statutes is created to read:

940.203 Sexual exploitation of children. (1) No person may knowingly employ, use, persuade, induce, entice or coerce any child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying in any way the conduct.

(2) No person may photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct.

(3) No parent, legal guardian or other person exercising temporary or permanent control of a child may knowingly permit the child to engage in sexually explicit conduct which is filmed, photographed, videotaped, recorded for sound or displayed in any way.

(4) No person may knowingly produce, perform in, profit from, promote, import, reproduce, advertise, sell, distribute, or possess with intent to sell or distribute, any undeveloped film, photographic negative, photograph, motion picture, videotape, sound recording or other reproduction of a child engaging in sexually explicit conduct.

(5) Whoever violates this section shall be fined not more than \$10,000 or imprisoned not more than 10 years or both.

(6) In this section:

(a) "Child" means any person under the age of 18 years.

(b) "Sexually explicit conduct" means actual or simulated:

1. Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex;

2. Bestiality;

3. Masturbation;

4. Sexual sadism or sexual masochistic abuse, including but not limited to, flagellation, torture or bondage; or

5. Lewd exhibition of the genitals or pubic area of any person.

SECTION 2. Clarification regarding classification. On June 1, 1978, the effective date of chapter 173, laws of 1977, relating to the revision of the criminal code, the text of section 940.203 (5) of the statutes, as created by this act, shall be amended as follows: the phrase "is guilty of a Class C felony" shall be substituted for the phrase "shall be fined not more than \$10,000 or imprisoned not more than 10 years or both".
