



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 300

Senate Amendment 1

Memo published: August 31, 2017

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2017 SENATE BILL 300

2017 Senate Bill 300 creates a new crime that generally prohibits soliciting sexually explicit representations from minors.¹ Specifically, the bill prohibits a person from soliciting an intimate² or private representation³ from a person who the actor believes or has reason to believe is less than 18 years of age. The prohibition created by the bill does not apply to a person who solicits such representations and is less than 18 years of age. The penalty for the crime created under the bill is a Class A misdemeanor, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

SENATE AMENDMENT 1

Senate Amendment 1 makes the penalty for violations of the crime created under the bill a Class A misdemeanor if the person who solicits the intimate or private representation is at least 18 years of age, but has not attained 21 years of age, and if the child solicited is not more

¹ "Representation" means a photograph, exposed film, motion picture, videotape, recording, other visual or audio representation, or data that represents a visual image or audio recording. [s. 942.09 (1) (c), Stats.]

² "Intimate representation" means any of the following: a representation of a nude or partially nude person; a representation of clothed, covered, or partially clothed or covered genitalia or buttock that is not otherwise visible to the public; a representation of a person urinating, defecating, or using a feminine hygiene product; a representation of person engaged in sexual intercourse or sexual contact. [s. 942.01 (9) (ag), Stats.]

³ "Private representation" means a representation depicting a nude or partially nude person or depicting a person engaging in sexually explicit conduct that is intended by the person depicted in the representation to be captured, viewed, or possessed only by the person who, with the consent of the person depicted, captured the representation or to whom the person depicted directly and intentionally gave possession of the representation. [s. 942.01 (9) (bn), Stats.]

than three years younger than the person who solicited the intimate or private representation. Under the amendment, in all other instances, a violation of the prohibition created by the bill by a person who is at least 18 years of age is penalized as a Class I felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. The amendment retains the exception to the bill's prohibition for a person who solicits intimate or private representations and is less than 18 years of age.

BILL HISTORY

Senate Amendment 1 was offered by Senator Wanggaard on August 29, 2017. The Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1, and passage of the bill as amended, on votes of Ayes, 5; and Noes, 0.

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