



## 1997 SENATE BILL 79

February 19, 1997 - Introduced by Senators BUETTNER, HUELSMAN, WELCH, SCHULTZ, WEEDEN, FARROW, A. LASEE, DRZEWIECKI and ZIEN, cosponsored by Representatives WALKER, OTTE, DUFF, SKINDRUD, HAHN, LAZICH, M. LEHMAN, STASKUNAS, BRANDEMUEHL, GOETSCH, POWERS, GUNDERSON, PLALE, OWENS, GROTHMAN, SERATTI, MUSSER, NASS, LADWIG and OTT. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to repeal** 165.25 (3m) and 944.21 (7); and **to amend** 59.55 (6) of the  
2     statutes; **relating to:** review of obscenity prosecutions by the attorney general.

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### *Analysis by the Legislative Reference Bureau*

Under current obscenity law, there are penalties for selling or transferring obscene material or producing or performing in an obscene performance and related offenses. The district attorney may prosecute an obscenity violation only if he or she has obtained the approval of the attorney general. This bill removes this requirement to obtain the attorney general's approval before prosecuting these violations.

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

3     **SECTION 1.** 59.55 (6) of the statutes is amended to read:  
4     59.55 (6) REGULATION OF OBSCENITY. The board may enact an ordinance to  
5     prohibit conduct that is the same as that prohibited by s. 944.21. ~~A county may bring~~  
6     ~~an action for a violation of the ordinance regardless of whether the attorney general~~  
7     ~~has determined under s. 165.25 (3m) that an action may be brought.~~ The ordinance  
8     may provide for a forfeiture not to exceed \$10,000 for each violation.

