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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2017 Wisconsin Act 129**  
[2017 Senate Bill 300]

**Soliciting an Intimate  
Representation From a Minor**

2017 Wisconsin Act 129 creates a new crime that generally prohibits soliciting sexually explicit representations from minors.<sup>1</sup> Specifically, the Act prohibits a person from soliciting an intimate<sup>2</sup> or private representation<sup>3</sup> from a person who the actor believes or has reason to believe is less than 18 years of age. The prohibition created by the Act does not apply to a person who solicits such representations and is less than 18 years of age.

The penalty for violations of the crime created under the Act is 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 than three years younger than the person who solicited the intimate or private representation. In all other instances, a violation of the prohibition created by the Act by a person who is at least 18 years of age is penalized as a Class I felony.

*Effective date:* December 10, 2017.

*Prepared by:* Michael Queensland, Senior Staff Attorney

December 18, 2017  
(Revised December 19, 2017)

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<sup>1</sup> "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.]

<sup>2</sup> "Intimate representation" means any of the following: (a) a representation of a nude or partially nude person; (b) a representation of clothed, covered, or partially clothed or covered genitalia or buttock that is not otherwise visible to the public; (c) a representation of a person urinating, defecating, or using a feminine hygiene product; or (d) a representation of a person engaged in sexual intercourse or sexual contact. [s. 942.09 (1) (ag), Stats.]

<sup>3</sup> "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. 942.09 (1) (bn), Stats.]

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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.wisconsin.gov>.