



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2019 Assembly Bill 71

**Assembly
Substitute Amendment 1**

Memo published: June 13, 2019

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2019 ASSEMBLY BILL 71

Under current law, a person who possesses, or accesses in any way with intent to view, any undeveloped film, photographic negative, photograph, motion picture, videotape, or other recording of a child engaged in sexually explicit conduct has committed the crime of possession of child pornography if: (1) the person knows that he or she possesses or accessed the material; (2) the person knows, or reasonably should know, that the material that is possessed or accessed contains depictions of sexually explicit conduct; and (3) the person knows or reasonably should know that the child depicted in the material who is engaged in sexually explicit conduct has not attained the age of 18 years.

For these purposes, sexually explicit conduct is defined to mean any of the following, whether actual or simulated:

- Sexual intercourse.
- Bestiality.
- Masturbation.
- Sexual sadism or sexual masochistic abuse.
- Lewd exhibition of intimate parts.

2019 Assembly Bill 71 modifies the crime of possession of child pornography to provide that a person also commits the crime of child pornography by possessing or accessing any undeveloped film, photographic negative, photograph, motion picture, videotape, or other recording of a child portrayed in a sexually suggestive manner, as defined by the bill.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 creates a definition for the term “lewd exhibition of intimate parts” relevant to the definition of sexually explicit conduct that applies to various crimes against children, including the crime of possession of child pornography. The substitute amendment defines “lewd exhibition of intimate parts” as “the display of less than fully and opaquely covered intimate parts of a person who is posed as a sex object or in a way that places an unnatural or unusual focus on the intimate parts.”

BILL HISTORY

Assembly Substitute Amendment 1 was introduced by Representative Tussler on May 6, 2019. On June 13, 2019, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the substitute amendment and passage of the bill, as amended, on subsequent votes of Ayes, 13; Noes, 0.

MS:mcm