



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3105/1
MJW:cjs

2023 SENATE BILL 305

May 24, 2023 - Introduced by Senators JACQUE and NASS, cosponsored by Representatives ALLEN, BODDEN, BRANDTJEN, MAXEY, WICHGERS and MURPHY. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT to repeal** 944.21 (8) (b) 1. and 944.21 (8) (b) 2. of the statutes; **relating**
2 **to:** protection from prosecution for employees of libraries and educational
3 institutions possessing obscene materials.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to import, print, sell, possess for sale, publish, exhibit, play, or distribute any obscene material; to produce or perform in any obscene performance; to require, as a condition to the purchase of periodicals, that a retailer accept obscene material; to distribute, exhibit, or play any obscene material to a person under the age of 18 years; or to possess with intent to distribute, exhibit, or play to a person under the age of 18 years any obscene material. Obscene material means a writing, picture, film, or other recording that the average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole; that under contemporary community standards describes or shows sexual conduct in a patently offensive way; and that lacks serious literary, artistic, political, educational, or scientific value, if taken as a whole.

Under current law, no person who is an employee, a member of the board of directors, or a trustee of certain educational institutions and libraries is liable to prosecution for an obscene materials violation for acts or omissions while in his or her capacity as an employee, a member of the board of directors, or a trustee of such an institution. This bill removes public elementary and secondary schools, private

