

State of Wisconsin



1995 Assembly Bill 841

Date of enactment: **April 19, 1996**

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1995 WISCONSIN ACT 249

AN ACT to amend 946.82 (4); and to create 944.205 of the statutes; relating to: possession and distribution of certain photographs, motion pictures, videotapes or other visual representations showing nudity and providing a penalty.

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

SECTION 1. 944.205 of the statutes is created to read:

944.205 Photographs, motion pictures, videotapes or other visual representations showing nudity.

(1) In this section, "nudity" has the meaning given in s. 948.11 (1) (d).

(2) Whoever does any of the following is guilty of a Class E felony:

(a) Takes a photograph or makes a motion picture, videotape or other visual representation or reproduction that depicts nudity without the knowledge and consent of the person who is depicted nude, if the person knows or has reason to know that the person who is depicted nude does not know of and consent to the taking or making of the photograph, motion picture, videotape or other visual representation or reproduction.

(b) Possesses or distributes a photograph, motion picture, videotape or other visual representation or reproduction that depicts nudity and that was taken or made without the knowledge and consent of the person who is depicted nude, if the person knows or has reason to know that the photograph, motion picture, videotape or other visual representation or reproduction was taken or made without the knowledge and consent of the person who is depicted nude.

(3) Notwithstanding sub. (2) (a) and (b), if the person in a photograph, motion picture, videotape or other visual representation or reproduction is a child and the making, possession or distribution of the photograph, motion picture, videotape or other visual representation or reproduction does not violate s. 948.05 or 948.12, a parent, guardian or legal custodian of the child may do any of the following:

(a) Make and possess the photograph, motion picture, videotape or other visual representation or reproduction of the child.

(b) Distribute a photograph, motion picture, videotape or other visual representation or reproduction made or possessed under par. (a) if the distribution is not for commercial purposes.

(4) This section does not apply to a person who receives a photograph, motion picture, videotape or other visual representation or reproduction of a child from a parent, guardian or legal custodian of the child under sub. (3) (b), if the possession and distribution are not for commercial purposes.

SECTION 2. 946.82 (4) of the statutes, as affected by [1995 Wisconsin Act 133](#), is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in [18 USC 1961](#) (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 161

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

and 945 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39, 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g),

(1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.
