

**BILL HISTORY FOR ASSEMBLY BILL 60 (LRB -1325)**

An Act to renumber and amend 944.205 (title), 944.205 (1), 944.205 (2) and 944.205 (3) and (4); and to create 942.09 (1) (a) to (c) and 942.09 (2) (am) of the statutes; relating to: the prohibition against making, possessing, or distributing a representation that depicts nudity, and providing a penalty.

2001

02-01.	A.	Introduced by Representatives Gundrum, Bock, Rhoades, Gronemus, Ainsworth, Coggs, Stone, Lassa, Ladwig, Hundertmark, Turner, Kestell, Morris-Tatum, Wade, Grothman, Musser, M. Lehman, Williams, Olsen, Vrakas, Jeskewitz, Albers, Nass, Huebsch, Powers, Kedzie, Seratti, Montgomery, Suder, Krawczyk, Lippert, Gunderson, Urban, Plouff, Sykora and Ott; cosponsored by Senators Plache, Harsdorf, Roessler, Baumgart, Lazich, Huelsman, Schultz, Farrow, Darling and Rosenzweig.	
02-01.	A.	Read first time and referred to committee on Judiciary	54
02-20.	A.	LRB correction	106
02-22.	A.	Public hearing held.	
03-14.	A.	Executive action taken.	
03-14.	A.	Assembly amendment 1 offered by committee on Judiciary (LRB a0186)	146
03-14.	A.	Assembly amendment 2 offered by committee on Judiciary (LRB a0329)	146
03-15.	A.	Report Assembly amendment 1 adoption recommended by committee on Judiciary, Ayes 8, Noes 0	148
03-15.	A.	Report Assembly amendment 2 adoption recommended by committee on Judiciary, Ayes 8, Noes 0	148
03-15.	A.	Report passage as amended recommended by committee on Judiciary, Ayes 8, Noes 0	148
03-15.	A.	Referred to committee on Rules	148
03-15.	A.	Placed on calendar 3-20-2001 by committee on Rules.	
03-20.	A.	LRB correction (Assembly amendment 2)	163
03-20.	A.	Read a second time	158
03-20.	A.	Assembly amendment 1 adopted	158
03-20.	A.	Assembly amendment 1 to Assembly amendment 2 offered by Representative Gundrum (LRB a0363)	158
03-20.	A.	Assembly amendment 1 to Assembly amendment 2 adopted	158
03-20.	A.	Assembly amendment 2 adopted	158
03-20.	A.	Ordered to a third reading	158
03-20.	A.	Rules suspended	158
03-20.	A.	Read a third time and passed, Ayes 97, Noes 0	158
03-20.	A.	Ordered immediately messaged	158
03-22.	S.	Received from Assembly	135
03-22.	S.	Read first time and referred to committee on Judiciary, Consumer Affairs, and Campaign Finance Reform	135
04-19.	S.	Public hearing held.	
06-26.	S.	Executive action taken.	
06-28.	S.	Report introduction and adoption of Senate amendment 1 recommended by committee on Judiciary, Consumer Affairs, and Campaign Finance Reform, Ayes 4, Noes 1 (LRB a0468)	243
06-28.	S.	Report concurrence as amended recommended by committee on Judiciary, Consumer Affairs, and Campaign Finance Reform, Ayes 5, Noes 0	243
06-28.	S.	Available for scheduling.	
09-26.	S.	Senate substitute amendment 1 offered by Senator Plache (LRB s0167)	381
10-02.	S.	Senate substitute amendment 2 offered by Senator Plache (LRB s0177)	386
10-03.	S.	Placed on calendar 10-4-2001 by committee on Senate Organization.	
10-04.	S.	Read a second time	394
10-04.	S.	Senate substitute amendment 1 laid on table	394
10-04.	S.	Senate substitute amendment 2 adopted	394
10-04.	S.	Ordered to a third reading	394
10-04.	S.	Rules suspended	394
10-04.	S.	Read a third time and concurred in as amended	394
10-04.	S.	Ordered immediately messaged	395
10-08.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 2 adopted)	423
10-08.	A.	Referred to committee on Judiciary	424
10-16.	A.	Public hearing held.	
10-16.	A.	Executive action taken.	
10-16.	A.	Report concurrence in senate substitute amendment 2 recommended by committee on Judiciary, Ayes 7, Noes 0	436
10-16.	A.	Referred to committee on Rules	436
10-17.	A.	Placed on calendar 10-23-2001 by committee on Rules.	
10-23.	A.	Senate substitute amendment 2 concurred in	457

10-23. A. Action ordered immediately messaged ..... 457

**2001  
ENROLLED BILL**

01en AB-60

**ADOPTED DOCUMENTS:**

Orig     Engr

5 SubAmdt 2

019 0177/1

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

Representations that depict nudity  
and unreasonable invasion of privacy

10/24/01  
Date

Pete / D / Com  
Enrolling Drafter

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**SENATE SUBSTITUTE AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 60**

October 2, 2001 - Offered by Senator PLACHE.

1 **AN ACT to repeal** 944.205 (1) (a), 944.205 (1) (c) and 944.205 (2) (b); **to renumber**  
2 944.205 (1) (intro.), 944.205 (1) (b) and 944.205 (2) (intro.); **to renumber and**  
3 **amend** 944.205 (title), 944.205 (2) (a) and 944.205 (3) and (4); and **to create**  
4 895.50 (2) (d), 942.09 (1) (a), 942.09 (1) (c) and 942.09 (2) (b) and (c) of the  
5 statutes; **relating to:** the prohibition against making, possessing, distributing,  
6 or exhibiting a representation that depicts nudity; the civil cause of action for  
7 unreasonable invasion of privacy; and providing a penalty.

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

8 **SECTION 1.** 895.50 (2) (d) of the statutes is created to read:  
9 895.50 (2) (d) Conduct that is prohibited under s. 942.09, regardless of whether  
10 there has been a criminal action related to the conduct, and regardless of the outcome  
11 of the criminal action, if there has been a criminal action related to the conduct.

1           **SECTION 2.** 942.09 (1) (a) of the statutes is created to read:

2           942.09 (1) (a) “Captures a representation” means takes a photograph, makes  
3 a motion picture, videotape, or other visual representation, or records or stores in any  
4 medium data that represents a visual image.

5           **SECTION 3.** 942.09 (1) (c) of the statutes is created to read:

6           942.09 (1) (c) “Representation” means a photograph, exposed film, motion  
7 picture, videotape, other visual representation, or data that represents a visual  
8 image.

9           **SECTION 4.** 942.09 (2) (b) and (c) of the statutes are created to read:

10          942.09 (2) (b) Makes a reproduction of a representation that the person knows  
11 or has reason to know was captured in violation of par. (a) and that depicts the nudity  
12 depicted in the representation captured in violation of par. (a), if the person depicted  
13 nude in the reproduction did not consent to the making of the reproduction.

14          (c) Possesses, distributes, or exhibits a representation that was captured in  
15 violation of par. (a) or a reproduction made in violation of par. (b), if the person knows  
16 or has reason to know that the representation was captured in violation of par. (a)  
17 or the reproduction was made in violation of par. (b), and if the person who is depicted  
18 nude in the representation or reproduction did not consent to the possession,  
19 distribution, or exhibition.

20          **SECTION 5.** 944.205 (title) of the statutes, as affected by 2001 Wisconsin Act 16,  
21 is renumbered 942.09 (title) and amended to read:

22          **942.09 (title) Recordings showing Representations depicting nudity.**

23          **SECTION 6.** 944.205 (1) (intro.) of the statutes, as affected by 2001 Wisconsin  
24 Act 16, is renumbered 942.09 (1) (intro.).

1           **SECTION 7.** 944.205 (1) (a) of the statutes, as created by 2001 Wisconsin Act 16,  
2 is repealed.

3           **SECTION 8.** 944.205 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 16,  
4 is renumbered 942.09 (1) (b).

5           **SECTION 9.** 944.205 (1) (c) of the statutes, as created by 2001 Wisconsin Act 16,  
6 is repealed.

7           **SECTION 10.** 944.205 (2) (intro.) of the statutes is renumbered 942.09 (2)  
8 (intro.).

9           **SECTION 11.** 944.205 (2) (a) of the statutes, as affected by 2001 Wisconsin Act  
10 16, is renumbered 942.09 (2) (a) and amended to read:

11           942.09 (2) (a) ~~Records an image of~~ Captures a representation that depicts  
12 nudity without the knowledge and consent of the person who is depicted nude while  
13 that person is nude in a place and circumstance in which he or she has a reasonable  
14 expectation of privacy, if the person ~~recording the image~~ knows or has reason to know  
15 that the person who is depicted nude does not know of and consent to the ~~recording~~  
16 capture of the representation.

17           **SECTION 12.** 944.205 (2) (b) of the statutes, as affected by 2001 Wisconsin Act  
18 16, is repealed.

19           **SECTION 13.** 944.205 (3) and (4) of the statutes, as affected by 2001 Wisconsin  
20 Act 16, are renumbered 942.09 (3) and (4) and amended to read:

21           942.09 (3) Notwithstanding sub. (2) (a) ~~and~~, (b), and (c), if the person depicted  
22 nude in a recording of an image representation or reproduction is a child and the  
23 recording, copying capture, possession, exhibition, storage, or distribution of the  
24 recording representation, or making, possession, exhibition, or distribution of the

1 reproduction, does not violate s. 948.05 or 948.12, a parent, guardian, or legal  
2 custodian of the child may do any of the following:

3 (a) ~~Record, copy, Capture and possess, exhibit, or store~~ the recording  
4 representation or make and possess the reproduction depicting the child.

5 (b) Distribute ~~a recording that was recorded, copied, possessed, exhibited, or~~  
6 stored or exhibit a representation captured or possessed under par. (a), or distribute  
7 or exhibit a reproduction made or possessed under par. (a), if the distribution or  
8 exhibition is not for commercial purposes.

9 (4) This section does not apply to a person who receives a ~~recording of an image~~  
10 representation or reproduction depicting a child from a parent, guardian, or legal  
11 custodian of the child under sub. (3) (b), if the possession, ~~copying,~~ exhibition,  
12 ~~storage,~~ or distribution is not for commercial purposes.

13 **SECTION 14. Initial applicability.**

14 (1) The treatment of section 895.50 (2) (d) of the statutes first applies to acts  
15 or omissions occurring on the effective date of this subsection.

16 (END)