

2001 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB60)

Received: 09/07/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Kimberly Plache (608) 266-1832

By/Representing: Debra Sybell

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies: MGD

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

prohibits making a nude representation of a person without the person's consent

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 09/20/2001	wjackson 09/21/2001	jfrantze 09/24/2001	_____	lrb_docadmin 09/24/2001	lrb_docadmin 09/24/2001	

FE Sent For:

<END>

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17	rryan	1 wlj 9/21	20 9/24	Self 9/24			

FE Sent For:

<END>

Debbi Sybell
Pache's office

sub. to AB 60
sub should be like version
of AB 60 approved by Senate
Judiciary Com

wanted for floor period in Oct

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0167/1dn

RLR:.....

Debra Sybell:

As we discussed briefly on the phone, 2001 Act 16 (the biennial budget bill) treated several prohibitions related to pornography, nudity, and material that is harmful to children. The biennial budget bill updated the prohibitions to cover computer and other digital forms of pictures and sounds. The prohibitions treated in the biennial budget bill are: 944.205 (recordings showing nudity); 944.21 (obscene material or performance); 948.05 (sexual exploitation of a child); 948.07 (child enticement); 948.11 (exposing a child to harmful material or harmful descriptions or narrations); and 948.12 (possession of child pornography). The language treating all of these prohibitions in the biennial budget bill is consistent in referring to prohibitions related to recordings and specifies that the term "recording" "includes the creation of a reproduction of an image or a sound or the storage of data representing an image or a sound." The treatment of s. 944.205, stats., (renumbered s. 942.09, stats.) in the substitute amendment does not refer to "recording" so the treatment of 944.205 is not consistent with the terminology used in the other prohibitions listed above. I believe that the inconsistency is an issue of form rather than substance. Both versions have the same legal effect.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Editors & LPSs,

The draft for S0167 should be
the same as S0162

S0167 has a d-note but S0162
does not

Thanks, RLR

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0167/ldn
RLR:wlj:jf

September 24, 2001

Debra Sybell:

As we discussed briefly on the phone, 2001 Act 16 (the biennial budget bill) treated several prohibitions related to pornography, nudity, and material that is harmful to children. The biennial budget bill updated the prohibitions to cover computer and other digital forms of pictures and sounds. The prohibitions treated in the biennial budget bill are: 944.205 (recordings showing nudity); 944.21 (obscene material or performance); 948.05 (sexual exploitation of a child); 948.07 (child enticement); 948.11 (exposing a child to harmful material or harmful descriptions or narrations); and 948.12 (possession of child pornography). The language treating all of these prohibitions in the biennial budget bill is consistent in referring to prohibitions related to recordings and specifies that the term "recording" "includes the creation of a reproduction of an image or a sound or the storage of data representing an image or a sound." The treatment of s. 944.205, stats., (renumbered s. 942.09, stats.) in the substitute amendment does not refer to "recording" so the treatment of 944.205 is not consistent with the terminology used in the other prohibitions listed above. I believe that the inconsistency is an issue of form rather than substance. Both versions have the same legal effect.

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