

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

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September 27, 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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