
Wisconsin Legislative Council

AMENDMENT MEMO



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2025 Assembly Bill 33

Assembly Amendments 1 and 2

CURRENT LAW

Current law related to invasion of privacy criminalizes various conduct related to “intimate representations” and “private representations.” 2025 Assembly Bill 33 modifies these offenses to prohibit “synthetic intimate representations” and the reproduction of “intimate representations” under certain circumstances.

Intimate Representations

Under current law, it is a Class I felony to capture an intimate representation without the consent of the person depicted under circumstances in which the person depicted has a reasonable expectation of privacy and the person knows or has reason to know the person depicted does not consent to the capture of the intimate representation. For this purpose, “intimate representation” is defined to mean any of the following:

- A representation of a nude or partially nude person.
- A representation of clothed, uncovered, or partially clothed or covered genitalia or buttock that is not otherwise visible to the public.
- A representation of a person defecating, urinating, or using a feminine hygiene product.
- A person engaging in sexual intercourse or sexual contact, as defined by statute.

It is also a Class I felony to make a reproduction of an intimate representation that the person knows or has reason to know was captured in violation of the prohibition described above, if the person depicted in the reproduction did not consent to the making of the reproduction. And it is a Class I felony to possess, distribute, or exhibit an intimate representation that was captured in violation of the prohibition, described above, if the person knows or has reason to know that the intimate representation was captured in violation of this prohibition, and the person who is depicted in the intimate representation or reproduction did not consent to the possession, distribution, or exhibition.

Private Representations

Current law provides that it is a Class A misdemeanor to post, publish, or cause to be posted or published a private representation if the actor knows that the person depicted does not consent to the posting or publication of the private representation. “Private representation” is defined for this purpose to mean:

[A] representation depicting a nude or partially nude person or depicting a person engaging in sexually explicit conduct that is intended by the person depicted in the representation to be captured, viewed, or possessed only by the person who, with the consent of the person depicted, captured the

representation or to whom the person depicted directly and intentionally gave possession of the representation.

It is also a Class A misdemeanor to post, publish, or cause to be posted or published a depiction of a person that the actor knows is a private representation, without the consent of the person depicted.

2025 ASSEMBLY BILL 33

2025 Assembly Bill 33 modifies offenses related to intimate representations by creating a definition of “synthetic intimate representation” and providing that it is a Class I felony to post, publish, distribute, or exhibit a synthetic intimate representation of an identifiable person with intent to coerce, harass, or intimidate that person. Under the bill, a synthetic intimate representation is:

[A] representation generated using technological means that uses an identifiable person’s face, likeness, or other distinguishing characteristic to depict an intimate representation of that person, regardless of whether the representation includes components that are artificial, legally generated, or generally accessible.

Assembly Bill 33 also modifies the offenses related to private representations. The bill provides that it is a Class A misdemeanor to make a reproduction of a private representation if the person depicted in the reproduction did not consent to the making of the reproduction.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 adds a mental element to the bill’s provision related to private representations. The amendment provides that it is a Class A misdemeanor to make a reproduction of a private representation if the person making the reproduction knows the person depicted did not consent to the making of the reproduction.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 modifies the definition of “synthetic intimate representation,” created by the bill, to specify that to meet this definition a representation must be “so realistic that a reasonable person would believe it depicts conduct of the identifiable person.”

BILL HISTORY

Representative Jacobson offered Assembly Amendment 1 to 2025 Assembly Bill 33 on March 12, 2025, and Assembly Amendment 2 on May 6, 2025. On June 4, 2025, the Assembly Committee on Science, Technology, and AI unanimously recommended adoption of both amendments, and recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 1. For a full history of the bill, visit the Legislature’s [bill history page](#).

PW:jal