

1977 Assembly Bill 76

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CHAPTER 281, Laws of 1977

AN ACT to create 134.46 of the statutes, relating to prohibiting the exhibition of explicit sexual material at outdoor theaters, and providing a penalty.

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

SECTION 1. 134.46 of the statutes is created to read:

134.46 Exhibition of explicit sexual material at outdoor theater. (1) DEFINITIONS. In this section:

(a) "Explicit sexual material" means any pictorial or other visual representation depicting sexual conduct or sadomasochistic abuse.

(b) "Harmful to minors" means that quality of any description or representation of sexual conduct or sadomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of minors;
2. Is patently offensive to an average person applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

(c) "Outdoor theater" means a place where any picture or other visual representation or image is displayed on a screen or other background not completely enclosed by walls and a roof and which screen or background can be seen by individuals not within the confines of the theater.

(d) "Sadomasochistic abuse" has the meaning set forth in s. 944.25 (1) (e).

(e) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals or pubic area.

(2) EXHIBITION OF EXPLICIT SEXUAL MATERIAL PROHIBITED. No person may exhibit explicit sexual material harmful to minors at an outdoor theater with knowledge of the nature of the material, if the material is visible from a public street, sidewalk, thoroughfare or other public place or from private property where it may be observed by minors.

(3) PENALTY. Any person violating this section after receiving proper written notice shall be subject to a forfeiture not to exceed \$1,000. Each exhibition constitutes a separate violation of this section.

(4) INJUNCTIVE RELIEF AVAILABLE. Whenever the attorney general or a district attorney has reasonable cause to believe that any person is violating this section, the attorney general or the district attorney for the county in which the violation is alleged to occur may investigate the alleged violation and may, in addition to or in lieu of any other remedies provided by law, bring an action in the name of the state for an

1231

CHAPTER 281

adjudication of the question of whether the material is harmful to minors and to enjoin such violation under s. 944.25 (2) to (9).
