

State of Wisconsin



1997 Assembly Bill 189

Date of enactment: April 13, 1998
Date of publication*: April 27, 1998

1997 WISCONSIN ACT 82

AN ACT *to renumber* 948.11 (1) (a); *to amend* 948.11 (title), 948.11 (1) (b) (intro.), 948.11 (1) (b) 2., 948.11 (2) (a) and 948.11 (2) (b); and *to create* 948.11 (1) (ag), 948.11 (1) (bm) and 948.11 (2) (am) of the statutes; **relating to:** exposing a child to harmful descriptions or narrations and providing a penalty.

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

SECTION 1. 948.11 (title) of the statutes is amended to read:

948.11 (title) Exposing a child to harmful material or harmful descriptions or narrations.

SECTION 2. 948.11 (1) (a) of the statutes is renumbered 948.11 (1) (ar).

SECTION 3. 948.11 (1) (ag) of the statutes is created to read:

948.11 (1) (ag) "Harmful description or narrative account" means any explicit and detailed description or narrative account of sexual excitement, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality that, taken as a whole, is harmful to children.

SECTION 4. 948.11 (1) (b) (intro.) of the statutes is amended to read:

948.11 (1) (b) (intro.) "Harmful to children" means that quality of any description, narrative account or representation, in whatever form, of nudity, sexually explicit conduct, sexual excitement, sadomasochistic abuse, physical torture or brutality, when it:

SECTION 5. 948.11 (1) (b) 2. of the statutes is amended to read:

948.11 (1) (b) 2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for children; and

SECTION 6. 948.11 (1) (bm) of the statutes is created to read:

948.11 (1) (bm) "Knowledge of the nature of the description or narrative account" means knowledge of the character and content of a harmful description or narrative account.

SECTION 7. 948.11 (2) (a) of the statutes is amended to read:

948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells, rents, exhibits, transfers or loans to a child any harmful material ~~which is harmful to children~~, with or without monetary consideration, is guilty of a Class E felony.

SECTION 8. 948.11 (2) (am) of the statutes is created to read:

948.11 (2) (am) Any person who has attained the age of 17 and who, with knowledge of the nature of the description or narrative account, verbally communicates, by any means, a harmful description or narrative account to a child, with or without monetary consideration, is guilty of a Class E felony.

SECTION 9. 948.11 (2) (b) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

948.11 (2) (b) Whoever, with knowledge of the nature of the material, possesses harmful material ~~which is harmful to children~~ with the intent to sell, rent, exhibit, transfer or loan the material to a child is guilty of a Class A misdemeanor.

SECTION 10. Initial applicability.

(1) This act first applies to offenses occurring on the effective date of this subsection.