



**State of Wisconsin
2021 - 2022 LEGISLATURE**

LRB-5917/1
MLJ:cdc

2021 SENATE BILL 987

February 17, 2022 - Introduced by Senator JACQUE, cosponsored by Representatives WICHGERS, CABRERA and ALLEN. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT *to amend* 942.09 (1) (a); and *to create* 942.09 (1) (af) and 942.09 (3m)**
2 (a) 3. of the statutes; **relating to:** representations depicting nudity and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is generally a Class I felony to capture or distribute representations depicting nudity without the consent of the person depicted. This bill provides expands the depictions that are covered by the prohibition to include “deep fakes,” which are computer-generated representations that appear to authentically depict a person who did not in fact engage in the conduct depicted.

Under current law, it is a Class A misdemeanor to publish or post a private representation, which is a sexually explicit representation intended to be possessed or viewed only by the persons with whom it was directly shared, without consent of the person depicted. This bill provides that it is also a Class A misdemeanor to reproduce such representations.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

SECTION 1. 942.09 (1) (a) of the statutes is amended to read:

942.09 (1) (a) “Captures a representation” means takes a photograph, makes a motion picture, videotape, recording, or other visual or audio representation, creates a deep fake representation, or records or stores in any medium data that represents a visual image.

SECTION 2. 942.09 (1) (af) of the statutes is created to read:

942.09 (1) (af) “Deep fake” means any photograph, motion picture, videotape, recording, or other visual or audio representation, or any technological representation of speech or conduct substantially derivative thereof, which appears to authentically depict any speech or conduct of a person who did not in fact engage in such speech or conduct and the production of which was substantially dependent upon technical means, rather than the ability of another person to physically or verbally impersonate such person.

SECTION 3. 942.09 (3m) (a) 3. of the statutes is created to read:

942.09 (3m) (a) 3. Makes a reproduction of a private representation, if the person depicted in the reproduction did not consent to the making of the reproduction.

(END)