



CINDI DUCHOW

(608) 266-3007
Toll-Free (888) 534-0099

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Assembly Committee on Criminal Justice and Public Safety
Testimony on Assembly Bills 503 and 504:
Child Protection Act
October 31, 2023.

Thank you Chairman Spiros and members of the committee for permitting me to testify on these pieces of legislation, the Child Protection Act. As a mom first and a legislator second, I'm both saddened and angry that we need to bring these bills forward.

Citizenship is about rights and responsibilities. While someone may have the right to protest, and even bring their child to a protest, we have a duty to protect Wisconsin's children from obvious long-term mental, emotional, and even physical harm. That's why Assembly Bills 503 and 504 have been introduced.

This past June, organizers and some participants in Madison's Naked Bike Ride crossed an unacceptable line: Labeling their naked ride a protest against oil dependency and in support of body positivity, they claim protected status under the First Amendment. Organizers publicized that the "designated viewing area is the lakeshore path in Brittingham Park." Madison's website makes it clear that this park is kid-friendly, boasting that Brittingham Park includes an accessible playground, and warns that "alcohol is prohibited in this park." It gets worse. Someone photographed a participant - a fully-nude girl, approximately 10 years old, and posted the photos online. A Madison police spokesperson said that statutes on possession of child pornography and exposing a child to harmful material or narrations were not applicable.

In our chamber, legislators have heard countless hours of testimony and presentations on childhood sexual abuse, keeping kids safe from online predators, the slippery slope to human trafficking, and the impact of images lasting forever when they're posted online. Do we throw all that knowledge out just because the abuse is done in the name of social justice?

AB 503 prohibits a person from causing a person under 18 to attend an event where a group of adults would intentionally expose their genitals, buttocks or other intimate parts in public. We've included protections for a responsible adult who might want to report this behavior to the police, and protections for moms who might just be breastfeeding their kids.

AB 504 prohibits intentionally exposing genitals or pubic area in public, and does not apply to a parent who might be diapering a child.

The First Amendment has nothing to do with subjecting children at a park to seeing adult genitalia, or photographing a nude minor. Being the parent and saying "no" is sometimes tough. But victimizing children is not acceptable simply because of a social cause. I ask for your support on these bills.



CHRIS KAPENGA

President | Wisconsin State Senate

Child Protection Act Testimony

Assembly Committee on Criminal Justice and Public Safety

Tuesday, October 31st, 2023

Thank you, Chairman Spiros and committee members, for hearing testimony on Assembly Bills 503 and 504 today.

Frankly, it is embarrassing that we need legislation to address this because for most people this is common sense. It is a sad state of affairs that we have people who don't understand that exposing your genitals in public is inappropriate. Furthermore, it is scary that we have a community of people who are trying to normalize including children in this indecent activity.

As many of you are aware, this summer the Madison Naked Bike Ride event took place as it has for many years, but this year's bike ride included a nude 10-year-old girl. The organizers even photographed the girl with her family and posted the image to social media. For years, the Madison police had an understanding with the participants that they would be cited for disorderly conduct once they exposed themselves. However, the city did an about-face and changed their interpretation of the word "indecent" in the law to permit public nudity so long as it is not "sexual." Well, I know I am not the only one who considers exposing yourself in public to be indecent, and I can't fathom how the city and the police can stand by that position.

In addition to subjecting families who did not consent to see this indecent display, the inclusion of children poses a new risk and shows extremely poor judgment on behalf of the event organizers and the parents. Kids should be protected from harm at all costs, and exposing your nude child in public to be viewed, photographed, and victimized by complete strangers is disgusting. There are over 70 sex-offenders living in a one-mile radius of the capitol, many of whom are convicted of crimes against children. Even large social media platforms are recognizing that content does not need to be sexual in nature to put kids at risk, with YouTube reevaluating its policy on how users can interact with young creator's content because of growing instances of exploitation. Even Google blurs the images of this event and provides a safe search warning for users.

We have introduced AB 503 and AB 504 to provide clarity in the law. AB 504 prohibits children from being present at these activities as well as capturing a photo or representation of the child at such event. Additionally, AB 503 changes the standard in statute from "indecent" to "intentional." In my opinion, intentionally exposing your genitals in public is inherently indecent, but apparently some communities in this state need that spelled out.

This is not complicated, nor partisan. Put simply, if you agree that people shouldn't be allowed to expose their genitals in public and that minor children shouldn't be paraded naked through the streets and photographed, then I encourage your support for these bills.

Thank you, Chairman Spiros and committee members, for your time and consideration of these bills. I would also like to thank Representative Duchow for authoring these bills in the Assembly.

RE: AB 503 and AB 504

Thank you Mr. Chair and members of the committee. My name is Jeff Weigand and I am a Dane County Board Supervisor representing the 20th district.

I'm here today to speak in favor of AB 503 and AB 504. I want to start off by first saying I'm sorry we are even here today as I believe WI state law already has ample protections in place to protect the innocence of children and adults alike who have unnecessarily been subject to the lude behavior of a small group of individuals. Alas, we are here and I'm grateful to Rep. Duchow for introducing these bills.

I would like to share some background on why these bills are needed from my perspective as a Dane County Board Supervisor. On Sunday June 18th a concerned Dane County citizen sent an e-mail to the entire Dane County Board concerning an allegation that a child was allowed to participate in Madison's Naked Bike Ride. Several days later I was provided a photograph of the child, surrounded by naked adults riding bicycles around the Wisconsin Capital. I immediately personally contacted the Dane County Sheriff and I also filed a complaint with the Madison Police Department about the matter. The response I received from the Sheriff and Madison Police Department was incredible disappointing to say the least. The Sheriff refused to investigate the matter stating that he is not the "Primary" law enforcement entity for the jurisdiction where the bike ride occurred. The Madison Police Department responded initially by saying "Our Special Victims Unit consulted with the District Attorney's office about this incident. The DA's office confirmed there were no applicable statues to support a criminal investigation." I then followed up multiple times asking further detailed questions about the matter and I'm sorry to report that the Madison Police Department simply stopped responding to my questions. These still unanswered questions include:

- Did the Special Victims Unit investigate this further beyond looking at the Facebook photo?
- Did anyone make any attempt to identify and contact the parents of this child or the child him/herself?
- Were any of the adults biking next to this child identified or contacted?
- Were witnesses contacted and asked to share additional details?
- Is the Madison PD considering this complaint closed? If so, is that the official response of the Chief of Police?
- Was security camera footage reviewed?

Sadly, because the city and county law enforcement officers refuse to do their job, we are here today and I appreciate this attempt to be explicitly clear that this type of lude behavior should not be allowed to take place in Wisconsin.

Lastly, I will close with this. Proponents of this bike ride have stated that they believe this is about their freedom to protest. I would ask them, what about my freedom? What about my freedom to walk down the street and not be assaulted by nudity? What about my children's innocence that I work very hard to protect? I used to love going to the Dane County Farmers Market and walking around places like the Monona Terrace or State Street. I can no longer do those things with my family for fear of what my children will be exposed to.

Thank you again Mr. Chair and members of the committee. I ask for your support for these important bills.

Sincerely,

Jeff Weigand
Dane County Board
20th District

Rights

Since 2010 the Wisconsin legislature has been creating legislation aimed at enhancing individual rights. Examples would include the right to work; the right to carry a firearm, both open and concealed; the parental right to choose where and how to educate your children.

AB 503 and 504 are NOT about rights. They are quite the opposite. These bills if enacted would instead further restrict a parent's ability to choose how they raise their child. This is state government intruding on a parent's right to educate both by design and by example how they want their children to feel about themselves. Self esteem and self confidence derive from how you see others around you act and how they act toward you. If you are ashamed of your body both physically and mentally, that self esteem and self confidence will never develop. Images of air brushed people promoted by social media leave children with the misconception that they can never achieve that degree of perfection. Alternately, seeing images of everyday non glamorized folks leaves the child with the knowledge that people come in all shapes and sizes, that none are perfect, everyone has flaws. Sheltering children from this fact, which is what these bills do, makes growing into an adult even more difficult.

I would urge the committee members to reject AB 503 and 504.

Michael Marslender
5595 Crescent View Drive
Stevens Point, Wisconsin

I'm Bob Curry. Thank you for giving me the opportunity to speak.

The effect of these bills to stop Madison's World Naked Bike Ride, a protest protected by free-speech, would be to criminalize not only the participants but all nudists as exhibitionists and deviants. This would go on a person's record and possibly follow them for life, and, because people don't understand nudism, cause all kinds of reputational damage. And if the legislature is going to pass these laws could they take it further and classify nudity as a sex crime with all that entails? An ankle bracelet? Can't be around the grandchildren? We are not exhibitionists or deviants, crimes already on the books. We are nudists, sometimes known as naturists, and that line needs to be clear, no relation.

Here are a few famous naturists who could be tagged by this law: Ben Franklin, Walt Whitman, John Quincy Adams, Henry David Thoreau, Alexander Graham Bell, Theodore Roosevelt, Winston Churchill, Don Ameche, Lyndon Johnson, Ernest Hemingway, Alfred Hitchcock, Bella Bartok, George Orwell, Tip O'Neill, Dame Helen Mirren, Mr. Rogers, Alan Dershowitz, Lynn Redgrave, Tom Hanks, Patrick Stewart, Demi Moore. Yeah, Winston Churchill and Lyndon Johnson liked to skinny dip, probably not together, somehow civilization survived. If you're a Christian, you might even say it started with two nudists.

Skinny dipping, a summer tradition in Wisconsin lakes, would be one of the consequences of these laws. High school and college kids jumping innocently off a pier could now have a record that could affect acceptance to college or future employment. Fifty-six percent of Americans have gone skinny dipping, 25 percent in mixed company. An estimated 15% of Americans consider themselves naturists. They will now be criminals in Wisconsin? They'll certainly be voters.

We have no healthy, normalizing images of non-sexual nudity in American culture, but we are awash in sexual imagery in advertising, social media, music videos, porn. We are so conditioned to see nudity as sexual that it takes real mental work to see nude people as simply the naked mammals we are. We all think of ourselves as good, decent people, (and by the way, there are plenty of Christian nudists, some, I'm sure, right here in this room), but we're easily led by the narrative pushing these bills: that public nakedness is lewd, indecent, perverse, even obscene.

Naked people are simply wearing the clothing God gave them, and laws that criminalize the sacrosanct dignity, nobility, and purity, of this creation, "the bounty of God as William Blake put it, are off target and dangerous for a free society. Human bodies, with all their nicks and scars, hair and sweat, and yes, genitals, are not inherently dirty. They are just our bodies as we were created. Opinions of public nakedness, however, are all over the place from fear and condemnation to celebration and joy. So I ask, why do the fearful get to use state power to criminalize this gift, the human body, at its most elemental? Indecency is in the eye of the beholder, and criminalizing public nudity for religious, political, aesthetic, or cultural reasons is a huge overreaction against those not guilty of a crime.

If these bills are successful in criminalizing public nakedness, including naked protest, where do their authors aim next? Can they then tell us *what* to wear? You may scoff, but slippery slopes start with one move. Is a nursing breast next? Bare shoulders? Mandated skirt length? Forbidden hairstyles? In Iran, the hijab is mandatory for women; last spring, the Iranian Decency Police killed a woman in their custody after she was arrested for removing her head covering in protest of mandatory head coverings. But that can't happen here, right? It can. France, a country which like the U.S. cherishes liberty as a founding principle, denies women the wearing of burqas and hijabs. It's so easy to cloak zealotry in a condemnation of indecency. "What about the children?" I believe a lot more can be lost with laws stepping on our freedoms than the sight of non-sexual nudity by a child or anyone else. Most people who happen to see the naked bike ride smile and shrug. Others think about it, and think about it, and think about it. You begin to wonder where the issue really lies.

Statement of Michael Bomier. Regarding the World Naked Bike Ride Madison: the ride became a subject of renewed scrutiny after a maternal parent brought her female child on the ride with her.

As our Republican fellow citizens often point out, parental control over the lives of their children is a social positive. I concur. This mother rightly felt that her daughter will have to live in the climate-changed damaged environment of the near future. The participation of people of any proper bicycling age reflects their awareness that there is no escape route from the serious illness or death of the biosphere.

The city of Madison does not have an ordinance that prohibits public nudity if it has no salacious or prurient intent. This is a fine example of local control being exercised. This idea has been a mainstay of Republican politics since the days of Busing and Fair housing. Parental and local government controls cannot be turned on and off like sluiceways or volume knobs. If these concepts are to be meaningful they must apply in each kind of case.

If the GOP caucus was at all sympathetic to the scientific idea of

man-made global warming they would understand the seriousness of the protest and thus cease the focus on the mere human bodies making this point.

Even though I participated in the ride this year I was unaware this mother and daughter were part of the ride, and I am indebted to the various observers who did notice their presence for letting me know that all ages understand the threat of greenhouse gases from internal combustion engines.

Michael Bomier 2532 Frazier ave Monona 53713 and submitted on behalf of parent and child in question.

Statement of The Parent

As a parent, it is my responsibility to prepare my daughter to be a thoughtful adult who is engaged with her community.

The World Naked Bike Ride is a place of empowerment for my daughter and I. We have participated several times because it is a rare situation where we can exercise freedom over our own bodies and be naked of liability for the behavior of others towards our bodies.

I would like to believe that our community values freedom (of) speech, self-expression and the right to protest. Those bills would do harm to those freedoms, and as a parent I must try to preserve those freedoms so that my daughter may continue to enjoy them.

Statement of the parent of the young participant.

Hi. I'm Rebecca Hudson.

As a youth, I grew up being taught by our society that my physical body is a sexual object to be judged, rated, and consumed by others. I wished I could disappear.

As soon as I arrived at the starting location of first Madison World Naked Bike, I felt like I was at home. People of all ages and frames had come together to support one another; they welcomed me as I was. I was twenty years old then, and the experience of riding that and following years in Madison's naked bike ride have been immensely helpful to my confidence and mental health. I can say with certainty that riding naked has helped me to see myself as a complete human being, and not as consumable a sexual object.

I'm now 33 years old, and I'm not ashamed of my body. I hope that people, of all ages and backgrounds have an opportunity to discover the joy, acceptance, and frankly, wholesome community that can come with the experience of riding naked. I hope that you stand with me in opposition this uncivil and unnecessary legislation.

Thank you for the opportunity to speak. I will make a statement on behalf of the leadership of the local World Naked Bike Ride, and close with a personal statement.

We agree with the proponents of these bills that the public space of the state of Wisconsin is no place for indecency and lewdness. For this, we applaud the efforts of the authors of these bills. We respect their families, as much as we respect all families' rights of decision-making.

Assembly Bill 503 limits free speech. Nudity itself is an important part of the constitutionally protected free speech exercised in conducting our event. Part of the message of World Naked Bike Ride is body-positivity. This means that there is nothing obscene, shameful, or evil about the human body, in whole or in its specific parts. Every ride we have conducted has been led by a bicycle prominently displaying the slogan "Nude is Not Lewd". In direct response to this draft bill, the Madison World Naked Bike Ride gave this statement to the press: "The proposed legislation is completely based on vilifying the human body, which is in direct opposition to the philosophy of World Naked Bike Ride. It is institutionalized body negativity."

Assembly Bill 504 limits freedom of the press. Forbidding the "capture" of certain "representations" (as stated in the bill) affects a fundamental right explicitly granted by the First Amendment of the United States Constitution. Depriving a child the right to attend a benign event such as the World Naked Bike Ride, under the described circumstances, negates that child's fundamental right of assembly, and parents' rights to include their families in assembly.

Both of these bills require proof of "compelling government interest": their goals must be shown to be so important that they warrant suspending the constitutional, and fundamental, rights of individuals. The proponents of these bills have not offered anything in the way of "compelling government interest," or, indeed, any government interest at all. The proponents merely keep saying that the actions which the bills seek to prevent are indecent or lewd. This seems to be based on their opinion that nudity is innately indecent, but this is contrary to our belief that nudity is not lewd.

We believe that these bills are frivolous and do not address real issues that are not covered by existing legislation. We believe that if they become law they will inevitably be stricken from the books upon their first challenge, a waste of public resources. Therefore, we request the withdrawal of these bills.

Now, my personal statement: The messages of the World Naked Bike Ride - of body positivity, and of re-examining our dependence on oil, especially in recognition of climate change - resonate strongly with me. As a breast cancer survivor, and a survivor of a near-fatal brain aneurysm, I have had several opportunities to re-examine my body and changes to it. I have participated in Madison's World Naked Bike Ride since 2015, and every time it has been empowering, affirming, and positive. The 2023 ride was not the first in which minors participated. I believe that a family's intentional decision to participate in the Ride is not only an issue of free speech rights, but of parental rights. The child participant was joyful, free, and confident. This was inspiring to observe, especially in the face of the enormous negative messaging we receive constantly about our bodies - not skinny enough, not tall enough, teeth aren't white enough, skin isn't smooth enough. Girls are especially targeted with body negativity. I am proud that our Ride provides an experience that is powerful and positive, and I respect families who make the intentional decision to exercise their rights and participate. Bills 503 and 504 infringe upon those rights. Thank you.

From: [Kimberly Smith](#)
To: [Rep.Wichgers](#); [Rep.Steffen](#); [Rep.Schraa](#); [Rep.Donovan](#); [Rep.Green](#); [Rep.Novak](#); [Rep.Duchow](#); [Rep.Spiros](#); [Rep.Schutt](#); [Rep.Madison](#); [Rep.Stubbs](#); [Rep.Emerson](#); [Rep.McGuire](#); [Rep.Sortwell](#); [Rep.Drake](#)
Subject: AB 503 & 504
Date: Tuesday, October 31, 2023 12:15:07 PM

Chairman Spiros,

I'm emailing the members of the Criminal justice and Public Safety in support of AB 503 and 504.

During the Naked Bike Ride this past summer I was in attendance with my two children. My photo was the one that prompted Dane County Supervisor Jeff Weigand to put out a press release denouncing the Ride.

The photo was taken from 200 feet away, at first I didn't have concerns about the photo being categorized as child pornography as the photo was not graphic. But it was brought to my attention that it could be considered child pornography, with that in mind I declined to come forward and make a statement.

My hope is this legislation will help others who might be in a similar situation, come forward with evidence to protect children.

I'm not a prude by any means, and seeing naked adults is not shocking. What was shocking that day was to see a young girl naked and paraded around thousands of adults. Many who took pictures with mal intent.

Please protect our children.

Vote yes in support of AB 503 and 504.

Warm regards,

Kimberly Smith
Oregon, WI

From: [angelblvralways](#)
To: [Rep.Spiros](#); [Rep.Schutt](#); [Rep.Duchow](#); [Rep.Novak](#); [Rep.Green](#); [Rep.Donovan](#); [Rep.Steffen](#); [Rep.McGuire](#); [Rep.Emerson](#); [Rep.Stubbs](#); [Rep.Madison](#); [Rep.Schraa](#); [Rep.Sortwell](#); [Rep.Drake](#)
Subject: AB503 and 504
Date: Tuesday, October 31, 2023 12:07:46 PM

Dear Legislators,

I'm writing to you to encourage you to support AB503 and 504 to protect our children. Never did I ever phathom that we would need such bills to protect our kids. Leave the innocent kids alone! As a parent, I'm disgusted and appalled that our kids are exposed to this. Please support this

Sincerely,

Lisa Mueller

Sent from my U.S.Cellular© Smartphone