

1 **AN ACT** *to amend* 948.12 (1m) and 948.12 (2m) (intro) and (c); and *to create* 948.12
 2 (1g) of the statutes; **relating to:** possession of child pornography.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Review of Crimes Against Children.

Under current law, it is unclear whether a single charge of possession of child pornography may be based on the possession of multiple pieces of child pornography by the defendant. This draft creates a new definition of “pornographic material” that clarifies that a prosecution for possession of child pornography may be based on more than one piece of child pornography.

3 **SECTION 1.** 948.12 (1g) of the statutes is created to read:

4 948.12 **(1g)** **DEFINITIONS.** (a) In this section, “pornographic material” means any
 5 undeveloped film or any number of photographic negatives, photographs, motion pictures,
 6 videotapes, or other recordings of one or more children engaged in sexually explicit conduct.

7 (b) In this section, “recording” means one or more recordings of one or more children
 8 engaged in sexually explicit conduct.

9 **SECTION 2.** 948.12 (1m) of the statutes is amended to read:

10 948.12 **(1m)** Whoever possesses ~~undeveloped film, photographic negative,~~
 11 ~~photograph, motion picture, videotape, or other recording of a child engaged in sexually~~
 12 ~~explicit conduct~~ pornographic material under all of the following circumstances may be
 13 penalized under sub. (3):

14 (a) The person knows that he or she possesses the pornographic material.

1 (b) The person knows the character and content of the sexually explicit conduct in the
2 pornographic material.

3 (c) The person knows or reasonably should know that the child engaged in sexually
4 explicit conduct in the pornographic material has not attained the age of 18 years.

5 **SECTION 3.** 948.12 (2m) (intro) and (c) of the statutes are amended to read:

6 948.12 (2m) Whoever exhibits or plays a recording ~~of a child engaged in sexually~~
7 ~~explicit conduct~~, if all of the following apply, may be penalized under sub. (3):

8 (c) Before the person exhibited or played the recording, he or she knew or reasonably
9 should have known that the child or children engaged in sexually explicit conduct had not
10 attained the age of 18 years.

11 (END)