

No. 430, A.]

[Published June 30, 1941.]

CHAPTER 322.

AN ACT to amend 351.38 (1), (2), (3) and (4) and to create 351.38 (5) of the statutes, relating to obscenity and providing a penalty.

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

SECTION 1. Section 351.38 of the statutes is amended to read:

351.38 (1) Any person who shall import, print, publish, exhibit, sell or distribute, *have in his possession* or give away any book or pamphlet, ballad, printed paper, moving picture or film, or other thing containing obscene language, prints, pictures, figures or descriptions * * * tending to the corruption of * * * morals * * *, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession any such book, pamphlet, ballad, printed paper, moving picture or film, or other thing, either for the purpose of loan, sale, exhibition or circulation or giving away, or with intent to introduce the same into any family, school or place of education shall be punished by imprisonment in the county jail not * * * less than 3 months or not more than one year or by imprisonment in the state prison not less than one year or not more than 5 years or by fine not * * * less than \$100 or more than \$5,000; and a search warrant may be issued by any justice of the peace, as in case of stolen or embezzled property, for search for any such obscene literature, matter or thing, and when found may be used in evidence and then destroyed by order of the court in which any case arising under this section shall be tried.

(2) Any person who shall, in a public place, or on any fence or wall, or other surface, contiguous to the public street or highway, or on the floor, or ceiling, or on the inner or outer wall, closet, room, passage, hall, or any part of any hotel, inn, tavern, courthouse, church, school, station house, depot for freight or passengers, capitol or other buildings devoted or open to other or like public uses, or on the walls of any outbuildings, or other structure pertaining thereto, make or cause to be made any obscene drawing, or picture, or obscene or indecent writing,

or print, liable to be seen by others passing, or coming near the same, such person so offending, shall in every such case, be guilty of a * * * *felony*, and, on conviction thereof, shall be punished by imprisonment in the county jail not * * * *less than 3 months or not more than one year or by imprisonment in the state prison not less than one year or not more than 5 years* or by fine not * * * *less than \$100 or more than \$5,000*.

(3) Any person or persons, who shall put up, in any public place, any indecent, lewd or obscene picture, moving picture or film, or character, representing the human form in a nude or semi-nude condition, or shall advertise by circulars or posters any indecent, lewd or immoral show, moving picture or film, play or representation, shall be deemed guilty of a * * * *felony*, and, on conviction thereof, shall be *punished by imprisonment in the county jail not less than 3 months or not more than one year or by imprisonment in the state prison not less than one year or not more than 5 years or by fine * * * not less than * * * \$100 nor more than \$5,000*; provided, that nothing in this act shall be construed as to interfere with purely scientific works, written on the subject of sexual physiology * * *.

(4) Any person who shall sell, lend, give away, or show, or shall have in his possession with intent to sell, give away, or show, or shall advertise or otherwise offer for loan, gift or distribution, any moving picture or film, book, pamphlet, magazine, newspaper, or other printed paper devoted principally to the publication of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, shall be guilty of a * * * *felony*, and upon conviction thereof, shall be *punished by imprisonment in the county jail not less than 3 months or not more than one year or by imprisonment in the state prison not less than one year or not more than 5 years or by fine * * * of not less than * * * \$100 nor more than \$5,000*.

SECTION 2. Subsection (5) of section 351.38 of the statutes is created to read:

(351.38) (5) The publisher of any magazine, pamphlet, book or other publication published within this state or imported into this state which is the basis for a conviction of any person under this chapter in any court within this state,

shall be barred from distributing any subsequent issues of the prohibited publication within this state for a period of at least 2 years.

Approved June 25, 1941.

No. 514, A.]

[Published June 30, 1941.

CHAPTER 323.

AN ACT to amend 59.15 (1) (e) and to create 59.15 (1) (f) of the statutes, relating to changes of salaries of offices and positions in counties having a population of 500,000 or more.

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

SECTION 1. Paragraph (e) of subsection (1) of section 59.15 of the statutes is amended to read:

(59.15) (1) (e) The county board, at its annual meeting shall fix the salary or compensation for any office or position (other than the county officers designated by section 59.12, judicial officers and the county superintendent of schools), created by any special or general provision of the statutes and the salary or compensation of which is paid in whole or in part by the county and the jurisdiction and duties of which lie wholly within the county or any portion thereof, and such salary or compensation may be fixed from time to time at any annual meeting of the county board for the ensuing year; and such power is hereby granted to the county board notwithstanding the provisions of any special or general law to the contrary. * * * The salary or compensation of all officers and personnel administering old-age assistance, aid to dependent children and blind pensions shall be fixed in accordance with rules and regulations relating to compensation and classification adopted by the state pension department as provided in subsection (2) of section 49.50.

SECTION 2. Paragraph (f) of subsection (1) of section 59.15 of the statutes is created to read:

(59.15) (1) (f) In counties having a population of 500,000 or more, the compensation incident to any office or position, except an elective office, may be changed by ordinance