



1997 ASSEMBLY BILL 626

November 24, 1997 - Introduced by Representatives DOBYNS, PORTER, ZUKOWSKI, LAZICH, GOETSCH, MUSSER, LA FAVE, BOCK, STASKUNAS, HASENOHRL, AINSWORTH, PLALE, KELSO, SPRINGER, OTTE, OTT, GROTHMAN, ZIEGELBAUER, GREEN, OLSEN, GUNDERSON and HARS DORF, cosponsored by Senators ROESSLER, DRZEWIECKI and DARLING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to amend* 944.21 (5m) and 944.21 (6); and *to create* 944.21 (4m) of the
2 statutes; **relating to:** using minors to violate obscenity laws and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

Current obscenity law prohibits a person from importing, printing, publishing, exhibiting, selling or transferring obscene material or from producing or performing in an obscene performance. This bill prohibits a person from knowingly soliciting, hiring, directing, employing or otherwise using a person under the age of 18 years to commit a violation of any of the prohibitions under current obscenity law. A person who violates the prohibition created in this bill may be fined not more than \$10,000 or imprisoned for not more than 9 months or both, except that if the person has one or more previous convictions for violating any prohibition under the obscenity law he or she may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

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

4 **SECTION 1.** 944.21 (4m) of the statutes is created to read:
5 944.21 (**4m**) (a) In this subsection, "child" means a person who is 17 years of
6 age or under.

ASSEMBLY BILL 626**SECTION 1**

1 (b) Any person who, with the intent that a violation of sub. (3) or (4) be
2 committed, solicits, hires, directs, employs or otherwise uses a child to commit that
3 violation of sub. (3) or (4) is subject to the penalties under par. (c) if the person knows
4 or reasonably should know that the person who was solicited, hired, directed,
5 employed or otherwise used is a child and if the violation is committed by the child.

6 (c) 1. Except as provided in subd. 2., a person violating par. (b) is guilty of a Class
7 A misdemeanor.

8 2. If the person violating par. (b) has one or more prior convictions under par.
9 (b) or under sub. (3) or (4), the person is guilty of a Class D felony.

10 **SECTION 2.** 944.21 (5m) of the statutes is amended to read:

11 944.21 (5m) A contract printer or employe or agent of a contract printer is not
12 subject to prosecution for a violation of sub. (3) or (4m) regarding the printing of
13 material that is not subject to the contract printer's editorial review or control.

14 **SECTION 3.** 944.21 (6) of the statutes is amended to read:

15 944.21 (6) Each day a violation under sub. (3) ~~or~~, (4) or (4m) continues
16 constitutes a separate violation under this section.

17 **SECTION 4. Initial applicability.**

18 (1) This act applies to offenses occurring on or after the effective date of this
19 subsection, but does not preclude the counting of convictions for other offenses under
20 section 944.21 (3) or (4) of the statutes as prior convictions for purposes of section
21 944.21 (4m) (c) 2. of the statutes, as created by this act.

22 (END)