

# State of Wisconsin



2015 Assembly Bill 630

Date of enactment: April 19, 2016  
Date of publication\*: April 20, 2016

## 2015 WISCONSIN ACT 370

AN ACT *to renumber and amend* 942.09 (2) (bm); *to amend* 942.09 (2) (cm) and 942.09 (3m) (b) 1.; and *to create* 942.09 (2) (bm) 2m. of the statutes; **relating to:** capturing and distributing a representation of a nude child and providing a criminal penalty.

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

**SECTION 1.** 942.09 (2) (bm) of the statutes is renumbered 942.09 (2) (bm) 1m., and 942.09 (2) (bm) 1m. (intro.) and b., as renumbered, are amended to read:

942.09 (2) (bm) 1m. (intro.) Notwithstanding par. (am), if the person depicted nude in a representation or reproduction is a child ~~and the capture, possession, exhibition, or distribution of the representation, or making, possession, exhibition, or distribution of the reproduction, does not violate s. 948.05 or 948.12,~~ a parent, guardian, or legal custodian of the child may do any of the following:

b. Distribute or exhibit a representation captured or possessed under subd. 1. 1m. a., or distribute or exhibit a reproduction made or possessed under subd. 1., ~~if the distribution or exhibition is not for commercial purposes~~ 1m. a.

**SECTION 2.** 942.09 (2) (bm) 2m. of the statutes is created to read:

942.09 (2) (bm) 2m. Subdivision 1m. does not apply to a parent, guardian, or legal custodian of a child who

captures, possesses, makes, distributes, or exhibits a representation depicting the child in violation of s. 948.05 or 948.12 or for the purpose of sexual arousal, gratification, humiliation, degradation, or monetary or commercial gain.

**SECTION 3.** 942.09 (2) (cm) of the statutes is amended to read:

942.09 (2) (cm) ~~This subsection Paragraph (am) does not apply to a person who receives a representation or reproduction depicting a child from a parent, guardian, or legal custodian of the child under par. (bm) 2. 1m. b., if the possession, exhibition, or distribution is not for the purpose of sexual arousal, gratification, humiliation, degradation, or monetary or commercial purposes gain.~~

**SECTION 4.** 942.09 (3m) (b) 1. of the statutes is amended to read:

942.09 (3m) (b) 1. The parent, guardian, or legal custodian of the person depicted if the private representation does not violate s. 948.05 or 948.12 and the posting or publication is not for the purpose of sexual arousal, gratification, humiliation, degradation, or monetary or commercial purposes gain.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."