



# Van H. Wanggaard

Wisconsin State Senator

## TESTIMONY ON SENATE BILL 300

Thank you committee members for hearing Senate Bill 300 today.

Child pornography and exploitation of children is a critical issue. With the increasing use of smart phones, cameras and digital photos, that issue seems to be growing across the state and nation. While possession and distribution of sexually explicit pictures of children is a crime, seeking to obtain those pictures is not.

While we may not be able to stop this exploitation, or prevent children from making a mistake that could haunt them for years, we can take steps to lessen the chance. This bill makes it a crime to solicit an “intimate or private representation” (or photograph) of an individual under age 18. As drafted, this crime would be a Class A Misdemeanor.

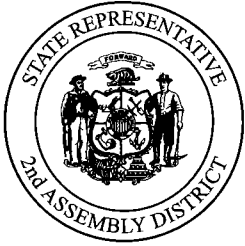
This morning, I circulated an amendment to more adequately reflect the damage that can occur. Under my amendment, I have increased the penalty to a Class I felony. To prevent teenagers for becoming inadvertent felons, I have drafted the amendment to make pictures between teenagers a Class A misdemeanor. This misdemeanor window is only for people within 3 years of age and not for children 15 years-old and younger. For example, if a 17, 18, or 19 year-old solicits a photo of a 16 year-old, or a 18, 19, 20 year-old of a 17 year old, it would be a Class A misdemeanor. Any solicitation of a photo of child under age 16 would be a Class I Felony.

I do not expect that this bill will stop every person from soliciting an intimate or private photo of a minor. That is an unreasonable expectation of any bill. But my hope is that this will be another tool for law enforcement and prosecutors to target those that target our children – even if they are unsuccessful. If this law causes some people to think twice, before soliciting photos from children, so much the better.

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TO: Members of the Senate Committee on Judiciary and Public Safety

FROM: Rep. André Jacque

DATE: Aug. 23, 2017

RE: Senate Bill 300

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

Thank you for your consideration of Senate Bill 300, which I am pleased to bring forward with Senator Wanggaard to correct a significant vulnerability within Wisconsin's child enticement statutes.

Earlier this year it was brought to my attention by Brown County Sheriff's department investigators and several prosecutors that while it is illegal to receive sexually explicit photographs of a minor there is no penalty for soliciting them, often repeatedly. Predators have targeted children age 10 or younger and are presently free to cast a wide, obscene, and harassing net in contacting victims, continuing to solicit photos from many children until a vulnerable respondent is found. While successful prosecution may occur when a child sends a sexually explicit picture to the predator requesting it, it can be very difficult to identify and assist these victims. Additionally, the use of the internet and smartphones have increased the availability for victimization of children in this way, and without a crime in state statutes that has been committed, there is a barrier to investigators being able to deal properly with those looking to prey on our youth. This legislation is also supported by the Wisconsin Chiefs of Police Association and the Coalition Against Sexual Assault.

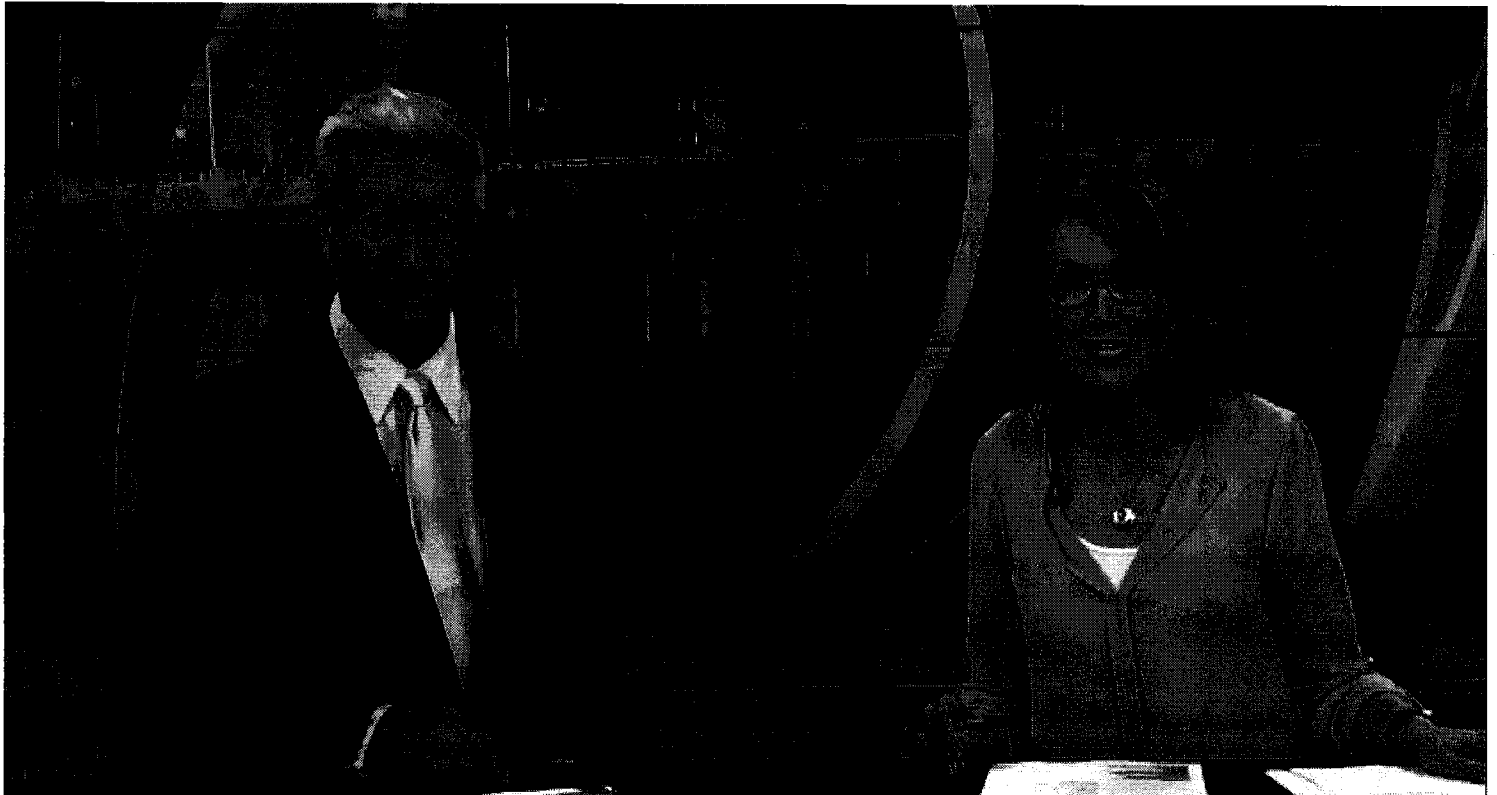
Additionally, I am joining Sen. Wanggaard in bringing forward an amendment to increase the bill's penalty for adults' solicitation of a sexually explicit photograph or recording of a child more than 3 years younger to a Class I felony. Thank you for your consideration.

## Adding teeth to state's child enticement laws

By: Kris Schuller ✉ (mailto:kris.schuller@wearegreenbay.com)

Posted: May 17, 2017 06:15 PM CDT

Updated: May 18, 2017 06:27 AM CDT



BROWN COUNTY, WI (WFRV) - A De Pere state lawmaker is working with Brown County investigators to close a loophole in the state's child enticement laws. Local 5's Kris Schuller reports he's proposing legislation aimed directly at online sex predators.

In the internet age it takes just a few taps on a keyboard to reach out to people across the world. But according to Matt Wilson it also makes it easy for adult pedophiles to solicit nude or sexually explicit photos from minors.

"It allows the pedophile to go out and solicit on multiple different devices, multiple different ways, to try and get child porn over the internet," said Sgt. Wilson of the Brown County Sheriff's Office.

But Wilson says while it's illegal to receive nude photos of a minor - defined as child pornography - there is no penalty for the act of soliciting a minor for these images in the first place.

"We get cases like this all the time," Wilson said.

It's a loophole that law enforcement wants closed.

"There is no law on the books that says we can actually go after and prosecute any person trying to solicit a photo from a juvenile," Wilson said.

"This is something where there is a clear vulnerability with Wisconsin's child enticement statutes," said Rep. Andre Jacque (R-De Pere).

That's what Jacque thinks about the present situation. He learned of the concern in meetings with Brown County investigators. He's now circulating legislation that makes requesting sexually explicit photos from a minor a class 'A' misdemeanor with a penalty up to a \$10,000 fine and 9 months in jail.

"This makes so much sense, especially when you are dealing with what is clearly criminal and obscene behavior and preventing that victimization of our children," said Jacque.

"It's very frustrating right now because there is no laws on the books, we can't take these cases to the DA's office and say we want you to prosecute these cases because there is no law there," Wilson said.

Representative Jacque hopes the bill can come up for a vote sometime this summer.

**Testimony of State Senator Lena C. Taylor**  
**Senate Committee on Judiciary and Public Safety**  
**Senate Bill 300**  
**August 23, 2017**

Chairman Wanggaard, members of the committee, thank you for allowing me the opportunity to submit written testimony on Senate Bill 300. This bill will create a previously absent penalty for those that solicit a sexual representation—photographs or recordings—from a minor. The penalty associated with this new crime would be a class ‘A’ misdemeanor, which carries up to 9 months in prison and a fine of up to \$10,000. It would fill a hole in Wisconsin’s child enticement statutes and better protect our children from inappropriate attention.

The internet has triggered widespread distribution of child pornography and closer contact with unsupervised youth, allowing child pornography to grow at a disturbing rate. The National Center for Missing and Exploited Children reported finding over 80 million different child pornography images since the organization began in 2002. The numbers continue to grow, and from 2015 to 2016, cases of child pornography increased by more than 40%. Our officers need to be able to keep up with these trends, and we need to give them the authority to act.

Current Wisconsin law allows sexual predators to coax minors to produce sexual representations of themselves. Predators are free to ask as many times and as many people as they would like. The Brown County Sheriff’s Office has advocated for this new piece of legislation to curb this behavior. Lieutenant Valley has emphasized, “It’s very important to start trying to put these roadblocks in place.” The road blocks could prevent those porn images and recordings from ever reaching the internet in the first place.

There could be huge benefits seen from this legislation in my home district. Milwaukee had the highest number of criminal convictions of child exploitation in one year for Wisconsin, and many offenders go unaccounted for because of the use of anonymous websites. In 2014, more than 41 cases of internet crimes against children were delayed in their investigation, and many child pornography cases languished for months.

We need a better way to deal with the problem of child pornography. With increasing numbers, the best policy involves taking steps to ensure the crime never happens in the first place. It is our responsibility to be preemptive in protecting the well-being and safety of our children, and this bill is the next step toward accomplishing that.

Thank you for your support and attention.