



2023 ASSEMBLY BILL 608

October 31, 2023 - Introduced by Representatives WICHGERS, J. ANDERSON, CABRERA, C. ANDERSON, BEHNKE, BRANDTJEN, GUNDRUM, ORTIZ-VELEZ, PALMERI, SAPIK and SINICKI, cosponsored by Senator JACQUE. Referred to Committee on Criminal Justice and Public Safety.

AN ACT *to create* 942.09 (1) (e), 942.09 (2) (am) 4. and 942.09 (3m) (a) 3. of the statutes; **relating to:** representations depicting nudity and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is generally a Class I felony to capture or distribute representations depicting nudity without the consent of the person depicted. This bill expands the prohibition to include what are known as “deep fakes.” The bill provides that it is a Class I felony to post, publish, distribute, or exhibit a synthetic intimate representation (commonly known as a “deep fake”) of an identifiable person with intent to coerce, harass, or intimidate that person. Under the bill, a synthetic intimate representation is defined as a representation generated using technological means that uses an identifiable person’s face, likeness, or other distinguishing characteristic to depict an intimate representation of that person, regardless of whether the representation includes components that are artificial, legally generated, or generally accessible.

Under current law, it is a Class A misdemeanor to publish or post a private representation, which is a sexually explicit representation intended to be possessed or viewed only by the persons with whom it was directly shared, without consent of the person depicted. This bill provides that it is also a Class A misdemeanor to reproduce such representations.

ASSEMBLY BILL 608**SECTION 1**

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

SECTION 1. 942.09 (1) (e) of the statutes is created to read:

942.09 (1) (e) “Synthetic intimate representation” means a representation generated using technological means that uses an identifiable person’s face, likeness, or other distinguishing characteristic to depict an intimate representation of that person, regardless of whether the representation includes components that are artificial, legally generated, or generally accessible.

SECTION 2. 942.09 (2) (am) 4. of the statutes is created to read:

942.09 (2) (am) 4. Posts, publishes, distributes, or exhibits a synthetic intimate representation of an identifiable person with intent to coerce, harass, or intimidate that person.

SECTION 3. 942.09 (3m) (a) 3. of the statutes is created to read:

942.09 (3m) (a) 3. Makes a reproduction of a private representation, if the person depicted in the reproduction did not consent to the making of the reproduction.

(END)