



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3105/1

MJW:cjs

2023 SENATE BILL 305

May 24, 2023 - Introduced by Senators JACQUE and NASS, cosponsored by Representatives ALLEN, BODDEN, BRANDTJEN, MAXEY, WICHGERS and MURPHY. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

AN ACT *to repeal* 944.21 (8) (b) 1. and 944.21 (8) (b) 2. of the statutes; relating

to: protection from prosecution for employees of libraries and educational institutions possessing obscene materials.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to import, print, sell, possess for sale, publish, exhibit, play, or distribute any obscene material; to produce or perform in any obscene performance; to require, as a condition to the purchase of periodicals, that a retailer accept obscene material; to distribute, exhibit, or play any obscene material to a person under the age of 18 years; or to possess with intent to distribute, exhibit, or play to a person under the age of 18 years any obscene material. Obscene material means a writing, picture, film, or other recording that the average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole; that under contemporary community standards describes or shows sexual conduct in a patently offensive way; and that lacks serious literary, artistic, political, educational, or scientific value, if taken as a whole.

Under current law, no person who is an employee, a member of the board of directors, or a trustee of certain educational institutions and libraries is liable to prosecution for an obscene materials violation for acts or omissions while in his or her capacity as an employee, a member of the board of directors, or a trustee of such

SENATE BILL 305**SECTION 1**

an institution. This bill removes public elementary and secondary schools, private schools, and tribal schools from the list of institutions for which an employee is protected from prosecution for an obscene materials violation.

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

SECTION 1. 944.21 (8) (b) 1. of the statutes is repealed.

SECTION 2. 944.21 (8) (b) 2. of the statutes is repealed.

SECTION 3. Effective date.

(1) This act takes effect on August 20, 2024.

(END)