



2023 SENATE BILL 321

June 7, 2023 - Introduced by Senators JAMES, HUTTON, TOMCZYK and WANGGAARD, cosponsored by Representatives GOEBEN, BODDEN, BEHNKE, BRANDTJEN, DITTRICH, GUNDRUM, GUSTAFSON, HURD, S. JOHNSON, MACCO, MAXEY, MICHALSKI, MURPHY, MURSAU, MYERS, NEDWESKI, O'CONNOR, RETTINGER, ROZAR, SCHRAA, SNYDER, SORTWELL, STUBBS, SUBECK, TITTL and WICHGERS. Referred to Committee on Judiciary and Public Safety.

AN ACT *to create* 944.19 of the statutes; **relating to:** child sex dolls and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it a crime to intentionally possess a “child sex doll,” which is defined under the bill to be an anatomically correct doll, mannequin, or robot, with features that resemble a minor that is intended for use in sex acts, for sexual gratification, or for manipulating children into participating in sex acts, instructing children how to participate in sex acts, or normalizing sexual behavior with children. The penalties for the crime vary depending on whether the violation is a repeat offense, how many such dolls are possessed, and past convictions for other crimes against children. For a first offense involving fewer than three dolls, it is a Class I felony; for a second offense or for a first offense involving at least three dolls, it is a Class H felony; and for a third or subsequent offense, it is a Class G felony. If the doll is intended to resemble a specific minor, then the possession of it is a Class E felony for a first offense and a Class D felony for a repeat offense. The bill provides that the felony classification for any of the above offenses increases by one classification if the person has a prior conviction for intentional physical abuse of a child, first-degree sexual assault of a child, sexual exploitation of a child, use of a computer to facilitate a child sex crime, or possession of child pornography.

The bill also prohibits intentionally selling, transferring, advertising, displaying, or providing premises for the use of a child sex doll. For a first offense,

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it is a Class I felony; for a second offense, it is a Class H felony; and for a third or subsequent offense, it is a Class G felony. The bill prohibits intentionally selling, transferring, advertising, or displaying instructions on how to create a child sex doll or materials intended to create a child sex doll. For a first offense, it is a Class F felony, and for a repeat offense, it is a Class E felony. Similarly, the bill prohibits intentionally manufacturing a child sex doll. For a first offense, it is a Class F felony, and for a repeat offense, it is a Class E felony, except that, if the doll being manufactured is intended to resemble a specific minor, then it is a Class E felony for a first offense and a Class D felony for a repeat offense. The bill provides that the felony classification for any of the above offenses increases by one classification if the person has a prior conviction for intentional physical abuse of a child, first-degree sexual assault of a child, sexual exploitation of a child, use of a computer to facilitate a child sex crime, or possession of child pornography.

The bill exempts from the created prohibitions law enforcement officers, physicians, psychologists, attorneys, court officers, and others involved in law enforcement or child therapy if the actions are taken in the lawful performance of their duty.

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. 944.19 of the statutes is created to read:

944.19 Prohibiting child sex dolls. (1) In this section, “child sex doll” means an anatomically correct doll, mannequin, or robot, with features that are intended to resemble a minor that is intended for use in sex acts, for sexual gratification, or for the purpose of manipulating children into participating in sex acts, instructing children how to participate in sexual acts, or normalizing sexual behavior with children.

(2) (a) No person may intentionally possess a child sex doll. A person who violates this paragraph is guilty of the following:

1. For a first offense involving fewer than 3 child sex dolls, a Class I felony.

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2. For a 2nd offense or for an offense involving at least 3 child sex dolls, a Class H felony.

3. For a 3rd or subsequent offense, a Class G felony.

4. For a first offense involving a child sex doll that is intended to resemble a specific minor, a Class E felony.

5. For a 2nd or subsequent offense involving a child sex doll that is intended to resemble a specific minor, a Class D felony.

(b) No person may intentionally sell, transfer possession of, advertise, display, or provide premises for the use of, or offer to sell, transfer possession of, advertise, display, or provide premises for the use of, a child sex doll. A person who violates this paragraph is guilty of the following:

1. For a first offense, a Class I felony.

2. For a 2nd offense, a Class H felony.

3. For a 3rd or subsequent offense, a Class G felony.

(c) No person may intentionally sell, transfer possession of, advertise, or display, or offer to sell, transfer possession of, advertise, or display, instructions on how to create a child sex doll or materials intended to create a child sex doll. A person who violates this paragraph is guilty of the following:

1. For a first offense, a Class F felony.

2. For a 2nd or subsequent offense, a Class E felony.

(d) No person may intentionally manufacture a child sex doll. A person who violates this paragraph is guilty of the following:

1. For a first offense, a Class F felony.

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2. For a 2nd or subsequent offense, a Class E felony.

3. For a first offense involving a child sex doll that is intended to resemble a specific minor, a Class E felony.

4. For a 2nd or subsequent offense involving a child sex doll that is intended to resemble a specific minor, a Class D felony.

(3) A person who commits a violation under sub. (2) is guilty of a felony that is one classification higher than the penalty provided under sub. (2) if the person has one or more prior convictions for a violation under s. 948.02 (1), 948.025 (1) (a) to (d), 948.03 (2), 948.05, 948.075, or 948.12.

(4) (a) Subsection (2) does not apply to a law enforcement officer, physician, psychologist, attorney, officer of the court, or other person involved in law enforcement or child therapy in the lawful performance of his or her duty.

(b) Subsection (2) (b) and (d) do not apply to a manufacturer or distributor who is providing or manufacturing a child sex doll for a use described in par. (a).

SECTION 2. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection but does not preclude the counting of offenses committed before the effective date of this subsection as a prior convictions under s. 944.19 (3).

(END)