



CHRIS KAPENGA

President | Wisconsin State Senate

Child Protection Act Testimony

Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families

Thursday, October 5th, 2023

Thank you, Chairman James and committee members, for hearing testimony on Senate Bills 477 and 478 today.

Frankly, it is embarrassing that we need legislation to address this because for most people this is common sense. It is a sad state of affairs that we have people who don't understand that exposing your genitals in public is inappropriate. Furthermore, it is scary that we have a community of people who are trying to normalize including children in this indecent activity.

As many of you are aware, this summer the Madison Naked Bike Ride event took place as it has for many years, but this year's bike ride included a nude 10-year-old girl. The organizers even photographed the girl with her family and posted the image to social media. For years, the Madison police had an understanding with the participants that they would be cited for disorderly conduct once they exposed themselves. However, the city did an about-face and changed their interpretation of the word "indecent" in the law to permit public nudity so long as it is not "sexual." Well, I know I am not the only one who considers exposing yourself in public to be indecent, and I can't fathom how the city and the police can stand by that position.

In addition to subjecting families who did not consent to see this indecent display, the inclusion of children poses a new risk and shows extremely poor judgment on behalf of the event organizers and the parents. Kids should be protected from harm at all costs, and exposing your nude child in public to be viewed, photographed, and victimized by complete strangers is disgusting. There are over 70 sex-offenders living in a one-mile radius of the capitol, many of whom are convicted of crimes against children. Even large social media platforms are recognizing that content does not need to be sexual in nature to put kids at risk, with YouTube reevaluating its policy on how users can interact with young creator's content because of growing instances of exploitation. Even Google blurs the images of this event and provides a safe search warning for users.

I have introduced SB 477 and 478 to provide clarity in the law. SB 477 prohibits children from being present at these activities as well as capturing a photo or representation of the child at such event. Additionally, SB 478 changes the standard in statute from "indecent" to "intentional." In my opinion intentionally exposing your genitals in public is inherently indecent, but apparently some communities in this state need that spelled out.

This is not complicated, nor partisan. Put simply, if you agree that people shouldn't be allowed to expose their genitals in public and that minor children shouldn't be paraded naked through the streets and photographed, then I encourage your support for these bills.

Thank you, Chairman James and committee members, for your time and consideration of these bills. I would also like to thank Representative Duchow for authoring these bills in the Assembly.



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Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families
Testimony on Senate Bill 477 and 478:
Child Protection Act
October 5, 2023

Thank you Chairman James and members of the committee for permitting me to submit written testimony on these pieces of legislation, the Child Protection Act. As a mom first and a legislator second, I'm both saddened and angry that we need to bring these bills forward.

Citizenship is about rights and responsibilities. While someone may have the right to protest, and even bring their child to a protest, we have a duty to protect Wisconsin's children from obvious long-term mental, emotional, and even physical harm. That's why Senate Bills 477 and 478 have been introduced.

This past June, organizers and some participants in Madison's Naked Bike Ride crossed an unacceptable line. Labeling their naked ride a protest against oil dependency and in support of body positivity, they claim protected status under the First Amendment. Organizers publicized that the "designated viewing area is the lakeshore path in Brittingham Park." Madison's website makes it clear that this park is kid-friendly, boasting that Brittingham Park includes an accessible playground, and warns that "alcohol is prohibited in this park." It gets worse. Someone photographed a participant - a fully-nude girl, approximately 10 years old, and posted the photos online. A Madison police spokesperson said that statutes on possession of child pornography and exposing a child to harmful material or narrations were not applicable.

In our chamber, legislators have heard countless hours of testimony and presentations on childhood sexual abuse, keeping kids safe from online predators, the slippery slope to human trafficking, and the impact of images lasting forever when they're posted online. Do we throw all that knowledge out just because the abuse is done in the name of social justice?

SB 477 prohibits a person from causing a person under 18 to attend an event where a group of adults would intentionally expose their genitals, buttocks or other intimate parts in public. We've included protections for a responsible adult who might want to report this behavior to the police, and protections for moms who might just be breastfeeding their kids.

SB 478 prohibits intentionally exposing genitals or pubic area in public, and does not apply to a parent who might be diapering a child.

The First Amendment has nothing to do with subjecting children at a park to seeing adult genitalia, or photographing a nude minor. Being the parent and saying "no" is sometimes tough. But victimizing children is not acceptable simply because of a social cause. I ask for your support on these bills.

RE: SB 477 and SB 478

Thank you Mr. Chair and members of the committee. My name is Jeff Weigand and I am a Dane County Board Supervisor Representing the 20th district.

I'm here today to speak in favor of SB 477 and 478. I want to start off by first saying I'm sorry we are even here today as I believe WI state law already has ample protections in place to protect the innocence of children and adults alike who have unnecessarily been subject to the lude behavior of a small group of individuals. Alas, we are here and I'm grateful to Sen. Kapenga for introducing these bills.

I would like to share some background on why these bills are needed from my perspective as a Dane County Board Supervisor. On Sunday June 18th a concerned Dane County citizen sent an e-mail to the entire Dane County Board concerning an allegation that a child was allowed to participate in Madison's Naked Bike Ride. Several days later I was provided a photograph of the child, surrounded by naked adults riding bicycles around the Wisconsin Capital. I immediately personally contacted the Dane County Sheriff and I also filed a complaint with the Madison Police Department about the matter. The response I received from the Sherriff and Madison Police Department was incredible disappointing to say the least. The Sherrif refused to investigate the matter stating that he is not the "Primary" lawn enforcement entity for the jurisdiction where the bike ride occurred. The Madison Police Department responded initially by saying "Our Special Victims Unit consulted with the District Attorney's office about this incident. The DA's office confirmed there were no applicable statues to support a criminal investigation." I then followed up multiple times asking further detailed questions about the matter and I'm sorry to report that the Madison Police Department simply stopped responding to my questions. These still unanswered questions include:

- Did the Special Victim's Unit investigate this further beyond looking at the Facebook photo?
- Did anyone make any attempt to identify and contact the parents of this child or the child him/herself?
- Were any of the adults biking next to this child identified or contacted?
- Were witnesses contacted and asked to share additional details?
- Is the Madison PD considering this complaint closed? If so, is that the official response of the Chief of Police?
- Was security camera footage reviewed?

Sadly, because the city and county law enforcement officers refuse to do their job, we are here today and I appreciate this attempt to be explicitly clear that this type of lude behavior should not be allowed to take place in Wisconsin.

Lastly, I will close with this. Proponents of this bike ride have stated that they believe this is about their freedom to protest. I would ask them, what about my freedom? What about my freedom to walk down the street and not be assaulted by nudity? What about my children's innocence that I work very hard to protect? I used to love going to the Dane County Farmers Market and walking around places like the Monona Terrace or State Street. I can no longer do those things with my family for fear of what my children will be exposed to.

Thank you again Mr. Chair and members of the committee. I ask that you please approve these important measures.

Sincerely,

Jeff Weigand
Dane County Board
20th District