

ORDINANCE 2020-01

An Ordinance Repealing 11.111 Sending Obscene or Sexually Explicit Electronic Messages and Replacing with 11.111 Sexting by Minors Prohibited

THE VILLAGE BOARD OF THE VILLAGE OF SUAMICO, BROWN COUNTY, WISCONSIN, HEREBY ORDAINS, THAT SECTION 11.111 OF THE MUNICIPAL CODE OF THE VILLAGE OF SUAMICO, BE REPEALED AND CREATED TO READ AS FOLLOWS:

SECTION 1.

1) **SEXTING BY MINORS PROHIBITED**

(1) Definitions.

(a) Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity", irrespective of whether or not the nipple is covered during or incidental to feeding.

(b) Harmful to minors means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

1. Predominantly appeals to a prurient, shameful, or morbid interest;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(c) Minor means any person under the age of 18 years.

(2) A minor commits the offense of sexting if he or she knowingly:

(a) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person by another minor which depicts nudity; as defined above, and is harmful to minors, as defined above.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video.
2. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
3. The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.

(c) Uses a computer, or any device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:

1. Predominantly appeals to a prurient, shameful, or morbid interest;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(d) Solicits the transmission or distribution of any text, correspondence, message, photograph, or video from another minor that would itself be prohibited under this section of the Municipal Code.


SECTION 2.

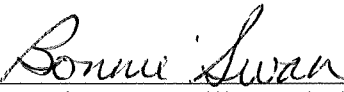
All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION 3.

This ordinance shall take effect upon its adoption and publication.

Adopted this 20th day of January, 2020.


Laura Nelson, Village President

Attest: 
Bonnie Swan, Village Clerk

Nelson Aye
Schneider Aye
Eckert Aye
Ward Aye

Andrews Aye
VanRossum Aye
Roddan Absent

Date Posted: 1/24/2020