

ORDINANCE NO. 2019-21

AN ORDINANCE REGULATING SEXTING BY MINORS

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. RENUMBERING AND ADOPTION OF PROVISIONS.

Section 11-5-13 of the Village of Bristol Code of Ordinances is renumbered to be Section 11-5-14 and a new Section 11-5-13 is created to read as follows:

Sec. 11-5-13 Sexting by Minors Prohibited.

- (a) **Definitions.** As used in this Section, the following terms shall have the meanings indicated:
- (1) **Harmful to Minors.** Any reproduction, imitation, depiction, description, characterization, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
 - a. Predominantly appeals to a prurient, shameful or morbid interest;
 - b. 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
 - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
 - (2) **Minor.** Any person under the age of eighteen (18) years.
 - (3) **Nudity.** 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) **Offenses.** A minor commits the offense of sexting by knowingly doing any of the following acts:
- (1) **Prohibited Electronic Device Use.** A minor using 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 which depicts nudity and is harmful to minors.
 - (2) **Possession of Prohibited Material.** A minor possessing a photograph or video of any person that was transmitted or distributed by another

minor which depicts nudity and is harmful to minors. A minor does not violate this Subsection if all of the following apply:

- a. The minor did not solicit the photograph or video;
- b. The minor took reasonable steps to report the photograph or video to a school or law enforcement official; and
- c. The minor did not transmit or distribute the photograph or video to a third-party other than a school or law enforcement official.

(3) ***Prohibited Electronic Message Transmission.*** A minor using a computer, or any other 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:

- a. Predominantly appeals to a prurient, shameful or morbid interest;
- b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
- c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors; and/or
- d. Soliciting the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited by this Section.

SECTION II. SEVERABILITY.

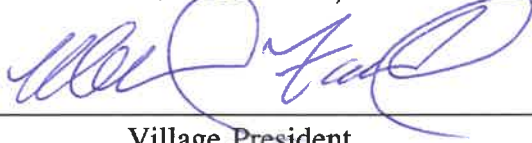
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 9th day of September, 2019.

VILLAGE OF BRISTOL, WISCONSIN



Village President




Clerk-Treasurer

INTRODUCED: 9/9/19
ADOPTED: 9/9/19
POSTED/PUBLISHED: 9/10/19

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 9th day of September, 2019. and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 10th day of September, 2019.


Amy Klemko, Clerk-Treasurer

