

ORDINANCE 03-01-2024

**AN ORDINANCE CREATING SECTION 402 "SEXTING PROHIBITED" OF THE VILLAGE OF
SLINGER VILLAGE CODE OF ORDINANCES**

THE VILLAGE BOARD OF THE VILLAGE OF SLINGER, WASHINGTON COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION I. CREATE

402-1 SEXTING PROHIBITED.

(1) This ordinance prohibits the sharing of explicit images and related activities between minors which will serve to deter such activities within the Village.

(2) Definitions. For the purposes of this Subsection:

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 noticeably erect state. A mothers 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 an indecent, shameful, or morbid interest. 2. Is blatantly offensive to prevailing standards in the adult community with respect to what is suitable material or conduct for minors. 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.

(3) 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 which depicts nudity, as defined in this subsection, and is harmful to minors as defined in this subsection.

b. Possess 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 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 video to a third party other than a law enforcement official.

c. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text message, correspondence or message of a sexual nature when it: 1. Predominantly appeals to an indecent, shameful, or morbid interest; 2. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; 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 be prohibited under this subsection.

(4) Fines. The fine for sexting shall be as determined in Chapter 23 of the Municipal Code.

(5) Penalty. Any person violating this section shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 23 of the Municipal Code together with the costs of prosecution as provided in Chapter 23.

(6) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION II. SEVERABILITY.

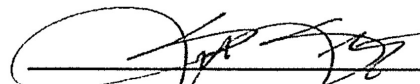
The sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections portions there of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION III. EFFECTIVE DATE.

This ordinance shall take effect and be in full force from and after its passage and posting according to law.

INTRODUCED BY TRUSTEE: Behrend

PASSED and Adopted this 18th day of March, 2024.



Scott Stortz, Village President

Countersigned:



Tammy Tennes, Village Clerk