



Woman's ex headed for trial under new Wisconsin revenge porn law

By [Bruce Vielmetti](#) of the Journal Sentinel
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In what has become an increasingly common phenomenon, a Milwaukee woman had to face having nude and seminude photos of her posted on the Internet in April as collateral damage of a messy breakup.

Her ex, Keslin Jean Jacques, told her there was nothing she could do to stop him, according to a criminal complaint, because Gov. Scott Walker had not yet signed into law a bill aimed at outlawing the practice.

Apparently he hadn't been keeping up with the news.

[Walker had signed the bill 12 days earlier](#), and Jean Jacques, 31, of Milwaukee, became one of the first people charged under the new law on April 22.

[The offense](#) — posting or publishing a sexually explicit image without consent — is a misdemeanor punishable by up to nine months in jail and \$10,000 fine.

Jean Jacques' case is scheduled for trial Wednesday.

It was initially set for August, but a committee was still working on the standard jury instructions for the new charge.

Revenge porn involves the publication of intimate photos that were once shared willingly, often with identifying information, even an email address or phone number of the subject, almost always a female.

The first inclination of many victims and their lawyers is to try to get Internet service providers or social media sites to take down the images, or to hold them liable, but the federal Communications Decency Act largely provides immunity to platforms for what their users do.

The practice has been charged as cyberstalking or harassment in some states.

Other victims have tried personal injury actions against ex-lovers who post the photos. Some scholars have even suggested [copyright law might be an effective tool](#), since many of the explicit photos are “selfies,” taken by the subjects themselves.

California was the first state to pass legislation specifically aimed at revenge porn, and prosecutors [won the first conviction under that 2013 law last month](#).

About a dozen states have tried to follow California’s lead and outlaw the practice but have run into First Amendment concerns (except when the subjects are minors; then child pornography laws apply).

In Arizona, [booksellers challenged a 2014 law](#) that made revenge porn a felony as overbroad and likely to make criminal books that contain certain nude images that really don’t fit the intent of the law.

Illinois Gov. Pat Quinn this week [signed into law a measure that bans](#) the practice of revenge porn, according to the Chicago Tribune. The law makes it a felony to post sexually explicit videos and photos of another person online without his or her permission.

[Wisconsin’s law](#) prohibits publication of “private representation” without the consent of the person depicted.

It defines “private representation” as a nude or partially nude image intended by the subject to be “captured, viewed or possessed” only by the person intended by the subject.

It does not require any intent by the publisher to embarrass the subject; an ex-boyfriend who claims he was publishing the photo to bring the subject compliments would be just as guilty.

The Wisconsin law also provides an exception for posting a private image “that is newsworthy or of public importance.”