



## 2005 ASSEMBLY BILL 1095

March 6, 2006 - Introduced by Representatives KLEEFISCH, GUNDRUM, KAUFERT, MUSSER, GUNDERSON, JESKEWITZ, TOWNSEND and LEMAHIEU, cosponsored by Senators LAZICH, GROTHMAN, KEDZIE and ROESSLER. Referred to Committee on Judiciary.

1     **AN ACT to renumber and amend** 948.02 (1) and 948.025 (1) (a); **to amend**  
2             948.025 (2) (a); and **to create** 948.02 (1) (a), 948.025 (1) (ag) and 948.025 (2)  
3             (am) of the statutes; **relating to:** sexual assault of a child and providing a  
4             penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law a person who is convicted of first degree sexual assault of a child is guilty of a felony and may be sentenced to a term of imprisonment of up to 60 years (which, if the sentence is for more than one year, includes a term of extended supervision). This bill changes the maximum penalty for first degree sexual assault of a child to a term of life imprisonment if the sexual assault results in great bodily harm to the victim.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**ASSEMBLY BILL 1095**

1           **SECTION 1.** 948.02 (1) of the statutes is renumbered 948.02 (1) (intro.) and  
2 amended to read:

3           948.02 (1) **FIRST DEGREE SEXUAL ASSAULT.** (intro.) Whoever has sexual contact  
4 or sexual intercourse with a person who has not attained the age of 13 years is guilty  
5 of one of the following:

6           (b) If the sexual contact or sexual intercourse did not result in great bodily harm  
7 to the person, a Class B felony.

8           **SECTION 2.** 948.02 (1) (a) of the statutes is created to read:

9           948.02 (1) (a) If the sexual contact or sexual intercourse resulted in great bodily  
10 harm to the person, a Class A felony.

11           **SECTION 3.** 948.025 (1) (a) of the statutes is renumbered 948.025 (1) (ar) and  
12 amended to read:

13           948.025 (1) (ar) A Class B felony if fewer than 3 of the violations were violations  
14 of s. 948.02 (1) (a) but at least 3 of the violations were violations of s. 948.02 (1) (a)  
15 or (b).

16           **SECTION 4.** 948.025 (1) (ag) of the statutes is created to read:

17           948.025 (1) (ag) A Class A felony if at least 3 of the violations were violations  
18 of s. 948.02 (1) (a).

19           **SECTION 5.** 948.025 (2) (a) of the statutes is amended to read:

20           948.025 (2) (a) If an action under sub. (1) (~~a~~) (ag) is tried to a jury, in order to  
21 find the defendant guilty the members of the jury must unanimously agree that at  
22 least 3 violations of s. 948.02 (1) (a) occurred within the specified period of time but  
23 need not agree on which acts constitute the requisite number.

24           **SECTION 6.** 948.025 (2) (am) of the statutes is created to read:

