



2005 SENATE BILL 629

February 24, 2006 - Introduced by Senators LAZICH, GROTHMAN, KEDZIE and ROESSLER, cosponsored by Representatives KLEEFISCH, GUNDRUM, KAUFERT, MUSSER, GUNDERSON, JESKEWITZ, TOWNSEND and LEMAHIEU. Referred to Committee on Judiciary, Corrections and Privacy.

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.

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.

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

SENATE BILL 629**SECTION 1**

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:

