



2023 ASSEMBLY BILL 972

January 18, 2024 - Introduced by Representatives GUNDRUM, GOEBEN, BEHNKE, CALLAHAN, DITTRICH, DONOVAN, EDMING, HURD, KITCHENS, MAXEY, MURPHY, MURSAU, O'CONNOR, PENTERMAN, SCHRAA and WICHGERS, cosponsored by Senator KNODL. Referred to Committee on Criminal Justice and Public Safety.

- 1 **AN ACT to amend** 165.71 (1) and 944.32; and **to create** 939.6175 of the statutes;
- 2 **relating to:** solicitation for prostitution and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally solicits a person who is at least 18 to practice prostitution or establishes a person who is at least 18 in a place of prostitution is guilty of a Class H felony. This bill increases the penalty to a Class G felony. A Class G felony is punishable by a term of imprisonment not to exceed 10 years, which, under a bifurcated sentence, is a maximum term of confinement in prison of five years followed by a maximum term of extended supervision of five years. Current law has no mandatory minimum term of confinement in prison for this crime. The bill imposes a mandatory minimum term of confinement in prison for a person who is convicted of soliciting a prostitute, and the mandatory minimum applies whether the person solicited is an adult or a child. The minimum term imposed depends on the number of convictions for solicitation that the person has. For a first offense, the mandatory minimum is either six months or, if the person completes a treatment and education program approved by the court, three months. For a second offense, the mandatory minimum is either 12 months or, if the offense follows the completion of the treatment and education program for the first offense, 12 months plus the reduction for completing the program. For a third offense, the mandatory minimum is two years. For a fourth or subsequent offense, the mandatory minimum is three years.

Current law requires the Department of Justice to design a poster that provides information regarding a human trafficking resource hotline. Under current law, the

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poster must inform individuals what human trafficking is and provide a phone number for a victim to use for help and services. The bill adds that the poster must also include the penalties for the crimes of human trafficking and soliciting a person to practice prostitution.

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.

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:

1 **SECTION 1.** 165.71 (1) of the statutes is amended to read:

2 165.71 (1) The department of justice shall design a poster, or obtain a
3 predesigned poster, that provides information regarding a human trafficking
4 resource center hotline. The department shall ensure that the size of poster makes
5 it legible and that the poster informs individuals what human trafficking is and
6 provides a phone number that a victim or someone who knows a victim can call or
7 text for help and services. The poster shall include the penalties for a human
8 trafficking violation under s. 940.302 or 948.051 and for a solicitation violation under
9 s. 944.32 or 948.08. The poster shall be in English and Spanish, and, for each county,
10 in any other language required for voting materials in that county under federal law.

11 **SECTION 2.** 939.6175 of the statutes is created to read:

12 **939.6175 Minimum sentence for solicitation.** (1) Except as provided in
13 sub. (2), if a person is convicted of a violation of s. 944.32 or 948.08, the court shall
14 impose a bifurcated sentence under s. 973.01. The court may not place the defendant
15 on probation, and the penalty is subject to any applicable penalty enhancement. The
16 term of confinement in prison portion of the bifurcated sentence shall be as follows:

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1 (a) For a first offense under s. 944.32 or 948.08, notwithstanding the minimum
2 term of confinement under s. 973.01 (2) (b) (intro.), either at least 6 months or, if the
3 person completes a treatment and education program approved by the court, at least
4 3 months.

5 (b) For a 2nd offense under s. 944.32 or 948.08, either at least 12 months or, if
6 the person served a reduced sentence for a prior offense due to completing a
7 treatment and education program as provided under par. (a), at least 12 months plus
8 the amount by which the sentence was reduced from the 6-month minimum.

9 (c) For a 3rd offense under s. 944.32 or 948.08, at least 2 years.

10 (d) For a 4th or subsequent offense under s. 944.32 or 948.08, at least 3 years.

11 **(2)** This section does not apply if the defendant was under 18 years of age when
12 the violation occurred.

13 **SECTION 3.** 944.32 of the statutes is amended to read:

14 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
15 intentionally solicits or causes any person to practice prostitution or establishes any
16 person in a place of prostitution is guilty of a Class ~~H~~ G felony.

17 **(END)**