



2013 ASSEMBLY BILL 811

February 24, 2014 - Introduced by Representatives JOHNSON, BILLINGS, KAHL, SARGENT, JORGENSEN, PASCH, BARNES, BERCEAU, ZAMARRIPA, RICHARDS, KOLSTE, C. TAYLOR, OHNSTAD and RINGHAND, cosponsored by Senator HARRIS. Referred to Committee on Judiciary.

1 **AN ACT to amend** 48.982 (2) (c), 48.982 (2m) (a), 48.982 (7) (d) (intro.) and 973.05
2 (3) (a); and **to create** 20.433 (1) (hm), 48.982 (6m), 814.75 (28), 814.76 (21),
3 973.044 and 973.05 (2m) (fr) of the statutes; **relating to:** creating a surcharge
4 to be paid by persons convicted of certain crimes against children and certain
5 crimes against sexual morality, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a surcharge that is paid by any person who commits a sexual crime against a child or who commits certain crimes related to prostitution or sex trafficking. Under the bill, a person who is convicted of committing one of those offenses must pay, in addition to any criminal fine for the offense, a \$500 surcharge. Under the bill, the Child Abuse and Neglect Prevention Board may use the money collected under the surcharge to provide grants to organizations that offer services to child victims of sexual crimes.

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:

6 **SECTION 1.** 20.433 (1) (hm) of the statutes is created to read:

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1 20.433 (1) (hm) *Grants to assist child victims of sexual exploitation.* All moneys
2 received under s. 973.044 to be used for grants to organizations under s. 48.982 (6m).

3 **SECTION 2.** 48.982 (2) (c) of the statutes is amended to read:

4 48.982 (2) (c) Review and approve or disapprove grant applications and
5 monitor the services provided under each grant awarded under subs. (4) ~~and~~, (6), and
6 (6m).

7 **SECTION 3.** 48.982 (2m) (a) of the statutes is amended to read:

8 48.982 (2m) (a) Award grants and provide technical assistance to organizations
9 under subs. (4) ~~and~~, (6), and (6m) and provide child abuse and neglect prevention
10 information and services on a statewide basis.

11 **SECTION 4.** 48.982 (6m) of the statutes is created to read:

12 48.982 (6m) AWARD OF GRANTS TO ASSIST CHILD VICTIMS OF SEXUAL EXPLOITATION.
13 From the appropriation under s. 20.433 (1) (hm), the board shall award grants to
14 organizations to provide services to child victims of crimes under ss. 940.302 (2) (a)
15 1. b. or 948.02 to 948.14 in accordance with the plan developed under sub. (2) (a).

16 **SECTION 5.** 48.982 (7) (d) (intro.) of the statutes is amended to read:

17 48.982 (7) (d) (intro.) Each application for a grant under sub. (4) ~~or~~, (6), or (6m)
18 shall include proof that the organization has the cultural competency to provide
19 services under the grant to persons and families in the various cultures in the
20 organization's target population and that cultural competency is incorporated in the
21 organization's policies, administration, and practices. Each grant application shall
22 also include proof of the organization's ability to do all of the following:

23 **SECTION 6.** 814.75 (28) of the statutes is created to read:

24 814.75 (28) The sexual exploitation surcharge under s. 973.044.

25 **SECTION 7.** 814.76 (21) of the statutes is created to read:

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1 814.76 **(21)** The sexual exploitation surcharge under s. 973.044.

2 **SECTION 8.** 973.044 of the statutes is created to read:

3 **973.044 Sexual exploitation surcharge. (1)** If a court imposes a sentence
4 or places a person on probation for a crime under ss. 940.302 (2) (a) 1. b., 944.31 to
5 944.36, or 948.02 to 948.14, the court shall impose a sexual exploitation surcharge
6 of \$500 for each offense.

7 **(2)** After determining the amount due, the clerk of court shall collect and
8 transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
9 treasurer shall then make payment to the secretary of administration under s. 59.25
10 (3) (f) 2.

11 **(3)** The secretary of administration shall credit the surcharge to the
12 appropriation account under s. 20.433 (1) (hm).

13 **(4)** If an inmate in a state prison or a person sentenced to a state prison has
14 not paid the sexual exploitation surcharge under this section, the department shall
15 assess and collect the amount owed from the inmate's wages or other moneys. Any
16 amount collected under this subsection shall be transmitted to the secretary of
17 administration.

18 **SECTION 9.** 973.05 (2m) (fr) of the statutes is created to read:

19 973.05 **(2m)** (fr) To payment of the sexual exploitation surcharge until paid in
20 full.

21 **SECTION 10.** 973.05 (3) (a) of the statutes is amended to read:

22 973.05 **(3)** (a) In lieu of part or all of a fine imposed by a court, the court may
23 stay the execution of part or all of the sentence and provide that the defendant
24 perform community service work under pars. (b) and (c). Any applicable driver
25 improvement surcharge under s. 346.655, any sexual exploitation surcharge under

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1 s. 973.044, or any domestic abuse surcharge under s. 973.055 shall be imposed under
2 ch. 814 regardless of whether part or all of the sentence has been stayed. If the
3 defendant fails to comply with the community service order, the court shall order the
4 defendant brought before the court for imposition of sentence. If the defendant
5 complies with the community service order, he or she has satisfied that portion of the
6 sentence.

7 (END)