



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Senate Bill 289

**Senate Substitute
Amendment 1**

Memo published: September 26, 2005

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Current law regarding sex offenders includes the following provisions:

1. A person who has been convicted of a second serious child sex offense will be sentenced to life imprisonment without the possibility of extended supervision. [See s. 939.62 (2m) (b) 2. and (c), Stats.]
2. A person who has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence is guilty of a Class C felony. [See s. 940.225 (2) (a), Stats.]
3. Whoever has sexual contact or sexual intercourse with a person who is 13, 14, or 15 years of age is guilty of a Class C felony. [See s. 948.02 (2), Stats.]

Senate Substitute Amendment 1 amends current law to provide the following:

1. A person who has been convicted a second time for either a serious child sex offense *or for a first-degree or second-degree sexual assault of a person who has reached the age of majority* will be sentenced to life imprisonment without the possibility of extended supervision.
2. The penalty for a person who has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence is raised from a Class C felony to a Class B felony.
3. A new crime is created providing that whoever, by use or threat of force or violence, has sexual contact or sexual intercourse with a person under the age of 16 years is guilty of a Class B felony.

A Class B felony is punishable by imprisonment not to exceed 60 years, with a term of confinement not to exceed 40 years. A Class C felony is punishable by a fine not to exceed \$100,000 or a term of imprisonment not to exceed 40 years, with a term of confinement not to exceed 25 years.

Legislative History

On September 22, 2005, the Senate Committee on Judiciary, Corrections and Privacy voted to introduce and adopt Senate Substitute Amendment 1 on a vote of Ayes, 5; Noes, 0. On the same date, the committee recommended Senate Bill 289, as amended, on a vote of Ayes, 3; Noes, 2.

RS:jal