



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 103

Senate Amendments 1, 2, and 3

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Senate Bill 103, relating to crimes against children, does all of the following:

- Reconciles the provisions of 2005 Wisconsin Acts 430, 431, and 437 relating to the offense of first-degree sexual assault of a child and global positioning system (GPS) tracking for persons convicted of first-degree sexual assault of a child.
- Specifies that mandatory minimum terms of confinement in prison for first-degree sexual assault of a child do not apply if the offender was under 18 years of age at the time of the violation.
- Clarifies that harm to the victim caused by the offender at the time of a first-degree sexual assault of a child, and not necessarily caused by the sexual intercourse or contact, would satisfy the great bodily harm element under s. 948.02 (1) (a), Stats., as affected by 2005 Wisconsin Act 437.
- Eliminates the separate definition of “sexual intercourse” that was created by 2005 Wisconsin Act 430 for prosecutions for first-degree sexual assault of a child, but maintains this definition for purposes of GPS tracking requirements.
- Reconciles provisions of 2005 Wisconsin Acts 60 and 276, relating to the time limits for commencing a prosecution of first-degree sexual assault of a child and the various offenses of engaging in repeated acts of first-degree sexual assault of a child.
- With two exceptions, eliminates the prohibition against prosecutors charging a violation of engaging in repeated acts of sexual assault of the same child in the same action as other offenses listed under s. 948.025 (3), Stats.

- Changes the penalty for intentionally causing great bodily harm to a child from a Class E felony to a Class C felony.
- Modifies the offense of soliciting a child for prostitution to prohibit intentionally soliciting or causing any child to engage in an act of prostitution.
- Creates separate penalty classes for neglect of a child and leaving a child unattended in a child care vehicle when bodily harm or great bodily harm result.
- Requires the court to order a presentence investigation report that includes an assessment of the risk of the defendant committing another sex-related crime against a child in certain cases.
- Removes the offenses of child enticement with the intent to cause bodily or mental harm to a child and child enticement with intent to give or sell a controlled substance or controlled substance analog to a child from the list of offenses requiring mandatory sex offender registration.

Senate Amendment 1 clarifies that the provisions relating to the time limits for prosecution of first-degree sexual assault of a child first apply to offenses for which the time limit has not expired before the effective date of the legislation.

Senate Amendment 2 makes the following changes to the provision requiring the court to order a presentence investigation report that includes an assessment of the risk of the defendant committing another sex-related crime against a child in certain cases:

- Permits, instead of requires, the court to order a presentence investigation report that includes a risk assessment.
- Provides that the risk assessment must assess the risk of the defendant committing another sex-related crime, instead of another sex-related crime *against a child*.
- Delays the effective date of the provision for one year.

Senate Amendment 3 deletes the provisions of the bill affecting current law relating to GPS tracking requirements for sex offenders. The modifications to the GPS tracking requirements in the bill are technical and were addressed in the Biennial Budget Act.

Legislative History

The Senate Committee on Judiciary, Corrections, and Housing offered Senate Amendments 1 and 2. Senator Darling offered Senate Amendment 3. The Senate adopted Senate Amendments 1, 2, and 3 on voice votes and passed the bill, as amended, on a voice vote.

AS:ksm:jal