

ASSEMBLY BILL 209 (LRB -0911)

An Act to repeal 939.617 (2); and to amend 939.617 (1) of the statutes; relating to: mandatory minimum sentences for certain child sex offenses.

2011

- 07-29. A. Introduced by Representatives **Honadel, Vos, Suder, Brooks, Endsley, Jacque, Mursau, Nygren, Petersen, Petryk, Petrowski, Kapenga and Spanbauer**; cosponsored by Senators **Darling, Lasee, Olsen and Wanggaard**.
- 07-29. A. Read first time and referred to committee on Criminal Justice and Corrections 466
- 09-22. A. Public hearing held.

2012

- 01-18. A. Assembly amendment 1 offered by Representative Honadel (**LRB a1575**) 741
- 02-16. A. Executive action taken.
- 02-16. A. Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice and Corrections, Ayes 9, Noes 0 799
- 02-16. A. Report passage as amended recommended by committee on Criminal Justice and Corrections, Ayes 7, Noes 2 799
- 02-16. A. Referred to committee on Rules 799
- 02-16. A. Placed on calendar 2-21-2012 by committee on Rules.
- 02-21. A. Read a second time 832
- 02-21. A. Assembly amendment 1 **adopted** 832
- 02-21. A. Ordered to a third reading 832
- 02-21. A. Rules suspended 832
- 02-21. A. Read a third time and **passed**, Ayes 85, Noes 9 833
- 02-21. A. Ordered immediately messaged 833
- 02-22. S. Received from Assembly 733
- 02-22. S. Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations 733
- 02-28. S. Public hearing held.
- 03-01. S. Senate amendment 1 offered by Senator Erpenbach (**LRB a2538**) 747
- 03-01. S. Executive action taken.
- 03-02. S. Report adoption of Senate Amendment 1 recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0 753
- 03-02. S. Report concurrence as amended recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 4, Noes 1 753
- 03-02. S. Available for scheduling.
- 03-06. S. Placed on calendar 3-7-2012 pursuant to Senate Rule 18(1) 760
- 03-07. S. Read a second time 778
- 03-07. S. Senate amendment 1 **adopted** 778
- 03-07. S. Ordered to a third reading 778
- 03-07. S. Rules suspended 778
- 03-07. S. Read a third time and **concurred in** as amended 778
- 03-07. S. Ordered immediately messaged 778
- 03-09. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) 904
- 03-09. A. Referred to committee on Rules 905
- 03-13. A. Made a special order of business at 9:02 A.M. on 3-14-2012 pursuant to Assembly Resolution 24 928
- 03-15. A. Senate amendment 1 **concurred in**.
- 03-15. A. Action ordered immediately messaged.

2011
ENROLLED BILL

11en AB-209

ADOPTED DOCUMENTS:

Orig Engr SubAmdt 11-091111

Amendments to above (if none, write "NONE"): AA 1 — a 1575/1
SA 1 — a 2538/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-19-12
Date

J. Miller
Enrolling Drafter



2011 ASSEMBLY BILL 209

July 29, 2011 - Introduced by Representatives HONADEL, VOS, SUDER, BROOKS, ENDSLEY, JACQUE, MURSAU, NYGREN, PETERSEN, PETRYK, PETROWSKI, KAPENGA and SPANBAUER, cosponsored by Senators DARLING, LASEE, OLSEN and WANGGAARD. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to repeal** 939.617 (2); and **to amend** 939.617 (1) of the statutes; **relating**
2 **to: mandatory minimum sentences for certain child sex offenses.**

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of sexual exploitation of a child, use of a computer to facilitate a child sex crime, or possession of child pornography, the court must impose a bifurcated sentence, which includes a term of confinement in prison and a term of extended supervision in the community. Current law sets a mandatory minimum term of confinement of five years if the conviction is for sexual exploitation of child or use of a computer to facilitate a child sex crime, and a mandatory minimum term of confinement of three years if the conviction is for possession of child pornography. The mandatory minimum term of confinement does not apply if the convicted person was under the age of 18 when he or she committed the crime or if the court finds that, if it does not apply the mandatory minimum, the best interests of the community will be served and the public will not be harmed. Under this bill, the mandatory minimum term of confinement does not apply only if the convicted person was under the age of 18 when he or she committed the crime.

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

3

SECTION 1. 939.617 (1) of the statutes is amended to read:

ASSEMBLY BILL 209

SECTION 1

1 939.617 (1) Except as provided in ~~subs. (2) and sub. (3)~~, if a person is convicted
2 of a violation of s. 948.05, 948.075, or 948.12, the court shall impose a bifurcated
3 sentence under s. 973.01. The term of confinement in prison portion of the bifurcated
4 sentence shall be at least 5 years for violations of s. 948.05 or 948.075 and 3 years
5 for violations of s. 948.12. Otherwise the penalties for the crime apply, subject to any
6 applicable penalty enhancement.

7 SECTION 2. 939.617 (2) of the statutes is repealed.

8 (END)

INS. AA1-1



ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 209

January 18, 2012 – Offered by Representative HONADEL.

AA 1-1

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: delete the material beginning with that line and ending with
3 page 2, line 7, and substitute:

4 **SECTION 1m.** 939.617 (2) of the statutes is renumbered 939.617 (2) (intro.) and
5 amended to read:

6 939.617 (2) (intro.) ~~If a person is convicted of a violation of s. 948.05, 948.075,~~
7 ~~or 948.12, the court may impose a sentence that is less than the sentence required~~
8 ~~under sub. (1), or may place the person on probation, only if the court finds that the~~
9 best interests of the community will be served and the public will not be harmed and
10 if the court places its reasons on the record, the court may impose a sentence that
11 is less than the sentence required under sub. (1) or may place the person on probation
12 under any of the following circumstances:

13 **SECTION 1p.** 939.617 (2) (a) and (b) of the statutes are created to read:

1 939.617 (2) (a) If the person is convicted of a violation of s. 948.05, the person
2 is no more than ^{INS. SA 1-1} 24 months older than the child who is the victim of violation.

3 (b) If the person is convicted of a violation of s. 948.12, the person is no more
4 than ^{INS. SA 1-1} 24 months older than the child who engaged in the sexually explicit conduct.

5 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2538/1
CMH:cjs:jf

SENATE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 209

March 1, 2012 - Offered by Senator ERPENBACH.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: on page 2, line 2 and line 4, of the material inserted by
3 assembly amendment 1, delete "24" and substitute "48".

4 (END)

SAI-1