



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2486/1  
CMH:kjf

## 2017 ASSEMBLY BILL 400

June 19, 2017 - Introduced by Representatives KLEEFISCH, STUCK, BERCEAU, BILLINGS, FIELDS, GANNON, HORLACHER, JACQUE, KITCHENS, KOLSTE, KREMER, KULP, PETRYK, RIPP, ROHRKASTE, SUBECK, TUSLER and ZEPNICK, cosponsored by Senators FEYEN, L. TAYLOR, CARPENTER, COWLES and HARSDDORF. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to renumber and amend* 944.31; *to amend* 51.20 (13) (cr), 165.76 (1)  
2             (am), 938.34 (15) (a) 1. and 971.17 (1m) (a) 1.; and *to create* 944.31 (2) of the  
3             statutes; **relating to:** patronizing a prostitute and providing a criminal  
4             penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill increases the penalty for the crime of patronizing a prostitute from a Class A misdemeanor to a Class I felony if the person has been previously convicted of that crime at least two times. Under the bill, a first or second violation remains a Class A misdemeanor.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

5             **SECTION 1.** 51.20 (13) (cr) of the statutes is amended to read:  
6             51.20 (13) (cr) If the subject individual is before the court on a petition filed  
7             under a court order under s. 938.30 (5) (c) 1. and is found to have committed a

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1 violation that would be a felony if committed by an adult in this state or a violation  
2 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or  
3 948.10 (1) (b), the court shall require the individual to provide a biological specimen  
4 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall  
5 inform the individual that he or she may request expungement under s. 165.77 (4).

6 **SECTION 2.** 165.76 (1) (am) of the statutes is amended to read:

7 165.76 **(1)** (am) Is or was adjudicated delinquent for an act that if committed  
8 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
9 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b).

10 **SECTION 3.** 938.34 (15) (a) 1. of the statutes is amended to read:

11 938.34 **(15)** (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
12 violation that would be a felony if committed by an adult in this state or of a violation  
13 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or  
14 948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
15 under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
16 laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
17 that he or she may request expungement under s. 165.77 (4).

18 **SECTION 4.** 944.31 of the statutes is renumbered 944.31 (intro.) and amended  
19 to read:

20 **944.31 Patronizing prostitutes.** (intro.) Any person who enters or remains  
21 in any place of prostitution with intent to have nonmarital sexual intercourse or to  
22 commit an act of sexual gratification, in public or in private, involving the sex organ  
23 of one person and the mouth or anus of another, masturbation or sexual contact with  
24 a prostitute is guilty of the following:

25 **(1)** For a first or 2nd violation, a Class A misdemeanor.

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**SECTION 5.** 944.31 (2) of the statutes is created to read:

944.31 **(2)** For a 3rd or subsequent violation, a Class I felony.

**SECTION 6.** 971.17 (1m) (a) 1. of the statutes is amended to read:

971.17 **(1m)** (a) 1. If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b), the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The judge shall inform the person that he or she may request expungement under s. 165.77 (4).

**(END)**