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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Contact:** Amber Otis, Staff Attorney

**2019 Senate Bill 49**

**Senate Substitute Amendment 1**

### CURRENT LAW

Under current law, a person who commits the crime of prostitution is guilty of a Class A misdemeanor. However, if the person is under 18 and if the court determines that the best interests of the person are served and society will not be harmed, the court may enter a consent decree or a deferred prosecution agreement, under which the prostitution charges are generally suspended or dismissed, if certain conditions are met.

### 2019 SENATE BILL 49

The bill repeals the provision allowing a court to enter a consent decree or a deferred prosecution agreement for minors in certain circumstances. Instead, under the bill, a person may not be prosecuted for the crime of prostitution if the person is under 18 years of age at the time he or she commits the offense.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 retains current law allowing a court to enter a consent decree or a deferred prosecution agreement for minors in certain circumstances.

The amendment also provides that a person may not be prosecuted with the crime of prostitution if the following conditions are met:

- The person is under 18 years of age at the time he or she commits the offense.
- The offense was committed as a direct result of a violation of the crimes of human trafficking or trafficking of a child, without regard to whether anyone was prosecuted or convicted for that trafficking crime.

### BILL HISTORY

On November 5, 2019, Senator Darling offered Senate Substitute Amendment 1. That same day, the Senate adopted Senate Substitute Amendment 1 on votes of Ayes, 19; Noes, 14; and passed Senate Bill 49, as amended, on voice votes.

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