



## 2019 ASSEMBLY BILL 289

June 13, 2019 - Introduced by Representatives DITTRICH, THIESFELDT, BRANDTJEN, KULP, PLUMER, RAMTHUN, SKOWRONSKI, SPIROS and TUSLER, cosponsored by Senators WANGGAARD, FITZGERALD, L. TAYLOR, RISSER and CARPENTER. Referred to Committee on Judiciary.

1     **AN ACT to renumber** 948.093; and **to create** 948.093 (2) of the statutes; **relating**  
2     **to:** underage sexual activity.

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### *Analysis by the Legislative Reference Bureau*

2017 Wisconsin Act 174 created the offense of underage sexual activity. Before Act 174, a person who was convicted of sexual intercourse or sexual contact with a child who was at least 13 but under 16 was guilty of a felony. Under Act 174, the offense of underage sexual activity changed the classification of the crime so that a person who has sexual intercourse with a child who is between 15 and 18, or sexual contact with a child who is 15, is guilty of a Class A misdemeanor if the person is under 19 years old.

This bill allows persons who were convicted of a sex offense against a child that occurred before the effective date of 2017 Wisconsin Act 174 (March 30, 2018) to petition a court to vacate that conviction and enter a conviction for the lesser offense of underage sexual activity if the person could have been convicted of the lesser offense if the violation had occurred after March 30, 2018.

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

3     **SECTION 1.** 948.093 of the statutes is renumbered 948.093 (1).

4     **SECTION 2.** 948.093 (2) of the statutes is created to read:

