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## ASSEMBLY AMENDMENT 1, TO 1999 ASSEMBLY BILL 355

June 8, 1999 - Offered by Committee on Corrections and the Courts.

1	At the	locations	indicated.	amend	the bill	as follows:
1	1 10 UIIC	1000010110	minutual care	amicha	UIIC DIII	

- 1. Page 1, line 2: after "assault of" insert "and sexual activity involving".
- **2.** Page 2, line 19: after that line insert:
- "Section 4m. 946.435 of the statutes is created to read:
  - **946.435 Prisoner sexual activity.** (1) In this section "prisoner" means a person confined in a jail or correctional facility, as defined in s. 961.01 (12m), a secured correctional facility, as defined in s. 938.02 (15m), or a secure detention facility, as defined in s. 938.02 (16).
  - (2) A prisoner who has sexual contact or sexual intercourse with another person while in the facility or institution in which the prisoner is confined is guilty of a Class D felony.
    - (3) This section does not apply to an individual if all of the following apply:

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1	(a) Each other person engaging in the sexual contact or sexual intercourse is
2	subject to prosecution for the sexual contact or sexual intercourse under s. 940.225
3	(1), (2) or (3).
4	(b) The individual is not subject to prosecution under s. 940.225.
5	<b>SECTION 5m.</b> 973.047 (1) (b) of the statutes is amended to read:
6	973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or
7	places a person on probation for any violation under ch. 940, 944 or 948 or, ss. 943.01
8	to 943.15 or s. 946.435, the court may require the person to provide a biological
9	specimen to the state crime laboratories for deoxyribonucleic acid analysis.".

(END)