



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 719

Assembly Amendment 1

Memo published: February 26, 2002

Contact: Shaun Haas, Senior Staff Attorney (267-9025)

Under *current law*, a person may not, with intent to commit any of the following acts, cause or attempt to cause a child to go into a vehicle, building, room, or secluded place: (1) having sexual contact or sexual intercourse with the child; (2) causing the child to engage in prostitution; (3) exposing a sex organ to the child or causing the child to expose a sex organ; (4) taking a picture or making an audio recording of the child engaging in sexually explicit conduct; (5) causing bodily or mental harm to the child; or (6) giving or selling to the child a controlled substance or a controlled substance analog.

2001 Assembly Bill 719 creates a new crime involving the use of a computer with intent to commit certain sex offenses against a person believed to be a child. Under the bill, no person may, with intent to have sexual contact or sexual intercourse with the individual, intentionally use a computerized communication system to communicate with an individual who the person believes or has reason to believe has not attained the age of 16 years. The person's belief that the individual is under 16 (as opposed to the individual's actual age) is an element of the offense. To prove intent, the bill requires proof that the person accused of the crime did an act to effectuate his or her intent other than using a computer to communicate with the alleged victim. This prohibition does not apply if the person sending the communication reasonably believed that the age of the individual to whom the communication was sent was no more than 24 months less than the sender's own age.

A person who commits this offense is guilty of a Class C felony (punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 15 years, or both). If the person has been previously convicted of two serious felonies (as defined in the "three strikes" law), the person is subject to a sentence of life imprisonment without the possibility of parole or extended supervision.

In addition, the bill requires that persons convicted of this offense register with the sex offender registry. The bill also prohibits certain persons convicted of the offense from engaging in an occupation or participating in a volunteer position that requires the person to work or interact primarily and directly with children under 16.

Assembly Amendment 1 changes the penalty for the new crime of using a computer to facilitate a child sex offense from a C felony (punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 15 years) to a BC felony (punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 30 years).

Assembly Bill 719, as amended, was recommended for passage on a vote of Ayes, 14; Noes, 0.

SPH:jal;ksm