



## 2001 ASSEMBLY BILL 640

November 16, 2001 - Introduced by Representatives SUDER, BIES, J. FITZGERALD, FREESE, GRONEMUS, GROTHMAN, GUNDERSON, HAHN, KESTELL, KRAWCZYK, LADWIG, LASSA, LEIBHAM, McCORMICK, MUSSER, NASS, OLSEN, OTT, OWENS, RILEY, STARZYK and SYKORA, cosponsored by Senators DARLING, HARSDFORF, KANAVAS, ROESSLER and SCHULTZ. Referred to Committee on Criminal Justice.

1     **AN ACT** *to create* 939.626 and 946.51 of the statutes; **relating to:** fleeing to this  
2             state to avoid prosecution for a serious sex offense in another jurisdiction,  
3             committing a serious sex offense in this state after fleeing prosecution in  
4             another jurisdiction, and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

Current law provides various penalties for serious sex offenses as well as various penalty enhancers for committing a serious sex offense after having been convicted previously of such an offense. This bill creates a new penalty and a new penalty enhancer that apply to persons who flee to this state from other jurisdictions to avoid prosecution for serious sex offenses. Specifically, the bill does the following:

1. Prohibits a person from entering or remaining in this state with the intent to avoid prosecution, sentencing, or incarceration in another jurisdiction for a crime in that jurisdiction that is comparable to a serious sex offense in this state. A person who violates this prohibition may be fined not more than \$10,000 or confined for not more than nine months or both. The bill provides that a person may be prosecuted for this new offense only if the jurisdiction from which he or she fled refuses to have the person returned to the jurisdiction for prosecution, sentencing, or incarceration.

2. Provides that the maximum term of confinement for a serious sex offense committed in this state may be increased by not more than two years if the person committed the offense in this state after fleeing prosecution, sentencing, or incarceration in another jurisdiction for a crime in that jurisdiction that is comparable to a serious sex offense in this state.

**ASSEMBLY BILL 640**

The serious sex offenses covered by the bill include sexual exploitation by a therapist, sexual assault, incest, sexual assault of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, soliciting a child for prostitution, exposing a child to harmful material or harmful descriptions or narrations, and false imprisonment, kidnapping, or abduction of a child.

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

1           **SECTION 1.** 939.626 of the statutes is created to read:

2           **939.626 Increased penalty; committing a serious sex offense after**  
3 **fleeing prosecution elsewhere. (1)** In this section, "serious sex offense" means  
4 a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s.  
5 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,  
6 948.06, 948.07, 948.08, 948.11, or 948.30 or, if the victim was a minor and the person  
7 was not the victim's parent, of s. 940.30 or 940.31.

8           **(2)** The maximum term of imprisonment for a serious sex offense may be  
9 increased by not more than 2 years if all of the following apply:

10           (a) Before committing the serious sex offense for which he or she is being  
11 sentenced, the person entered this state with the intent to avoid being prosecuted in  
12 another jurisdiction for an alleged violation of a law of the other jurisdiction that is  
13 comparable to a serious sex offense or with the intent to avoid being sentenced or  
14 incarcerated in another jurisdiction for a conviction of an offense in the other  
15 jurisdiction that is comparable to a serious sex offense.

16           (b) At the time the person committed the serious sex offense for which he or she  
17 is being sentenced, the person had not returned to the jurisdiction from which he or  
18 she fled under par. (a) to face prosecution, sentencing, or incarceration in that  
19 jurisdiction.

**ASSEMBLY BILL 640**

**SECTION 2.** 946.51 of the statutes is created to read:

**946.51 Avoiding prosecution for serious sex offense in another jurisdiction.** (1) In this section, "serious sex offense" means a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11, or 948.30 or, if the victim was a minor and the person was not the victim's parent, of s. 940.30 or 940.31.

(2) Subject to sub. (3), whoever does any of the following is guilty of a Class A misdemeanor:

(a) Enters or remains in this state with the intent to avoid being prosecuted in another jurisdiction for an alleged violation of a law of the other jurisdiction that is comparable to a serious sex offense.

(b) Enters or remains in this state with the intent to avoid being sentenced or incarcerated in another jurisdiction for a conviction of an offense in the other jurisdiction that is comparable to a serious sex offense.

(3) No person may be charged with and prosecuted for a violation of sub. (2) unless the prosecutor has requested the jurisdiction from which the person fled to extradite the person under s. 976.03 and the jurisdiction has refused to do so.

**SECTION 3. Initial applicability.**

(1) This act first applies to offenses committed in this state on the effective date of this subsection.

(END)