



2003 ASSEMBLY BILL 246

April 8, 2003 – Introduced by Representatives SHERMAN, MILLER, BERCEAU, MORRIS, J. LEHMAN and PLOUFF, cosponsored by Senators M. MEYER and A. LASEE. Referred to Committee on Public Health.

1 **AN ACT** *to create* 146.347 of the statutes; **relating to:** nontherapeutic human
2 cloning and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits any person from engaging in or attempting to engage in human cloning. “Human cloning” is defined to mean any form of human reproduction that: 1) does not involve the union of an egg cell and a sperm cell; and 2) is undertaken for the purpose of initiating a pregnancy that is intended to result in the birth of a human being with genetic material that is virtually identical to the genetic material of a human embryo or fetus or another born individual (regardless of whether that individual is alive or dead). Any person who violates this prohibition may be fined or sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to ten years or both. The maximum fine under the bill is: 1) \$250,000 or, if the person derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the person’s pecuniary gain, whichever is greater, if the violation was committed by an individual; or 2) \$500,000 or, if the person derives a pecuniary gain from the violation, an amount equal to twice the gross amount of the person’s pecuniary gain, whichever is greater, if the violation was committed by a corporation, partnership, association, government, government agency, or any other entity.

In addition, any individual who clones or attempts to clone a human being is subject to a forfeiture of not more than the greater of \$5,000,000 or double any monetary gain that the individual derived from his or her violation. If the person violating the prohibition is not an individual, the maximum forfeiture is the greater

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of \$10,000,000 or double any monetary gain that the person derived from the violation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 146.347 of the statutes is created to read:

2 **146.347 Human cloning prohibited.** (1) In this section:

3 (a) "Asexual reproduction" means reproduction not initiated by the union of an
4 oocyte and a sperm.

5 (b) "Human cloning" means asexual reproduction undertaken for the purpose
6 of initiating a pregnancy that is intended to result in the birth of a human being
7 whose genetic material is virtually identical to the genetic material of an existing or
8 previously existing human organism.

9 (c) "Human organism" includes a human embryo.

10 **(2)** No person may engage in human cloning.

11 **(3)** (a) Any person who violates sub. (2) is guilty of a Class G felony, except that,
12 notwithstanding the maximum fine specified in s. 939.50 (3) (g), the person may be
13 fined under par. (b).

14 (b) 1. The maximum fine for an individual who violates sub. (2) is \$250,000 or,
15 if the individual derives pecuniary gain from the violation, an amount equal to twice
16 the gross gain, whichever is greater.

