



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4140/1  
CMH:jld

## 2017 SENATE BILL 396

August 31, 2017 - Introduced by Senators LEMAHIEU, L. TAYLOR, JOHNSON, MARKLEIN, LASEE, OLSEN and MOULTON, cosponsored by Representatives KLEEFISCH, FIELDS, BERNIER, HORLACHER, JACQUE, KATZMA, KREMER, KRUG, KULP, MURSAU, PETRYK, RIPP, ROHRKASTE, FELZKOWSKI, NOVAK, TUSLER and THIESFELDT. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 48.415 (9m) (b) 2. a., 48.685 (1) (c) 2., 165.60, 165.70 (1) (b),  
2 440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a), 901.08 (1) (b), 939.62  
3 (2m) (a) 1m. a., 939.62 (2m) (a) 2m. b., 939.74 (2) (c), 944.31, 973.075 (1) (b) 1m.  
4 c. and 973.075 (2) (intro.); and **to create** 948.081 of the statutes; **relating to:**  
5 patronization of a child and providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the penalty for patronizing a prostitute is a Class A misdemeanor. This bill increases the penalty to a Class I felony for patronizing a person who is under the age of 18. This bill also specifies that, for the increased penalty, the prosecutor does not need to prove that the actor knew the person was under the age of 18 and it is not a defense to the crime that the actor believed the person was at least 18.

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

6 **SECTION 1.** 48.415 (9m) (b) 2. a. of the statutes is amended to read:  
7 48.415 **(9m)** (b) 2. a. The commission of a violation of s. 940.19 (3), 1999 stats.,  
8 a violation of s. 940.19 (2), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,

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1 948.03 (2) (a), (3) (a), or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, ~~or~~ 948.08, or  
2 948.081, or a violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

3 **SECTION 2.** 48.685 (1) (c) 2. of the statutes is amended to read:

4 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19  
5 (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295,  
6 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,  
7 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),  
8 948.12, 948.13, 948.21 (1), 948.30, or 948.53.

9 **SECTION 3.** 165.60 of the statutes is amended to read:

10 **165.60 Law enforcement.** The department of justice is authorized to enforce  
11 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,  
12 945.02 (2), 945.03 (1m), and 945.04 (1m), and 948.081 and ch. 108 and, with respect  
13 to a false statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as  
14 described under s. 175.60 (17) (c), to enforce s. 946.32, is authorized to assist the  
15 department of workforce development in the investigation and prosecution of  
16 suspected fraudulent activity related to worker's compensation as provided in s.  
17 102.125, and is invested with the powers conferred by law upon sheriffs and  
18 municipal police officers in the performance of those duties. This section does not  
19 deprive or relieve sheriffs, constables, and other local police officers of the power and  
20 duty to enforce those sections, and those officers shall likewise enforce those sections.

21 **SECTION 4.** 165.70 (1) (b) of the statutes is amended to read:

22 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
23 940.20 (3), 940.201, 941.25, 941.26, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
24 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
25 948.08, and 948.081.

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1           **SECTION 5.** 440.312 (2) of the statutes is amended to read:

2           440.312 (2) The department may not grant a license under this subchapter to  
3 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
4 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
5 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095,  
6 948.10, 948.11, or 948.12.

7           **SECTION 6.** 440.982 (2) of the statutes is amended to read:

8           440.982 (2) The department may not grant a license under this subchapter to  
9 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
10 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
11 948.051, 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095, 948.10, 948.11,  
12 or 948.12 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

13           **SECTION 7.** 460.05 (1) (h) 1. of the statutes is amended to read:

14           460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
15 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085,  
16 948.09, 948.095, or 948.10.

17           **SECTION 8.** 460.14 (2m) (a) of the statutes is amended to read:

18           460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
19 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085,  
20 948.09, 948.095, or 948.10.

21           **SECTION 9.** 901.08 (1) (b) of the statutes is amended to read:

22           901.08 (1) (b) "Sexual misconduct" includes a violation of s. 940.22 (2), 940.225  
23 (1), (2), or (3), 940.32, 942.08, 942.09, 948.02, 948.025, 948.05 (1) or (1m), 948.055 (1),  
24 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095, 948.10, or 948.11 (2) and  
25 includes sexual harassment, as defined in s. 111.32 (13).

**SENATE BILL 396****SECTION 10**

1           **SECTION 10.** 939.62 (2m) (a) 1m. a. of the statutes is amended to read:

2           939.62 **(2m)** (a) 1m. a. A violation of s. 948.02, 948.025, 948.05, 948.051,  
3           948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.095 or 948.30 or, if the victim  
4           was a minor and the convicted person was not the victim's parent, a violation of s.  
5           940.31.

6           **SECTION 11.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

7           939.62 **(2m)** (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
8           or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.  
9           940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
10          940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),  
11          943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2.,  
12          3., or 4., 948.05, 948.06, 948.07, 948.075, 948.08, 948.081, 948.085, or 948.30 (2).

13          **SECTION 12.** 939.74 (2) (c) of the statutes is amended to read:

14          939.74 **(2)** (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (e), 948.03  
15          (2) (a) or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075,  
16          948.08, 948.081, 948.085, or 948.095 shall be commenced before the victim reaches  
17          the age of 45 years or be barred, except as provided in sub. (2d).

18          **SECTION 13.** 944.31 of the statutes is amended to read:

19          **944.31 Patronizing prostitutes.** Any Except as provided in s. 948.081, any  
20          person who enters or remains in any place of prostitution with intent to have  
21          nonmarital sexual intercourse or to commit an act of sexual gratification, in public  
22          or in private, involving the sex organ of one person and the mouth or anus of another,  
23          masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.

24          **SECTION 14.** 948.081 of the statutes is created to read:

