



## 2009 ASSEMBLY BILL 413

September 4, 2009 – Introduced by Representatives VAN AKKEREN, TURNER, MASON, VAN ROY, TOWNSEND, BIES, BERCEAU, GUNDERSON, SMITH and SPANBAUER, cosponsored by Senators COGGS, LEIBHAM and HOPPER. Referred to Committee on Criminal Justice.

1     **AN ACT** *to create* 939.635 of the statutes; **relating to:** crimes against children  
2           committed by certain persons and creating a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law provides a number of penalty enhancement provisions that allow a judge to increased a penalty for a crime that is committed under certain circumstances. This bill allows a judge to increase the maximum period of imprisonment by up to five years if a person who is licensed or certified to provide day care commits a sexual assault against, or intentionally or recklessly causes bodily harm to, a child for whom the person provides day care.

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.

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

3           **SECTION 1.** 939.635 of the statutes is created to read:  
4           **939.635 Increased penalty for certain crimes against children**  
5           **committed by a day care provider.** If a person who is licensed under s. 48.65,

**ASSEMBLY BILL 413**

1 certified under s. 48.651, or providing care pursuant to a contract under s. 120.13 (14)  
2 commits a violation of s. 948.02, 948.025, 948.03 (2), or 948.03 (3) against a child for  
3 whom the person was providing day care, the maximum term of imprisonment for  
4 that crime may be increased by not more than 5 years.

5 (END)