



1997 ASSEMBLY BILL 876

March 2, 1998 – Introduced by Representatives SPILLNER, ALBERS, KELSO, OLSEN, SCHAFFER, SYKORA, DOBYNS and HUEBSCH, cosponsored by Senators WELCH and FITZGERALD. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 20.435 (3) (c); and **to create** 20.435 (3) (c) of the statutes;
2 **relating to:** a statutory rape prosecution pilot program and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 is guilty of a Class B felony, which is punishable by imprisonment not to exceed 40 years. Also, under current law, whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 is guilty of a Class BC felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 20 years, or both. In addition, under current law, whoever has sexual intercourse with a child who is not the defendant's spouse and who has attained the age of 16 is guilty of a Class A misdemeanor, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. Collectively, these offenses are commonly referred to as "statutory rape".

This bill creates a statutory rape prosecution pilot program under which the department of health and family service (DHFS) distributes moneys to a county that DHFS selects to participate in the pilot program and that county is assigned one full-time equivalent assistant district attorney position authorized under the bill and is required to use the moneys distributed under the bill to hire an investigator to assist that assistant district attorney in developing new methods for investigating, prosecuting and increasing the number of convictions for statutory rape. Under the bill, the pilot program ends on June 30, 2000.

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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:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1997-98	1998-99
20.435 Health and family services, department of		
(3) CHILDREN AND FAMILY SERVICES		
(c) Statutory rape prosecution pilot program	GPR A -0-	78,700

SECTION 2. 20.435 (3) (c) of the statutes is created to read:
 20.435 **(3)** (c) *Statutory rape prosecution pilot program.* The amounts in the schedule for the statutory rape prosecution pilot program under 1997 Wisconsin Act (this act), section 5 (1).

SECTION 3. 20.435 (3) (c) of the statutes, as created by 1997 Wisconsin Act (this act), is repealed.

SECTION 4. Nonstatutory provisions; administration.
 (1) STATUTORY RAPE PROSECUTOR POSITION. The authorized FTE positions for the department of administration for district attorneys under sections 978.03 and 978.04 of the statutes are increased by 1.0 PR project position, to be funded from the appropriation under section 20.475 (1) (k) of the statutes, for the purpose of providing one assistant district attorney for the county that is selected to participate in the

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1 statutory rape prosecution pilot program under SECTION 5 (1) of this act, for the
2 period beginning on July 1, 1998, and ending on June 30, 2000.

SECTION 5. Nonstatutory provisions; health and family services.

3
4 (1) STATUTORY RAPE PROSECUTION PILOT PROGRAM. From the appropriation under
5 section 20.435 (3) (c) of the statutes, as created by this act, the department of health
6 and family services, in accordance with its request-for-proposals procedures, shall
7 distribute \$39,300 in fiscal year 1998-99 and \$53,500 in fiscal year 1999-2000 to a
8 county that the department selects to participate in the pilot program under this
9 subsection. The county that is selected to participate in the pilot program under this
10 subsection shall be assigned the assistant district attorney project position
11 authorized under SECTION 4 (1) of this act, and shall use the moneys distributed
12 under this subsection to hire an investigator to assist that assistant district attorney
13 in developing new methods for investigating, prosecuting and increasing the number
14 of convictions for violations of sections 948.02 (1) and (2) and 948.09 of the statutes.
15 This subsection does not apply after June 30, 2000.

SECTION 6. Appropriation changes; health and family services.

16
17 (1) There is transferred from the appropriation to the department of health and
18 family services under section 20.435 (3) (c) of the statutes, as created by this act, to
19 the appropriation to the department of administration under section 20.475 (1) (k)
20 of the statutes, as affected by the acts of 1997, \$39,400 in fiscal year 1998-99 and
21 \$51,500 in fiscal year 1999-2000 for the purpose of funding the 1.0 PR assistant
22 district attorney project position authorized under SECTION 4 (1) of this act.

23 **SECTION 7. Effective dates; health and family services.** This act takes
24 effect on July 1, 1998, or the day after publication, whichever is later, except as
25 follows:

