



2023 SENATE BILL 133

March 23, 2023 - Introduced by Senators BALLWEG, AGARD, ROYS, HESSELBEIN, SPREITZER, STROEBEL, LARSON, WIRCH and MARKLEIN, cosponsored by Representatives DITTRICH, SUBECK, PENTERMAN, KRUG, GUNDRUM, BODDEN, ROZAR, EMERSON, RODRIGUEZ, SCHUTT, KITCHENS, SINICKI, ANDRACA, BROOKS, GREEN, JOERS, BRANDTJEN, ORTIZ-VELEZ, CONLEY, GUSTAFSON, JACOBSON, ALLEN, J. ANDERSON, CLANCY, C. ANDERSON, OHNSTAD, MADISON, CONSIDINE, S. JOHNSON, BALDEH, MURSAU and STUBBS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 940.225 (2) (j) and 940.225 (5) (abm) of the statutes; **relating**
2 **to:** sexual assault by a health care provider and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a Class C felony for a person who is a licensee, employee, or nonclient resident of an entity that provides various welfare, foster, adoption, and health services, including a hospital, to have sexual contact or sexual intercourse with a client of the entity. Under some but not all circumstances, this prohibition applies to various health care providers and their clients. Under this bill, it is also a Class C felony for a health care provider to have sexual contact or sexual intercourse with a client.

Under current law, with some exceptions, a person is required to register as a sex offender for certain crimes that are sexually motivated. Under the bill, the new offense of sexual contact or sexual intercourse by a health care provider is subject to this provision.

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.

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

3 **SECTION 1.** 940.225 (2) (j) of the statutes is amended to read:

