



1995 ASSEMBLY BILL 405

May 30, 1995 - Introduced by Representatives HUBER, DOBYNS, RILEY, OWENS, KRUSICK, NOTESTEIN, KAUFERT, WALKER, ROBSON, RUTKOWSKI, GUNDERSON, COGGS, TRAVIS, WARD, LAZICH, GROBSCHMIDT, BRANDEMUEHL, SCHNEIDERS, BALDUS, WIRCH, RYBA, ZIEGELBAUER, GRONEMUS, GARD, ALBERS, WASSERMAN, SPRINGER, SERATTI, F. LASEE, NASS, WILDER, BOYLE and HASENOHRL, cosponsored by Senators DARLING, BURKE, BRESKE, PETAK, A. LASEE, MOEN, DECKER, SHIBILSKI, ROSENZWEIG and BUETTNER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to create** 948.13 and 973.034 of the statutes; **relating to:** child sex
2 offenders working or volunteering with children and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides various penalties for child sex offenses. This bill prohibits a person who has been convicted of a serious child sex crime from subsequently working or volunteering in a position that requires the person to work or interact primarily and directly with children. Any person convicted of violating this prohibition may be fined not more than \$10,000 or imprisoned for not more than 10 years or both.

For further information see the *state* 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:

3 **SECTION 1.** 948.13 of the statutes is created to read:

4 **948.13 Child sex offender working with children.** (1) In this section,
5 “serious child sex offense” means any of the following:

6 (a) A crime under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1), 948.06 or 948.07
7 (1), (2), (3) or (4).

1 (b) A crime under federal law or the law of any other state or, prior to the
2 effective date of this paragraph ... [revisor inserts date], under the law of this state
3 that is comparable to a crime specified in par. (a).

4 (2) Whoever has been convicted of a serious child sex offense and subsequently
5 engages in an occupation or participates in a volunteer position that requires him or
6 her to work or interact primarily and directly with children is guilty of a Class C
7 felony.

8 (3) Evidence that a person engages in an occupation or participates in a
9 volunteer position relating to any of the following is prima facie evidence that the
10 occupation or position requires him or her to work or interact primarily and directly
11 with children: teaching children, child care, youth counseling, youth organization,
12 coaching children, parks or playground recreation or school bus driving.

13 **SECTION 2.** 973.034 of the statutes is created to read:

14 **973.034 Sentencing; restriction on child sex offender working with**
15 **children.** Whenever a court imposes a sentence or places a defendant on probation
16 regarding a conviction under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1), 948.06 or
17 948.07 (1), (2), (3) or (4), the court shall inform the defendant of the requirements and
18 penalties under s. 948.13.

19 **SECTION 3. Initial applicability.**

20 (1) This act first applies to offenses committed on the effective date of this
21 subsection, but does not preclude the counting of other offenses as prior serious child
22 sex offenses for determining whether a person is subject to section 948.13 (2) of the
23 statutes, as created by this act.

24 (END)