



1995 SENATE BILL 80

February 23, 1995 - Introduced by Senators DARLING, HUELSMAN, RUDE, ROSENZWEIG, DRZEWIECKI, PETAK, A. LASEE and COWLES, cosponsored by Representatives SCHNEIDERS, LADWIG, GOETSCH, PORTER, GARD, DUFF, OTT, BRANDEMUEHL, URBAN, UNDERHEIM, HANSON, KRUSICK, WARD, MUSSER, COLEMAN, HANDRICK, RYBA, JENSEN, PLACHE, RILEY, KREIBICH, KLUSMAN, LAZICH, SERATTI, ROBSON, MEYER, ALBERS and HASENOHRL. Referred to Committee on Judiciary.

1 **AN ACT to amend** 939.50 (2), 940.225 (2) (intro.), 948.02 (2), 948.02 (3), 948.05
2 (1) (intro.), 948.05 (2), 948.055 (2) (a), 948.06 (intro.) and 948.07 (intro.); and **to**
3 **create** 939.50 (1) (bc) and 939.50 (3) (bc) of the statutes; **relating to:** sexual
4 assault, crimes against children and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the following crimes are punishable by a fine of not more than \$10,000, imprisonment for not more than 10 years or both: 2nd degree sexual assault, certain types of sexual assault of a child, sexual exploitation of a child, incest with a child, child enticement and forcing a child to view sexual activity. This bill increases the maximum prison term for these crimes from 10 years to 20 years.

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

5 **SECTION 1.** 939.50 (1) (bc) of the statutes is created to read:
6 939.50 (1) (bc) Class BC felony.
7 **SECTION 2.** 939.50 (2) of the statutes is amended to read:
8 939.50 (2) A felony is a Class A, B, BC, C, D or E felony when it is so specified
9 in chs. 939 to 951.
10 **SECTION 3.** 939.50 (3) (bc) of the statutes is created to read:

1 939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or
2 imprisonment not to exceed 20 years, or both.

3 **SECTION 4.** 940.225 (2) (intro.) of the statutes is amended to read:

4 940.225 (2) SECOND DEGREE SEXUAL ASSAULT. (intro.) Whoever does any of the
5 following is guilty of a Class C BC felony:

6 **SECTION 5.** 948.02 (2) of the statutes is amended to read:

7 948.02 (2) SECOND DEGREE SEXUAL ASSAULT. Whoever has sexual contact or
8 sexual intercourse with a person who has not attained the age of 16 years is guilty
9 of a Class C BC felony.

10 **SECTION 6.** 948.02 (3) of the statutes is amended to read:

11 948.02 (3) FAILURE TO ACT. A person responsible for the welfare of a child who
12 has not attained the age of 16 years is guilty of a Class C BC felony if that person has
13 knowledge that another person intends to have, is having or has had sexual
14 intercourse or sexual contact with the child, is physically and emotionally capable
15 of taking action which will prevent the intercourse or contact from taking place or
16 being repeated, fails to take that action and the failure to act exposes the child to an
17 unreasonable risk that intercourse or contact may occur between the child and the
18 other person or facilitates the intercourse or contact that does occur between the
19 child and the other person.

20 **SECTION 7.** 948.05 (1) (intro.) of the statutes is amended to read:

21 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
22 character and content of the sexually explicit conduct involving the child is guilty of
23 a Class C BC felony:

24 **SECTION 8.** 948.05 (2) of the statutes is amended to read:

