



1997 SENATE BILL 118

March 13, 1997 - Introduced by Senators DARLING, DRZEWIECKI, COWLES, HUELSMAN, PANZER, BUETTNER, A. LASEE and ZIEN, cosponsored by Representatives WALKER, LAZICH, PORTER, OTTE, F. LASEE, AINSWORTH, OWENS, HUTCHISON, WASSERMAN, ALBERS, KREIBICH, GARD, LADWIG, MUSSER, ROBSON, DUFF, HASENOHRL, URBAN, VRAKAS, OTT, KELSO, GREEN, KAUFERT, RILEY, KEDZIE, SCHAFER, FREESE, GRONEMUS, STASKUNAS, SERATTI and BRANDEMUEHL. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** 940.22 (2), 948.06 (intro.), 948.07 (intro.), 948.08, 948.11 (2) (a),
2 948.12 (intro.) and 948.13 (2); and **to create** 939.615, 940.225 (3s), 948.02 (3g),
3 948.025 (2g), 948.05 (2m), 948.055 (3) and 948.095 (3) of the statutes; **relating**
4 **to:** minimum sentences for certain sex offenses.

Analysis by the Legislative Reference Bureau

Current law provides penalties for various sex offenses. The current penalties include periods of imprisonment in a jail or the state prisons. In addition, a court may currently place a person convicted of a sex offense on probation, except that in certain cases involving repeat offenders a court must impose a prison sentence and may not place the repeat offender on probation.

This bill provides that if a person is convicted of certain felony sex offenses, the court must sentence the person to at least one year in prison and may not place the person on probation. The felony sex offenses covered by the bill include the following: sexual exploitation by a therapist; sexual assault; sexual assault of a child; sexual exploitation of a child; causing a child to view or listen to sexual activity; incest with a child; child enticement; soliciting a child for prostitution; sexual assault of a student by a school instructional staff person; exposing a child to harmful material; possession of child pornography; and working with children after being convicted of a serious child sex offense.

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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:

1 **SECTION 1.** 939.615 of the statutes is created to read:

2 **939.615 Minimum sentence for serious sex crimes.** (1) In this section,
3 “serious sex crime” means a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02
4 (1), (2) or (3), 948.025 (1), 948.05 (1) or (2), 948.055 (1), 948.06, 948.07, 948.08,
5 948.095 (2), 948.11 (2) (a), 948.12 or 948.13 (2).

6 (2) If a person is convicted of committing a serious sex crime, the court shall
7 sentence the person to not less than one year in the Wisconsin state prisons, but
8 otherwise the penalties for the crime apply, subject to any applicable penalty
9 enhancement. The court may not place the person on probation.

10 (3) Subsection (2) does not apply to a person who is sentenced under s. 939.623.

11 **SECTION 2.** 940.22 (2) of the statutes is amended to read:

12 940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
13 or herself out to be a therapist and who intentionally has sexual contact with a
14 patient or client during any ongoing therapist-patient or therapist-client
15 relationship, regardless of whether it occurs during any treatment, consultation,
16 interview or examination, is guilty of a Class C felony and shall be sentenced as
17 provided in s. 939.615. Consent is not an issue in an action under this subsection.

18 **SECTION 3.** 940.225 (3s) of the statutes is created to read:

19 940.225 (3s) **MINIMUM SENTENCE.** A person who violates sub. (1), (2) or (3) shall
20 be sentenced as provided in s. 939.615.

21 **SECTION 4.** 948.02 (3g) of the statutes is created to read:

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1 948.02 **(3g)** MINIMUM SENTENCE. A person who violates sub. (1), (2) or (3) shall
2 be sentenced as provided in s. 939.615.

3 **SECTION 5.** 948.025 (2g) of the statutes is created to read:

4 948.025 **(2g)** A person who violates sub. (1) shall be sentenced as provided in
5 s. 939.615.

6 **SECTION 6.** 948.05 (2m) of the statutes is created to read:

7 948.05 **(2m)** A person who violates sub. (1) or (2) shall be sentenced as provided
8 in s. 939.615.

9 **SECTION 7.** 948.055 (3) of the statutes is created to read:

10 948.055 **(3)** A person who violates sub. (1) shall be sentenced as provided in s.
11 939.615.

12 **SECTION 8.** 948.06 (intro.) of the statutes is amended to read:

13 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
14 guilty of a Class BC felony and shall be sentenced as provided in s. 939.615:

15 **SECTION 9.** 948.07 (intro.) of the statutes is amended to read:

16 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of
17 the following acts, causes or attempts to cause any child who has not attained the age
18 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
19 BC felony and shall be sentenced as provided in s. 939.615:

20 **SECTION 10.** 948.08 of the statutes is amended to read:

21 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
22 or causes any child to practice prostitution or establishes any child in a place of
23 prostitution is guilty of a Class BC felony and shall be sentenced as provided in s.
24 939.615.

25 **SECTION 11.** 948.095 (3) of the statutes is created to read:

