

1999 DRAFTINGREQUEST

Assembly Amendment (AA-ASA(LRBs0019/1)-AB207)

Received: **03/15/99**

Received By: **olsenje**

Wanted: **Today**

Identical to LRB:

For: **Michael Huehsch (608) 266-0631**

By/Representing: **Bob**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - crimes agnst kids**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Sexual exploitation of a child

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reouired</u>
/1	olsenje 03/15/99	gilfokm 03/15/99	lpaasch 03/15/99	_____	lrb-docadmin 03/15/99	lrb-docadmin 03/15/99	

FE Sent For:

<END>

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/1	olsenje	1-3-15-99 Kmg	3-15-99	3-15-99 JK			

FE Sent For:

<END>

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL (LRB-2409/1)**

1 **AN ACT** to renumber and amend 948.05 (1) (c); and to amend 939.615 (1) (b)
2 l., 948.05 (2), 948.05 (3), 948.13 (1) (a) and 973.034 of the statutes; relating to:
3 materials involving the sexual exploitation of a child.

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

4 **SECTION 1.** 939.615 (1) (b) 1. of the statutes is amended to read:
5 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy or attempt to
6 commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 948.02 (1) or (2), 948.025
7 (l), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.08, 948.11 (2) (a), 948.12 or
8 948.13.

9 **SECTION 2.** 948.05 (1) (c) of the statutes is renumbered 948.05 (1m) and
10 amended to read:

11 948.05 (1m) ~~Produces~~ Whoever produces, performs in, profits from, promotes,
12 imports into the state, reproduces, advertises, sells, distributes or possesses with

1 intent to sell or distribute, any undeveloped film, photographic negative,
2 photograph, motion picture, videotape, sound recording or other reproduction of a
3 child engaging in sexually explicit conduct is guilty of a Class C felony if the person
4 knows the character and content of the sexually explicit conduct involving the child
5 and if the person knows or reasonably should know that the child engaged in the
6 sexually explicit conduct has not attained the age of 18 years.

7 **SECTION 3.** 948.05 (2) of the statutes is amended to read:

8 948.05 (2) A person responsible for a child's welfare who knowingly permits,
9 allows or encourages the child to engage in sexually explicit conduct for a purpose
10 proscribed in sub. (1) (a); or (b) or ~~(e)~~ (1m) is guilty of a Class C felony.

11 **SECTION 4.** 948.05 (3) of the statutes is amended to read:

12 948.05 (3) It is an affirmative defense to prosecution for violation of ~~this section~~
13 sub. (1) (a) or (b) or (2) if the defendant had reasonable cause to believe that the child
14 had attained the age of 18 years, ~~and the child exhibited to the defendant, or the~~
15 ~~defendant's agent or client, a draft card, driver's license, birth certificate or other~~
16 ~~official or apparently official document purporting to establish that the child had~~
17 ~~attained the age of 18 years.~~ A defendant who raises this affirmative defense has the
18 burden of proving this defense by a preponderance of the evidence.

19 **SECTION 5.** 948.13 (1) (a) of the statutes is amended to read:

20 948.13 **(1)** (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
21 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (l),
22 948.025 (1), 948.05 (1) or (1m), 948.06 or 948.07 (1), (2), (3) or (4).

23 **SECTION 6.** 973.034 of the statutes is amended to read:

24 **973.034 Sentencing; restriction on child sex offender working with**
25 **children.** Whenever a court imposes a sentence or places a defendant on probation

1 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
2 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),
3 948.025 (1), 948.05 (1) or (1m), 948.06 or 948.07 (1), (2), (3) or (4), the court shall
4 inform the defendant of the requirements and penalties under s. 948.13.

5

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0190/1

JEO:k:...

Today

*attached to
file*

3

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0019/1),
TO 1999 ASSEMBLY BILL 207**

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ **1.** Page 2, line 5: delete "engaged" and substitute "engaging".

3 (END)