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:

Vers.	Drafted	<u>Reviewed</u>	<u>Typed</u>	Proofed	Submitted	Jacketed Reouired
/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:

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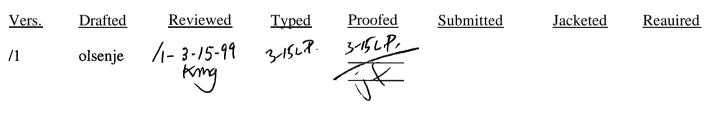
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Instructions:

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

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) <u>or (lm)</u> , 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 (lm) and
10	amended to read:
11	948.05 (Im) Produces <u>Whoever produces</u> , performs in, profits from, promotes,
12	imports into the state, reproduces, advertises, sells, distributes or possesses with

1999 - 2000 Legislature

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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 felonv if the nerson
4	knows the character and content of the sexually explicit conduct involving the child
5	and if the nerson 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 (c) (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

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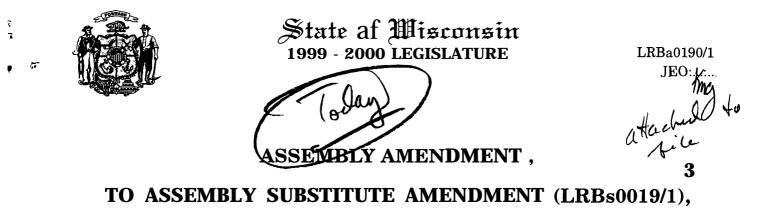
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regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),
948.025 (1), 948.05 (1) or (1m), 948.06 or 948.07 (1), (2), (3) or (4), the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

(END)

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TO 1999 ASSEMBLY BILL 207

At the locations indicated, amend the substitute amendment as follows: At the locations indicated, amend the substitute amendment as follows: Page 2,1ine 5: delete "<u>engaged</u>" and substitute "<u>engaging</u>". (END)