

1999 ASSEMBLY BILL 284

April 22, 1999 – Introduced by Representatives GUNDRUM, LADWIG, FREESE, VRAKAS, STASKUNAS, GRONEMUS, PLALE, OWENS, AINSWORTH, PORTER, PETROWSKI, SYKORA, BRANDEMUEHL, SPILLNER, MUSSER, SERATTI, ALBERS, STONE, HANDRICK, PETTIS, LEIBHAM, NASS, KEDZIE, MONTGOMERY, JESKEWITZ, RHOADES, KELSO, KESTELL, HUNDERTMARK, UNDERHEIM, KREIBICH and OLSEN, cosponsored by Senators DARLING, BAUMGART, ZIEN, SCHULTZ, A. LASEE, LAZICH, ROESSLER, COWLES and FARROW. Referred to Committee on Children and Families.

1 **AN ACT to amend** 948.13 (1) (a), 948.13 (2m) (a) (intro.), 948.13 (2m) (a) 1. and
2 973.034 of the statutes; **relating to:** child sex offenders working or
3 volunteering with children and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who has been convicted of certain sex offenses against children may not thereafter engage in an occupation or participate in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years of age. The sex offenses against children covered by this prohibition include first degree sexual assault of child (which is sexual assault of a child who has not attained the age of 13), repeated acts of sexual assault of a child who has not attained the age of 16, sexual exploitation of a child, incest with a child and child enticement for sexual purposes.

Current law also provides that a person who has been convicted of repeated acts of sexual assault of a child may be granted an exemption from the prohibition if all of the following apply: 1) the child was age 13, 14 or 15; 2) the person had not attained the age of 19 and was within four years of age of the child; and 3) a judge determines that it is not necessary in the interest of public protection to have the prohibition apply to the person. If a person who has been convicted of one of the covered sex offenses and who has not been granted an exemption from the prohibition is convicted of violating the prohibition, he or she may be fined not more than \$10,000 or imprisoned for not more than ten years or both, if the violation occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than 15 years or both, if the violation occurs on or after December 31, 1999.

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This bill provides that the prohibition against a child sex offender working or volunteering with children also applies to a person who has been convicted of second degree sexual assault of a child (which is sexual assault of a child who has not attained the age of 16). The bill also provides that a person convicted of second degree sexual assault of a child may be granted an exemption from the prohibition if he or she satisfies the same criteria that currently allow for exemption of a person convicted of repeated acts of sexual assault of a child.

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

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

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

5 **SECTION 2.** 948.13 (2m) (a) (intro.) of the statutes is amended to read:

6 948.13 **(2m)** (a) (intro.) A person who has been convicted of a crime under s.
7 948.02 (2) or 948.025 (1) may petition the court in which he or she was convicted to
8 order that the person be exempt from sub. (2) and permitted to engage in an
9 occupation or participate in a volunteer position that requires the person to work or
10 interact primarily and directly with children under 16 years of age. The court may
11 grant a petition filed under this paragraph if the court finds that all of the following
12 apply:

13 **SECTION 3.** 948.13 (2m) (a) 1. of the statutes is amended to read:

14 948.13 **(2m)** (a) 1. At the time of the commission of the crime under s. 948.02
15 (2) or 948.025 (1) the person had not attained the age of 19 years and was not more
16 than 4 years older or not more than 4 years younger than the child with whom the
17 person had sexual contact or sexual intercourse.

18 **SECTION 4.** 973.034 of the statutes is amended to read:

