

1999 DRAFTING REQUEST

Bill

Received: **01/21/99**

Received By: **olsenje**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Himself**

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:

Child sex offenders working with children

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>Required</u>
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FE Sent For:

Not Needed

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FE Sent For:

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Jacket "1/2" for
 Assembly
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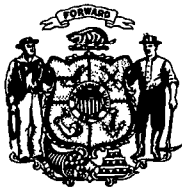
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1941

Rep Gundrum

Add 948.02 (2) to 948.13

(95 Act 265)



JLg

1999 BILL

gen cat

1 AN ACT ...; relating to: child sex offenders working or volunteering with children
2 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.

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

BILL

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 first 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).

History: 1995 a. 265; 1997 a. 130, 220.

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:

History: 1995 a. 265; 1997 a. 130, 220

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.

History: 1995 a. 265; 1997 a. 130, 220.

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

100



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1941/1
JEO:jl:km

Soon

1999 BILL

Redraft
make
run

2

Regen

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.

BILL✓ **Second**

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 ~~first~~ 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:

BILL

1 **973.034 Sentencing; restriction on child sex offender working with**
2 **children.** Whenever a court imposes a sentence or places a defendant on probation
3 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
4 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1)
5 or (2), 948.025 (1), 948.05 (1), 948.06 or 948.07 (1), (2), (3) or (4), the court shall inform
6 the defendant of the requirements and penalties under s. 948.13.

7 **SECTION 5. Initial applicability.**

8 (1) PROHIBITION AGAINST SEX OFFENDERS WORKING WITH CHILDREN. The treatment
9 of section 948.13 (1) (a) of the statutes first applies to violations of section 948.13 (2)
10 of the statutes that are committed on the effective date of this subsection, but does
11 not preclude the counting of an offense under section 948.02 (2) of the statutes that
12 was committed before the effective date of this subsection for purposes of
13 determining whether a person is subject to section 948.13 (2) of the statutes.

14 (2) INFORMATION AT SENTENCING. The treatment of section 973.034 of the
15 statutes first applies to sentencing proceedings that occur on the effective date of this
16 subsection.

17

(END)

No reports required.

1999 ASSEMBLY BILL _____

LRB -1941

relating to: child sex offenders working or volunteering with children and providing a penalty.

ASSEMBLY

Jacket Destroyed 04-06-99

Sent New Jacket

Introduced by Representative Mark Gundrum (PRINCIPAL AUTHOR) Cosponsored by Senator _____

(BY REQUEST OF)

(CONTINUE HERE FOR ADDITIONAL REPRESENTATIVES)

(CONTINUE HERE FOR ADDITIONAL SENATORS)

Rep. Ludwig	Rep. Kelso	Sen. Darling
Rep. Haskins	Rep. Kestell	Sen. Zinn
Rep. Owens	Rep. Hundertmark	Sen. Schultz
Rep. Ainsworth	Rep. Underheim	Sen. Hassel
Rep. Porter	Rep. Kreibich	Sen. Baumgart
Rep. Petrowski	Rep. Plale	Sen. Hajich
Rep. Lykora		Sen. Rossler
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Rep. Olsen		
Rep. Montgomery		
Rep. Greese		
Rep. Gschwindt		
Rep. Vrakas		
Rep. Rhoades		
Rep. Spillner		
Rep. Thorenus		

Friends,

Please send us a new bill jacket for LRB 1941.

You may destroy this one.

Steve Churchill
(Rep. Gundrum)