ASSEMBLY AMENDMENT 1, TO 1999 ASSEMBLY BILL 355

June 8, 1999 – Offered by Committee on Corrections and the Courts.

1	At the locations indicated, amend the bill as follows:
2	1. Page 1, line 2: after "assault of" insert "and sexual activity involving".
3	2. Page 2, line 19: after that line insert:
4	"SECTION 4m . 946.435 of the statutes is created to read:
5	946.435 Prisoner sexual activity. (1) In this section "prisoner" means a
6	person confined in a jail or correctional facility, as defined in s. 961.01 (12m), a
7	secured correctional facility, as defined in s. 938.02 (15m), or a secure detention
8	facility, as defined in s. 938.02 (16).
9	(2) A prisoner who has sexual contact or sexual intercourse with another
10	person while in the facility or institution in which the prisoner is confined is guilty
11	of a Class D felony.
12	(3) This section does not apply to an individual if all of the following apply:

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1	(a) Each other person engaging in the sexual contact or sexual intercourse is
2	subject to prosecution for the sexual contact or sexual intercourse under s. 940.225
3	(1), (2) or (3).
4	(b) The individual is not subject to prosecution under s. 940.225.
5	SECTION 5m. 973.047 (1) (b) of the statutes is amended to read:
6	973.047 (1) (b) Except as provided in par. (a), if a court imposes a sentence or
7	places a person on probation for any violation under ch. 940, 944 or 948 or, ss. 943.01

8 to 943.15 or s. 946.435, the court may require the person to provide a biological

- 9 specimen to the state crime laboratories for deoxyribonucleic acid analysis.".
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(END)