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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Moved by Representative Suder, seconded by Representative Staskunas, that **Assembly Bill 550** be recommended for passage.

Ayes: (8) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Hebl and Staskunas.

Noes: (1) Representative Colon.

Excused:(0) None.

PASSAGE RECOMMENDED, Ayes 8, Noes 1, Excused 0

A handwritten signature in black ink, appearing to read "Robert Delaporte", written over a horizontal line.

Robert Delaporte
Committee Clerk

Vote Record

Assembly Committee on Judiciary and Personal Privacy

Date: 10-27-99
 Moved by: Suder Seconded by: Stask
 AB: 550 Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 1 _____ _____





WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone: (608) 266-1304
Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: October 26, 1999

TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY
COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY

FROM: Don Dyke, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 550, Relating to Transfer or Use of Syringe, Needle or
Similar Object Used by a Person With Acquired Immune Deficiency Syn-
drome (AIDS) or the Human Immunodeficiency Virus (HIV) and Persons
With AIDS or HIV Having Sexual Contact or Sexual Intercourse

This memorandum, prepared at your request, describes the provisions of the above-captioned bill. Assembly Bill 550 creates new crimes, described below.

A. TRANSFER OR USE OF DRUG INJECTION DEVICE USED BY PERSON WITH AIDS OR HIV

Assembly Bill 550 prohibits a person from transferring a hypodermic syringe, needle or other object used or intended for use in injecting substances into the human body ("drug injection device") if the person knows or has reason to know:

1. That the drug injection device has been used by a person who has had a positive test for the presence of HIV or who has been diagnosed with AIDS;
2. That the drug injection device has not been sterilized since it was used by the person described in 1., above; and
3. That the drug injection device will be used by another person to inject a substance into his or her body or will be possessed by another person with the intent to use it to inject a substance into his or her body.

The bill also prohibits a person from using a drug injection device to inject a substance into the body of another person if the person injecting the substance knows or has reason to know:

1. That the drug injection device has been used by a person who has had a positive HIV test or by a person who has been diagnosed with AIDS; and
2. That the drug injection device has not been sterilized since it was used by the person described in 1., above.

Assembly Bill 550 provides that the penalty for violation of the prohibitions on transferring and using drug injection devices that have been used by persons with AIDS or HIV is a maximum imprisonment of 40 years.

B. SEXUAL CONTACT WITH OTHERS BY PERSONS WITH AIDS OR HIV WITHOUT DISCLOSING STATUS TO THE OTHER PERSON

Assembly Bill 550 prohibits a person who knows that he or she has had a positive HIV test or has been diagnosed with AIDS from having sexual contact which carries a potential for transmission of HIV to another or sexual intercourse with another unless, before the sexual contact or sexual intercourse occurs, the person discloses to the other person that he or she has had a positive HIV test or has been diagnosed with AIDS. The definitions of "sexual contact" and "sexual intercourse" that apply to the crime created under the bill are attached.

The penalty for the crime created by the proposal is a maximum imprisonment of 40 years.

Note that currently a penalty enhancer of five years may be applied to a person who is convicted of committing certain sexual assault crimes if, at the time of the assault, the person knew that he or she was infected with HIV or other sexually transmitted diseases and if, as a result of the assault, the victim was significantly exposed to HIV or the sexually transmitted disease. [s. 939.622, Stats.] Assembly Bill 550 provides that a person who is subject to that penalty enhancer may also be charged with, convicted of and sentenced for a violation of the crime created by the bill concerning sexual contact without disclosure by a person with AIDS or HIV, based on the same unlawful acts.

If you have any questions or need additional information, please feel free to contact me at the Legislative Council Staff offices.

DD:rv;jal

Attachment

ATTACHMENT

Definitions of Sexual Contact and Sexual Intercourse

939.22 (34) "Sexual contact" means the intentional touching of the clothed or unclothed intimate parts of another person with any part of the body clothed or unclothed or with any object or device, the intentional touching of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed, or the intentional penile ejaculation of ejaculate or intentional emission of urine or feces upon any part of the body clothed or unclothed of another person, if that intentional touching, ejaculation or emission is for the purpose of sexual humiliation, sexual degradation, sexual arousal or gratification.

939.22 (36) "Sexual intercourse" requires only vulvar penetration and does not require emission.

1999 Assembly Bill 550 definition: "Sexual intercourse" includes the meaning given under §. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body into the genital or anal opening of another. The emission of semen is not required.



State of Wisconsin, Plaintiff vs. <u>DONALD R. HAWKS</u> , Defendant <u>10/1/64</u> <small>Defendant's Date of Birth</small>	TYPE OF CONVICTION (Select One) <input checked="" type="checkbox"/> Sentence to Wisconsin State Prisons <input type="checkbox"/> Sentence Withheld, Probation Ordered <input type="checkbox"/> Sentence Imposed & Stayed, Probation Ordered COURT CASE NUMBER: <u>96 CF 135 -01,02,03</u>
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The defendant entered plea(s) of: Guilty Not Guilty No Contest
 The Court Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
3 Counts - 1st Degree Recklessly Endangering Safety	941.30(1)	F	D	October, 1995 November, 1995 August, 1995

(2 Counts to be used as read-ins)

RECEIVED
AUG 9 1996

IT IS ADJUDGED that the defendant is convicted on June 7, 1996 as found guilty and:
 on August 8, 1996 is sentenced to prison for Two Years on each count, consecutive to each other and consecutive to any other sentence previously imposed.
 on _____ ~~is sentenced to county jail/HOC for~~ Credit for 130 days already served.
 on _____ is sentenced to county jail/HOC for _____
 on _____ is placed on probation for _____

CONDITIONS OF SENTENCE/PROBATION

Obligations: (Total amounts only)	
Fine <small>(Includes jail assessments; drug assessments; penalty assessments)</small>	\$ _____
Court Costs <small>(Includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees)</small>	\$ <u>189.20</u>
Attorney Fees	\$ _____
Restitution	\$ _____
Other	\$ _____
Mandatory victim/witness surcharge(s) felony <u>3</u> counts \$ <u>210.00</u> misdemeanor _____ counts \$ _____	

JAIL: To be incarcerated in the county jail/HOC for _____

CONFINEMENT ORDER: For Intensive Sanctions sentence only - length of term: _____

MISCELLANEOUS:
*Restitution to be determined by the State within 30 days. Also the issue of Defendant's ability to pay restitution is to be determined.

IT IS ADJUDGED that XXXXXX days sentence credit are due pursuant to s.973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of Waupun, WI

NAME OF JUDGE <u>Robert A. Haase</u>
DISTRICT ATTORNEY <u>Joseph Paulus</u>
DEFENSE ATTORNEY <u>John Kuech</u>

BY THE COURT:

Robert A. Haase
Robert A. Haase Circuit Court Judge/Clerk/Deputy
August 8, 1996
Date Signed

Deputy District Attorney
THOMAS J. GRITTON

Assistants
ROBERT L. SAGER
JOANNE B. EVANS
JOHN M. DANIELS
STEPHANIE A. STAUBER
JOHN A. JORGENSEN
BRADLEY J. PRIEBE

Investigator
RICHARD P. NEEBEL

Victim/Witness Coordinator
TERRI S. VAN DELLEN



Public Safety Building
420 Jackson Street
P. O. Box 2808
Oshkosh, WI 54903-2808
Oshkosh (414) 236-4977
Fox Cities (414) 727-2880
FAX (414) 236-4952

Winnebago County
Office of District Attorney
JOSEPH F. PAULUS
DISTRICT ATTORNEY

July 18, 1997

Parole Commission
Department of Corrections
P. O. Box 7925
Madison, WI 53707-7925

RE: Inmate Hawks, Donald R.
Inmate No. 112412

Dear Parole Commission:

I have received a Notice of Parole Hearing pertaining to the above-referenced inmate. On behalf of the citizens of Winnebago County and the State of Wisconsin, I wish to express in the strongest terms, my opposition to the proposed parole of Donald R. Hawks.

As you know, Inmate Hawks was convicted on three counts of First Degree Recklessly Endangering Safety for having sexual intercourse with three Oshkosh women while he fully knew he was infected with HIV. In fact, Inmate Hawks was aware that he was in the later stages of the disease and that his victims were subject to becoming infected with this life-terminating disease.

I should also bring to your attention the fact that Inmate Hawks was reported by witnesses to have made statements to the effect that he could pick up any woman he wanted in the local bars of Oshkosh. His cavalier attitude and life-threatening sexual encounters make him one of the most dangerous criminals in the history of this county. Once again, I urge you to deny parole for Inmate Hawks and continue incarcerating him until his mandatory release date. His brand of lawlessness and his predatory nature render him totally unsuitable for release into the community.

If you have any further questions, please feel free to call.

Very truly yours,


Joseph F. Paulus
District Attorney
Winnebago County, Wisconsin

JFP:sh

enclosure



10-7-99

Man sentenced for infecting wife with AIDS
 ROME (AP) - A man who knew he had AIDS and did nothing to prevent infecting his wife has been sentenced to 14 years in prison on charges of manslaughter.

Thursday's ruling by a court in Cremona, 45 miles southeast of Milan, was the first of its kind in Italy.

Maurizio Lucini, 35, was found guilty of failing to disclose the condition to his wife and continuing unprotected sexual relations for six years.

Lucini, who reportedly contracted the disease before his 1991 wedding, fled to Mexico the day his wife was hospitalized in April 1997. She died 40 days later at age 26.

An international arrest warrant was issued for Lucini, who decided to return to Italy.

Fernando Aiuti, a leading voice in the fight against AIDS in Italy, praised the sentence for recognizing that "those infected by AIDS not only have rights, they also have obligations."

"The first is to inform their partner before embarking on a relationship," Aiuti said.

But another group, Lila, criticized the sentence on grounds that both people in a relationship had the responsibility of protecting themselves, not just the infected person.

10/16/99

Cheating men put millions of women at risk for AIDS

Research finds 3.5 million threatened

By **CARL T. HALL**
 San Francisco Chronicle

Men who secretly sleep around are putting 3.5 million unsuspecting American women at risk of contracting the AIDS virus or other sexually transmitted diseases, a new survey shows.

Results highlighted the growing problem of indirect spread of disease, particularly among female partners of HIV-positive men.

"A fair number of these people are underestimating their risk," said Lawrence Finer, senior research associate at the New York-based Alan Guttmacher Institute and co-author of the new study, published in the latest issue of the institute's Family Planning Perspectives journal.

He noted that couples in which the man has multiple partners are no more likely to use condoms than are strictly monogamous couples. Few men, he added, are apt to suggest using protection with their main partners after beginning a secret liaison.

Based on surveys taken between 1988 and 1996, Finer and his

colleagues estimated that at least 17 million U.S. women - or a third of all sexually active females between the ages of 18 and 44 - are at risk of contracting a sexually transmitted disease (STD), through multiple partners.

The estimate includes 5.4 million women who had more than one sexual partner within the past year. 6.3 million who slept with a man who had multiple partners, and 5.5 million who had both direct and indirect risk.

The study looked at the risks of disease spreading in heterosexual relationships, and it focused mostly on male-to-female indirect exposure because of insufficient survey data for risks to men.

Results showed no evidence of any recent increase in the proportion of sexually active adults, male or female, with multiple partners.

Surveys in the late 1990s showed about 14 percent of men ages 18 to 44 said they had at least three partners within the prior year, down from 18 percent in comparable surveys a decade earlier. For women, the proportion held constant at about 5 percent.

"There's a public perception of increasing promiscuity, but the data don't show that at all," Finer said.