

2001 ASSEMBLY BILL 359

April 30, 2001 – Introduced by Representatives WALKER, BOYLE, AINSWORTH, ALBERS, BERCEAU, BIES, J. FITZGERALD, FREESE, GUNDERSON, GUNDRUM, HUNDERTMARK, JESKEWITZ, KEDZIE, LADWIG, LASSA, J. LEHMAN, M. LEHMAN, LEIBHAM, LIPPERT, MILLER, OLSEN, OWENS, PLALE, POCAN, SERATTI, STONE, SYKORA, TURNER, VRAKAS, WADE, WARD and WASSERMAN, cosponsored by Senators S. FITZGERALD, DARLING, HUELSMAN, PLACHE, ROESSLER and ROSENZWEIG. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to amend* 940.225 (4) (intro.); and *to create* 940.225 (2) (h), 940.225 (5)
2 (ab) and 940.225 (5) (ad) of the statutes; **relating to:** sexual assault of and
3 sexual activity involving a person confined in an adult or juvenile detention or
4 correctional facility and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law a person who has sexual contact or sexual intercourse with another person without the other person's consent commits the crime of sexual assault. In addition, current law prohibits a person from having sexual contact or sexual intercourse with another person under certain circumstances regardless of whether the other person has consented. Under those provisions a person commits the crime of sexual assault when he or she has sexual contact or sexual intercourse with: 1) a person who is under the influence of drugs or alcohol or suffers from a mental illness, so as to preclude him or her from effectively consenting; 2) a person who is unconscious; 3) a patient or resident in an adult family home, a community-based residential facility, or a health or mental health treatment facility that employs the other person; or 4) a person under the age of 16.

This bill prohibits correctional officers and individuals providing services to persons confined in correctional institutions (which, under the bill, include juvenile detention facilities, juvenile correctional facilities, state prisons, county or municipal jails and houses of corrections, Huber facilities, lockup facilities, and county work camps) from having sexual contact or sexual intercourse with a person confined in

