

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: **06/21/2001**

Received By: **rryan**

Wanted: **Soon**

Identical to LRB: **1999 AB 284**

For: **Assembly Republican Caucus**

By/Representing: **Raschka**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sexual assault**

Extra Copies:

**MGD**

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

ARC:.....Raschka - AM1,

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**Topic:**

Prohibit sex offenders from working or volunteering with children

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**Instructions:**

See Attached

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**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>
/1	rryan 06/23/2001	csicilia 06/25/2001	pgreensl 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

<END>

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/1	rryan	11 6/25 01 ijs	6 /25 pg	6/24 P8/20			

FE Sent For:

<END>

2001

Date (time) needed \_\_\_\_\_

LRB b 1311, 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

RLR:js

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

LPS: proof  
all amended  
text with  
~~the~~ folio

b1311/1

**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.

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***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.

**ASSEMBLY BILL 284**

~~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:*

Insert 2-1

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 ~~1~~ 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 ~~2~~ 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  
person had sexual contact or sexual intercourse.

17  
18  
Insert 2-17

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

ASSEMBLY BILL 284

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.~~

#. Page 1416, line 16: after that line insert:

8 ~~(13a)~~ 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 paragraph 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 paragraph subsection for purposes of  
 13 determining whether a person is subject to section 948.13 (2) of the statutes.

INIT  
APP

14 ~~(13b) INFORMATION AT SENTENCING~~ <sup>(b)</sup> 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 <sup>(13a)</sup>  
 17 paragraph

(END)

(13a)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1311/lins  
RLR:.....

1           **Insert 2-1:**

2           **1.** Page 1250, line 5: after that line insert:

3           “SECTION 3984c. 948.13 (1) (a) of the statutes is amended to read:

4           948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim  
5 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or  
6 (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4).

7           History: 1995 a. 265; 1997 a. 130, 220; 1999 a. 3.

8

9

9           **Insert 2-17:**

10          **2.** Page 1261, line 2: after that line insert:

11          “SECTION 4014r. 973.034 of the statutes is amended to read:

12          **973.034 Sentencing; restriction on child sex offender working with**  
13 **children.** Whenever a court imposes a sentence or places a defendant on probation  
14 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
15 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1)  
16 or (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4), the court  
17 shall inform the defendant of the requirements and penalties under s. 948.13.”

18          History: 1995 a. 265; 1997 a. 220; 1999 a. 3.

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Reserve judge requirement (1999 AB 826)

This bill prohibits the appointment of any person as a reserve judge if that person was defeated at the most recent time that he or she sought election to a circuit court judgeship.

Fair employment (2001 AB 186)

Permitting an employer to refuse to employ or to terminate from employment an individual who as been convicted of a felony and who has not been pardoned.

Drug Dealer Liability (LRB 2602/P2)

Creating liability for a person involved in the distribution, possession or sale of illegal drugs.

Sex offenders working with children (1999 AB 284) LRB 1541

Prohibit child sex offenders from working or volunteering with children and providing a penalty.

Civil forfeitures for criminal acts (1999 SB 78)

Eliminating recovery for personal injury for persons injured while involved in a felony.

## Justice

**Attorney General Authority In Civil Rights Actions and Inquests** (Comparative Document JFC/Gov. p. 482, #19)

Remove part of the state statute pertaining to **165.10 Civil rights enforcement**. If any person, whether or not acting under color of law, interferes with the exercise or enjoyment by any individual of a right secured by the constitution or laws of the United States, or of a right secured by the constitution or laws of this state, the attorney general may bring an action for injunction or other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right secured. *No Fiscal Effect.*

- Corrections package agreed to by Kaufert, Huber and Coggs saved **\$44 million GPR (Motion 1250)**

- Corrections package passed out of JFC saved **\$36.3 million GPR + \$10 million debt service = Total \$46.3 million**

### ARC package:

Spends \$536,000

Saves \$ 16,033,400

ARC:.....Raschka - AM1, Prohibit sex offenders from working or  
volunteering with children

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1250, line 5: after that line insert:

3 "SECTION 3984c. 948.13 (1) (a) of the statutes is amended to read:

4 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim  
5 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or  
6 (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4).

7 SECTION 3984d. 948.13 (2m) (a) (intro.) of the statutes is amended to read:

8 948.13 (2m) (a) (intro.) A person who has been convicted of a crime under s.  
9 948.02 (2) or 948.025 (1) may petition the court in which he or she was convicted to  
10 order that the person be exempt from sub. (2) and permitted to engage in an

1 occupation or participate in a volunteer position that requires the person to work or  
2 interact primarily and directly with children under 16 years of age. The court may  
3 grant a petition filed under this paragraph if the court finds that all of the following  
4 apply:

5 **SECTION 3984e.** 948.13 (2m) (a) 1. of the statutes is amended to read:

6 948.13 (2m) (a) 1. At the time of the commission of the crime under s. 948.02  
7 (2) or 948.025 (1) the person had not attained the age of 19 years and was not more  
8 than 4 years older or not more than 4 years younger than the child with whom the  
9 person had sexual contact or sexual intercourse.”.

10 **2.** Page 1261, line 2: after that line insert:

11 “SECTION 4014r. 973.034 of the statutes is amended to read:

12 **973.034 Sentencing; restriction on child sex offender working with**  
13 **children.** Whenever a court imposes a sentence or places a defendant on probation  
14 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
15 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1)  
16 or (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4), the court  
17 shall inform the defendant of the requirements and penalties under s. 948.13.”.

18 **3.** Page 1416, line 16: after that line insert:

19 “(13q) PROHIBITION AGAINST SEX OFFENDERS WORKING WITH CHILDREN.

20 (a) The treatment of section 948.13 (1) (a) of the statutes first applies to  
21 violations of section 948.13 (2) of the statutes that are committed on the effective date  
22 of this paragraph, but does not preclude the counting of an offense under section  
23 948.02 (2) of the statutes that was committed before the effective date of this

1 paragraph for purposes of determining whether a person is subject to section 948.13  
2 (2) of the statutes.

3 (b) The treatment of section 973.034 of the statutes first applies to sentencing  
4 proceedings that occur on the effective date of this paragraph.”

5 (END)