

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB511)

Received: **09/07/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jennifer Shilling (608) 266-5780**

By/Representing: **Jason**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - crimes agnst kids
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Shilling@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us
cathlene.hanaman@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Sexual assault of a child in substitute care; sexual assault of a child by a stepparent

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:

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/?	mdsida	1/1 GJF 9/7/05	2/9/05 26/8	J Bell 9/8			

FE Sent For:

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0200/?
MGD: kjf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2005 ASSEMBLY BILL 511

9:30
AM
Thurs

Gen

1 **AN ACT** ...; **relating to:** sexual abuse of children placed in substitute care and
2 sexual abuse of children by stepparents and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:

4 6.47 (1) (b) "Offense relating to domestic abuse" means an offense specified in
5 s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225, 940.32, 947.013, 948.02, 948.025,
6 948.06, 948.085, 948.09, or 948.095.

History: 1999 a. 49, 186; 2003 a. 265.

7 **SECTION 2.** 48.02 (1) (b) of the statutes is amended to read:

8 48.02 (1) (b) Sexual intercourse or sexual contact under s. 940.225, 948.02 ~~or~~,
9 948.025, or 948.085.

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69.

1 **SECTION 3.** 48.355 (2d) (a) 2. of the statutes is amended to read:

2 48.355 (2d) (a) 2. “Sexual abuse” means a violation of s. 940.225, 944.30,
3 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of
4 the law of any other state or federal law if that violation would be a violation of s.
5 940.225, 944.30, 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10
6 if committed in this state.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109.

7 **SECTION 4.** 48.355 (2d) (b) 3. of the statutes is amended to read:

8 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
9 1999 stats., a violation of s. 940.19 (2), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2),
10 948.025, ~~or~~ 948.03 (2) (a) or (3) (a), or 948.085 or a violation of the law of any other
11 state or federal law, if that violation would be a violation of s. 940.19 (2), (4), or (5),
12 940.225 (1) or (2), 948.02 (1) or (2), 948.025, ~~or~~ 948.03 (2) (a) or (3) (a), or 948.085 if
13 committed in this state, as evidenced by a final judgment of conviction, and that the
14 violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial
15 bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109.

16 **SECTION 5.** 48.371 (3) (d) of the statutes is amended to read:

17 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
18 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, ~~or~~ 948.025,
19 or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in
20 violation of s. 948.05, or causing a child to view or listen to sexual activity in violation
21 of s. 948.055, if the information is necessary for the care of the child or for the
22 protection of any person living in the foster home, treatment foster home, group
23 home, or residential care center for children and youth. The foster parent, treatment

1 foster parent, or operator of a group home or residential care center for children and
2 youth receiving information under this paragraph shall keep the information
3 confidential.

History: 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105.

4 **SECTION 6.** 48.415 (9) (a) of the statutes is amended to read:

5 48.415 (9) (a) Parenthood as a result of sexual assault, which shall be
6 established by proving that the child was conceived as a result of a sexual assault in
7 violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) ~~or~~, 948.025, or 948.085.
8 Conception as a result of sexual assault as specified in this paragraph may be proved
9 by a final judgment of conviction or other evidence produced at a fact-finding hearing
10 under s. 48.424 indicating that the person who may be the father of the child
11 committed, during a possible time of conception, a sexual assault as specified in this
12 paragraph against the mother of the child.

History: 1979 c. 330; 1983 a. 189 s. 329 (5); 1983 a. 326; 1983 a. 447 ss. 8, 67; 1983 a. 488, 538; 1987 a. 355, 383; 1989 a. 86; 1993 a. 235, 395; 1995 a. 77, 108, 225, 275; 1997 a. 35, 80, 237, 292, 294; 1999 a. 9, 32; 2001 a. 2, 109.

13 **SECTION 7.** 48.415 (9) (b) of the statutes is amended to read:

14 48.415 (9) (b) If the conviction or other evidence specified in par. (a) indicates
15 that the child was conceived as a result of a sexual assault in violation of s. 948.02
16 (1) or (2) ~~or~~ 948.085, the mother of the child may be heard on her desire for the
17 termination of the father's parental rights.

History: 1979 c. 330; 1983 a. 189 s. 329 (5); 1983 a. 326; 1983 a. 447 ss. 8, 67; 1983 a. 488, 538; 1987 a. 355, 383; 1989 a. 86; 1993 a. 235, 395; 1995 a. 77, 108, 225, 275; 1997 a. 35, 80, 237, 292, 294; 1999 a. 9, 32; 2001 a. 2, 109.

18 **SECTION 8.** 48.417 (1) (d) of the statutes is amended to read:

19 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
20 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (4), or
21 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, ~~or~~ 948.03 (2) (a) or (3) (a), or 948.085
22 or a violation of the law of any other state or federal law, if that violation would be
23 a violation of s. 940.19 (2), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, ~~or~~

1 948.03 (2) (a) or (3) (a), [✓] or 948.085 if committed in this state, and that the violation
2 resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily
3 harm, as defined in s. 939.22 (38), to the child or another child of the parent. If the
4 circumstances specified in this paragraph apply, the petition shall be filed or joined
5 in within 60 days after the date on which the court assigned to exercise jurisdiction
6 under this chapter determines, based on a finding that a circumstance specified in
7 this paragraph applies, that reasonable efforts to make it possible for the child to
8 return safely to his or her home are not required.

History: 1997 a. 237; 2001 a. 109.

9 **SECTION 9.** 48.42 (2m) of the statutes is amended to read:

10 48.42 (2m) NOTICE NOT REQUIRED. Except as provided in this subsection, notice
11 is not required to be given to a person who may be the father of a child conceived as
12 a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2)
13 ~~or~~, 948.025, [✓] or 948.085 if a physician attests to his or her belief that a sexual assault
14 as specified in this subsection has occurred or if the person who may be the father
15 of the child has been convicted of sexual assault as specified in this subsection for
16 conduct which may have led to the child's conception. A person who under this
17 subsection is not given notice does not have standing to appear and contest a petition
18 for the termination of his parental rights. This subsection does not apply to a person
19 who may be the father of a child conceived as a result of a sexual assault in violation
20 of s. 948.02 (1) or (2) if that person was under 18 years of age at the time of the sexual
21 assault.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83.

22 **SECTION 10.** 48.685 (1) (c) of the statutes is amended to read:

23 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
24 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22

1 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025,
2 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am),
3 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
4 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
5 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22
6 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025,
7 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am),
8 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321.

9 **SECTION 11.** 50.065 (1) (e) 2. of the statutes is amended to read:

10 50.065 (1) (e) 2. For the purposes of an entity that serves persons under the age
11 of 18, “serious crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,
12 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13,
13 948.21 (1) or 948.30 or a violation of the law of any other state or United States
14 jurisdiction that would be a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,
15 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13,
16 948.21 (1) or 948.30 if committed in this state.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25.

17 **SECTION 12.** 51.20 (13) (cr) of the statutes is amended to read:

18 51.20 (13) (cr) If the subject individual is before the court on a petition filed
19 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
20 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or, 948.025, or 948.085, the court
21 shall require the individual to provide a biological specimen to the state crime
22 laboratories for deoxyribonucleic acid analysis.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1–1–80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22.

23 **SECTION 13.** 51.20 (13) (ct) 2m. of the statutes is amended to read:

1 51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed
2 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
3 violation, or to have solicited, conspired, or attempted to commit a violation, of s.
4 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
5 948.06, 948.07, 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12,
6 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the subject
7 individual was not the victim's parent, the court shall require the individual to
8 comply with the reporting requirements under s. 301.45 unless the court determines,
9 after a hearing on a motion made by the individual, that the individual is not
10 required to comply under s. 301.45 (1m).

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22.

11 **SECTION 14.** 165.76 (1) (a) of the statutes is amended to read:

12 165.76 (1) (a) Is in a secured correctional facility, as defined in s. 938.02 (15m),
13 or a secured child caring institution, as defined in s. 938.02 (15g), or a secured group
14 home, as defined in s. 938.02 (15p), or on probation, extended supervision, parole,
15 supervision or aftercare supervision on or after August 12, 1993, for any violation of
16 s. 940.225 (1) or (2), 948.02 (1) or (2) ~~or~~, 948.025, or 948.085.

History: 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96.

17 **SECTION 15.** 165.76 (1) (b) of the statutes is amended to read:

18 165.76 (1) (b) Is found not guilty or not responsible by reason of mental disease
19 or defect on or after August 12, 1993, and committed under s. 51.20 or 971.17 for any
20 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) ~~or~~, 948.025, or 948.085.

History: 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96.

21 **SECTION 16.** 165.76 (1) (c) of the statutes is amended to read:

1 165.76 (1) (c) Is in institutional care on or after August 12, 1993, for any
2 violation of s. 940.225 (1) or (2), 948.02 (1) or (2) ~~or~~, 948.025, or 948.085.

3 **History:** 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96.

3 **SECTION 17.** 165.76 (1) (e) of the statutes is amended to read:

4 165.76 (1) (e) Is released on parole or extended supervision or placed on
5 probation in another state before January 1, 2000, and is on parole, extended
6 supervision, or probation in this state from the other state under s. 304.13 (1m),
7 304.135, or 304.16 on or after July 9, 1996, for a violation of the law of the other state
8 that the department of corrections determines, under s. 304.137 (1), is comparable
9 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), ~~or~~, 948.025, or 948.085.

10 **History:** 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96.

10 **SECTION 18.** 165.93 (1) (b) of the statutes is amended to read:

11 165.93 (1) (b) “Sexual assault” means conduct that is in violation of s. 940.225,
12 948.02, 948.025, 948.03, 948.055, 948.06, 948.07, 948.08, 948.085, 948.09 or 948.10.

13 **History:** 1993 a. 16, 227; 1995 a. 225.

13 **SECTION 19.** 253.10 (3m) (b) 1. of the statutes is amended to read:

14 253.10 (3m) (b) 1. The woman alleges that the pregnancy is the result of incest
15 under s. 948.06 (1) or (1m) and states that a report alleging the incest has been made
16 to law enforcement authorities.

17 **History:** 1985 a. 56, 176; 1991 a. 263; 1993 a. 27 s. 378; Stats. 1993 s. 253.10; 1995 a. 309; 1997 a. 27; 1999 a. 9.

17 **SECTION 20.** 301.046 (4) (b) (intro.) of the statutes is amended to read:

18 301.046 (4) (b) (intro.) Before a prisoner is confined under sub. (1) for a violation
19 of s. 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 ~~or~~, 948.07,
20 or 948.085, the department shall make a reasonable attempt to notify all of the
21 following persons, if they can be found, in accordance with par. (c) and after receiving
22 a completed card under par. (d):

23 **History:** 1989 a. 31 ss. 961m, 961mb; Stats. 1989 s. 301.046; 1989 a. 251; 1991 a. 39; 1993 a. 97, 227, 479; 1997 a. 181, 283.

23 **SECTION 21.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

1 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
2 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
3 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)
4 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1.
5 or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1)
6 to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
7 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43, 947.015,
8 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or
9 948.30.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109.

10 **SECTION 22.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

11 301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer,
12 parolee or person on extended supervision who has violated s. 940.03, 940.05,
13 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 ~~or~~, 948.07, or 948.085 enters the
14 intensive sanctions program, the department shall make a reasonable attempt to
15 notify all of the following persons, if they can be found, in accordance with par. (c) and
16 after receiving a completed card under par. (d):

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109.

17 **SECTION 23.** 301.45 (1d) (b) of the statutes is amended to read:

18 301.45 (1d) (b) “Sex offense” means a violation, or the solicitation, conspiracy,
19 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
20 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085,
21 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if
22 the victim was a minor and the person who committed the violation was not the
23 victim’s parent.

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

24 **SECTION 24.** 301.45 (1m) (a) 1. of the statutes is amended to read:

1 301.45 (1m) (a) 1. The person meets the criteria under sub. (1g) (a) to (dd) based
2 on any violation, or on the solicitation, conspiracy or attempt to commit any violation,
3 of s. 948.02 (1) or (2) ~~or~~, 948.025, or 948.085 (2).

4 History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

4 **SECTION 25.** 301.45 (1m) (a) 1g. of the statutes is amended to read:

5 301.45 (1m) (a) 1g. The violation, or the solicitation, conspiracy or attempt to
6 commit the violation, of s. 948.02 (1) or (2) ~~or~~, 948.025, or 948.085 (2) did not involve
7 sexual intercourse, as defined in s. 948.01 (6), either by the use or threat of force or
8 violence or with a victim under the age of 12 years.

9 History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

9 **SECTION 26.** 301.45 (1m) (a) 2. of the statutes is amended to read:

10 301.45 (1m) (a) 2. At the time of the violation, or of the solicitation, conspiracy
11 or attempt to commit the violation, of s. 948.02 (1) or (2) ~~or~~, 948.025, or 948.085 (2),
12 the person had not attained the age of 19 years and was not more than 4 years older
13 or not more than 4 years younger than the child.

14 History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

14 **SECTION 27.** 301.45 (5) (b) 1m. of the statutes is amended to read:

15 301.45 (5) (b) 1m. The person has been convicted or found not guilty or not
16 responsible by reason of mental disease or defect for a violation, or for the solicitation,
17 conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2)
18 ~~or~~, 948.025, or 948.085 (2). A conviction or finding of not guilty or not responsible by
19 reason of mental disease or defect that has been reversed, set aside or vacated is not
20 a conviction or finding for purposes of this subdivision.

21 History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

21 **SECTION 28.** 301.45 (5m) (b) 2. of the statutes is amended to read:

22 301.45 (5m) (b) 2. The person has been convicted or found not guilty or not
23 responsible by reason of mental disease or defect for a violation of s. 940.225 (1) or

1 (2), 948.02 (1) or (2) ~~or~~, 948.025, [✓] or 948.085, or for the solicitation, conspiracy or
2 attempt to commit a violation, of a federal law, a military law, a tribal law or a law
3 of any state that is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
4 ~~or~~, 948.025, [✓] or 948.085. A conviction or finding of not guilty or not responsible by
5 reason of mental disease or defect that has been reversed, set aside or vacated is not
6 a conviction or finding for purposes of this subdivision.

7 **History:** 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; 2001 a. 38, 96, 109; 2003 a. 50, 53; 2005 a. 25.

7 **SECTION 29.** 302.045 (2) (c) of the statutes is amended to read:

8 302.045 (2) (c) The inmate is incarcerated regarding a violation other than a
9 crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
10 948.07, 948.075, 948.08, [✓] 948.085, or 948.095.

11 **History:** 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456; 1997 a. 283; 2001 a. 109; 2003 a. 33.

11 **SECTION 30.** 302.05 (3) (a) 1. of the statutes is amended to read:

12 302.05 (3) (a) 1. The inmate is incarcerated regarding a violation other than
13 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
14 948.07, 948.075, 948.08, [✓] 948.085, or 948.095.

15 **History:** 1989 a. 31; 1995 a. 27 s. 9126 (19); 2003 a. 33; 2005 a. 25.

15 **SECTION 31.** 302.105 (2) (intro.) of the statutes is amended to read:

16 302.105 (2) (intro.) Before an inmate who is in a prison serving a sentence for
17 a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
18 948.06 ~~or~~, 948.07, [✓] or 948.085 is released from imprisonment because he or she has
19 reached the expiration date of his or her sentence, the department shall make a
20 reasonable attempt to notify all of the following persons, if they can be found, in
21 accordance with sub. (3) and after receiving a completed card under sub. (4):

22 **History:** 1993 a. 479; 1997 a. 181; 2001 a. 16 s. 3385g; Stats. 2001 s. 302.105.

22 **SECTION 32.** 302.116 (1) (a) of the statutes is amended to read:

1 302.116 (1) (a) “Serious sex offense” means a violation of s. 940.225 (1) or (2),
2 948.02 (1) or (2), 948.025, 948.06, or 948.07 or a solicitation, conspiracy, or attempt
3 to commit a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06, or
4 948.07, or 948.085.

History: 2001 a. 16.

5 **SECTION 33.** 303.068 (4m) (b) (intro.) of the statutes is amended to read:

6 303.068 (4m) (b) (intro.) Before an inmate who is imprisoned for a violation of
7 s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or,
8 948.07, or 948.085 is released on leave under this section, the department shall make
9 a reasonable attempt to notify all of the following persons, if they can be found, in
10 accordance with par. (c) and after receiving a completed card under par. (d):

History: 1977 c. 312; 1979 c. 154; 1983 a. 27; 1989 a. 31 s. 1687; Stats. 1989 s. 303.068; 1993 a. 479; 1997 a. 181.

11 ~~**SECTION 34.** 303.068 (4m) (b) (intro.) of the statutes is amended to read:~~

12 ~~303.068 (4m) (b) (intro.) Before an inmate who is imprisoned for a violation of~~
13 ~~s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or,~~
14 ~~948.07, or 948.085 is released on leave under this section, the department shall make~~
15 ~~a reasonable attempt to notify all of the following persons, if they can be found, in~~
16 ~~accordance with par. (c) and after receiving a completed card under par. (d):~~

History: 1977 c. 312; 1979 c. 154; 1983 a. 27; 1989 a. 31 s. 1687; Stats. 1989 s. 303.068; 1993 a. 479; 1997 a. 181.

17 **SECTION 35.** 304.063 (2) (intro.) of the statutes is amended to read:

18 304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11,
19 304.02 or 304.06 or on extended supervision under s. 302.113 or 302.114, if
20 applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1)
21 or (2), 948.025, 948.06 or, 948.07, or 948.085, the department shall make a
22 reasonable attempt to notify all of the following persons, if they can be found, in
23 accordance with sub. (3) and after receiving a completed card under sub. (4):

History: 1993 a. 97, 227, 479, 491; 1997 a. 181, 283.

1 **SECTION 36.** 304.137 (1) of the statutes is amended to read:

2 **304.137 (1) PERSONS RELEASED OR PLACED ON PROBATION BEFORE JANUARY 1, 2000.**

3 If the department accepts supervision of a probationer, person on extended
4 supervision, or parolee from another state under s. 304.13 (1m), 304.135, or 304.16
5 and the person was placed on probation or released on parole or extended supervision
6 before January 1, 2000, the department shall determine whether the violation of law
7 for which the person is on probation, extended supervision, or parole is comparable
8 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), ~~or~~ 948.025, or 948.085. If the
9 department determines that a person on probation, extended supervision, or parole
10 from another state who is subject to this subsection violated a law that is comparable
11 to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), ~~or~~ 948.025, or 948.085, the
12 department shall direct the probationer, person on extended supervision, or parolee
13 to provide a biological specimen under s. 165.76.

History: 1995 a. 440; 1997 a. 283; 1999 a. 9; 2001 a. 96.

14 **SECTION 37.** 343.06 (1) (i) of the statutes is amended to read:

15 **343.06 (1) (i)** To any person who has been convicted of any offense specified
16 under ss. 940.225, 948.02, 948.025 ~~and~~, 948.07, or 948.085 or adjudged delinquent
17 under ch. 938 for a like or similar offense, when the sentencing court makes a finding
18 that issuance of a license will be inimical to the public safety and welfare. The
19 prohibition against issuance of a license to the offenders shall apply immediately
20 upon receipt of a record of the conviction and the court finding by the secretary, for
21 a period of one year or until discharge from any jail or prison sentence or any period
22 of probation, extended supervision or parole with respect to the offenses specified,
23 whichever date is the later. Receipt by the offender of a certificate of discharge from
24 the department of corrections or other responsible supervising agency, after one year

1 has elapsed since the prohibition began, entitles the holder to apply for an operator's
2 license. The applicant may be required to present the certificate of discharge to the
3 secretary if the latter deems it necessary.

Handwritten note: 2005 Legislature Act 280

History: 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33.

4 **SECTION 38.** 343.12 (7) (c) 20m. of the statutes is created to read:

5 343.12 (7) (c) 20m. Sexual assault of a child placed in substitute care under s.
6 948.085.

7 **SECTION 39.** 343.30 (2d) of the statutes is amended to read:

8 343.30 (2d) A court may suspend a person's operating privilege upon conviction
9 of any offense specified under ss. 940.225, 948.02, 948.025 and, 948.07, or 948.085,
10 if the court finds that it is inimical to the public safety and welfare for the offender
11 to have operating privileges. The suspension shall be for one year or until discharge
12 from prison or jail sentence or probation, extended supervision or parole with respect
13 to the offenses specified, whichever date is later. Receipt of a certificate of discharge
14 from the department of corrections or other responsible supervising agency, after one
15 year has elapsed since the suspension, entitles the holder to reinstatement of
16 operating privileges. The holder may be required to present the certificate to the
17 secretary if the secretary deems necessary.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

18 **SECTION 40.** 460.05 (1) (h) 1. of the statutes is amended to read:

19 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30,
20 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095, or
21 948.10.

History: 2001 a. 74; 2005 a. 22, 25; s. 13.93 (2) (c).

22 **SECTION 41.** 460.14 (2m) (a) of the statutes is amended to read:

1 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30,
2 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095, or
3 948.10.

History: 2001 a. 74.

4 **SECTION 42.** 893.587 of the statutes is amended to read:

5 **893.587 Sexual assault of a child; limitation.** An action to recover damages
6 for injury caused by an act that would constitute a violation of s. 948.02, 948.025,
7 948.06, 948.085, or 948.095 or would create a cause of action under s. 895.71 shall
8 be commenced before the injured party reaches the age of 35 years or be barred.

History: 1987 a. 332; 2001 a. 16; 2003 a. 279.

9 **SECTION 43.** 895.038 (2) (b) 2. of the statutes is amended to read:

10 895.038 (2) (b) 2. The pregnancy of the woman on whom the partial-birth
11 abortion was performed was the result of a sexual assault in violation of s. 940.225,
12 944.06, 948.02, 948.025, 948.06, 948.085, or 948.09 that was committed by the
13 person.

History: 1997 a. 219.

14 **SECTION 44.** 901.04 (3) (c) of the statutes is amended to read:

15 901.04 (3) (c) In actions under s. 940.225, 948.02, 948.025, 948.085, or 948.095,
16 admissibility of the prior sexual conduct or reputation of a complaining witness.

History: Sup. Ct. Order, 59 Wis. 2d R1, R14 (1975); 1975 c. 184, 421; 1985 a. 275; 1987 a. 332 s. 64; 1991 a. 32, 269; 1993 a. 97, 227; 1995 a. 456.

17 **SECTION 45.** 938.208 (1) (a) of the statutes is amended to read:

18 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
19 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
20 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), 943.32
21 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 ~~or~~, 948.03, or 948.085 (2), if
22 committed by an adult.

History: 1995 a. 77, 352; 1999 a. 9; 2001 a. 16, 61, 109.

23 **SECTION 46.** 938.296 (2) (intro.) of the statutes is amended to read:

1 938.296 (2) (intro.) In a proceeding under s. 938.12 or 938.13 (12) in which the
2 juvenile is alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or, 948.06, or
3 948.085 (2), the district attorney or corporation counsel shall apply to the court for
4 an order requiring the juvenile to submit to a test or a series of tests administered
5 by a health care professional to detect the presence of HIV, antigen or nonantigenic
6 products of HIV, an antibody to HIV or a sexually transmitted disease and to disclose
7 the results of that test or series of tests as specified in sub. (4) (a) to (e), if all of the
8 following apply:

History: 1995 a. 77; 1997 a. 181, 182, 237; 1999 a. 188.

9 **SECTION 47.** 938.299 (4) (b) of the statutes is amended to read:

10 938.299 (4) (b) Except as provided in s. 901.05, neither common law nor
11 statutory rules of evidence are binding at a waiver hearing under s. 938.18, a hearing
12 for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4) for a
13 juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05 or, 948.06,
14 or 948.085 (2), a hearing under s. 938.296 (5) for a juvenile who is alleged to have
15 violated s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing
16 under this chapter. At those hearings, the court shall admit all testimony having
17 reasonable probative value, but shall exclude immaterial, irrelevant or unduly
18 repetitious testimony or evidence that is inadmissible under s. 901.05. Hearsay
19 evidence may be admitted if it has demonstrable circumstantial guarantees of
20 trustworthiness. The court shall give effect to the rules of privilege recognized by
21 law. The court shall apply the basic principles of relevancy, materiality and probative
22 value to proof of all questions of fact. Objections to evidentiary offers and offers of
23 proof of evidence not admitted may be made and shall be noted in the record.

History: 1995 a. 77, 275, 352; 1997 a. 35, 205, 252, 296; 1999 a. 32, 188; 2001 a. 16; 2003 a. 284, 326.

24 **SECTION 48.** 938.34 (4m) (b) 1. of the statutes is amended to read:

1 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
2 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
3 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02
4 (1) or (2), 948.025 ~~or~~, 948.03, or 948.085 (2) if committed by an adult.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14.

5 **SECTION 49.** 938.34 (15) (a) 1. of the statutes is amended to read:

6 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a
7 violation of s. 940.225, 948.02 (1) or (2) ~~or~~, 948.025, or 948.085 (2), the court shall
8 require the juvenile to provide a biological specimen to the state crime laboratories
9 for deoxyribonucleic acid analysis.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14.

10 **SECTION 50.** 938.34 (15m) (bm) of the statutes is amended to read:

11 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
12 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
13 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
14 948.07, 948.075, 948.08, or 948.085 (2), 948.095, 948.11 (2) (a) or (am), 948.12,
15 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the juvenile
16 was not the victim's parent, the court shall require the juvenile to comply with the
17 reporting requirements under s. 301.45 unless the court determines, after a hearing
18 on a motion made by the juvenile, that the juvenile is not required to comply under
19 s. 301.45 (1m).

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14.

20 **SECTION 51.** 938.346 (1) (e) of the statutes is amended to read:

21 938.346 (1) (e) The procedure under s. 938.296 under which the victim, if an
22 adult, or the parent, guardian or legal custodian of the victim, if the victim is a child,
23 may request an order requiring a juvenile who is alleged to have violated s. 940.225,
24 948.02, 948.025, 948.05 ~~or~~, 948.06, or 948.085 (2) to submit to a test or a series of tests

1 to detect the presence of HIV, as defined in s. 252.01 (1m), antigen or nonantigenic
2 products of HIV, an antibody to HIV or a sexually transmitted disease, as defined in
3 s. 252.11 (1), and to have the results of that test or series of tests disclosed as provided
4 in s. 938.296 (4) (a) to (e).

5 History: 1995 a. 77; 1997 a. 181, 205; 1999 a. 188.

SECTION 52. 938.355 (2d) (a) 2. of the statutes is amended to read:

6 938.355 (2d) (a) 2. “Sexual abuse” means a violation of s. 940.225, 944.30,
7 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of
8 the law of any other state or federal law if that violation would be a violation of s.
9 940.225, 944.30, 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09 or
10 948.10 if committed in this state.

11 History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50.

SECTION 53. 938.355 (2d) (b) 3. of the statutes is amended to read:

12 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
13 1999 stats., or s. 940.19 (2), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
14 ~~or~~ 948.03 (2) (a) or (3) (a), or 948.085 or a violation of the law of any other state or
15 federal law, if that violation would be a violation of s. 940.19 (2), (4), or (5), 940.225
16 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state,
17 as evidenced by a final judgment of conviction, and that the violation resulted in
18 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
19 defined in s. 939.22 (38), to the juvenile or another child of the parent.

20 History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50.

SECTION 54. 938.371 (3) (d) of the statutes is amended to read:

21 938.371 (3) (d) Any involvement of the juvenile, whether as victim or
22 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
23 ~~or~~ 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a
24 child in violation of s. 948.05, or causing a child to view or listen to sexual activity

1 in violation of s. 948.055, if the information is necessary for the care of the juvenile
2 or for the protection of any person living in the foster home, treatment foster home,
3 group home, residential care center for children and youth, or secured correctional
4 facility. The foster parent, treatment foster parent, or operator of a group home,
5 residential care center for children and youth, or secured correctional facility
6 receiving information under this paragraph shall keep the information confidential.

History: 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32; 2001 a. 59.

7 **SECTION 55.** 938.51 (1d) (intro.) of the statutes is amended to read:

8 938.51 (1d) (intro.) At least 15 days prior to the release from a nonsecured
9 residential care center for children and youth of a juvenile who has either been
10 adjudicated delinquent under s. 48.12, 1993 stats., or s. 938.12 or been found to be
11 in need of protection or services under s. 48.13 (12), 1993 stats., or s. 938.13 (12) and
12 who has been found to have committed a violation of ch. 940 or of s. 948.02, 948.025,
13 ~~or 948.03,~~ or 948.085 (2), and at least 15 days prior to the release from a nonsecured
14 residential care center for children and youth of a juvenile who has been found to be
15 in need of protection or services under s. 48.13 (14), 1993 stats., or s. 938.13 (14), the
16 department or county department having supervision over the juvenile shall notify
17 all of the following persons of the juvenile's release:

History: 1995 a. 77, 352; 1997 a. 181, 207; 1999 a. 9, 32, 186; 2001 a. 59.

18 **SECTION 56.** 938.78 (3) of the statutes is amended to read:

19 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
20 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
21 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
22 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
23 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
24 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03,

1 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch.
2 940 has escaped from a secured correctional facility, residential care center for
3 children and youth, secured group home, inpatient facility, as defined in s. 51.01 (10),
4 secure detention facility, or juvenile portion of a county jail, or from the custody of
5 a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave
6 a secured correctional facility, residential care center for children and youth, secured
7 group home, inpatient facility, secure detention facility, or juvenile portion of a
8 county jail for a specified time period and is absent from the facility, center, home,
9 or jail for more than 12 hours after the expiration of the specified period, the
10 department or county department having supervision over the juvenile may release
11 the juvenile's name and any information about the juvenile that is necessary for the
12 protection of the public or to secure the juvenile's return to the facility, center, home,
13 or jail. The department of corrections shall promulgate rules establishing guidelines
14 for the release of the juvenile's name or information about the juvenile to the public.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25.

15 **SECTION 57.** 939.22 (21) (u) of the statutes is created to read:

16 939.22 (21) (u) Sexual assault of a child placed in substitute care under s.
17 948.085.

18 **SECTION 58.** 939.615 (1) (b) 1. of the statutes is amended to read:

19 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
20 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
21 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.085, 948.11
22 (2) (a), 948.12, or 948.13.

History: 1997 a. 275; 1999 a. 3, 89; 2001 a. 109.

23 **SECTION 59.** 939.62 (2m) (a) 1m. a. of the statutes is amended to read:

1 939.62 (2m) (a) 1m. a. A violation of s. 948.02, 948.025, 948.05, 948.055, 948.06,
2 948.07, 948.08, 948.085, or 948.095 or 948.30 or, if the victim was a minor and the
3 convicted person was not the victim's parent, a violation of s. 940.31.

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; 1999 a. 32, 85, 188; 2001 a. 109; 2005 a. 14.

4 **SECTION 60.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

5 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
6 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
7 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
8 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
9 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06,
10 948.07, 948.075, 948.08, 948.085, or 948.30 (2).

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; 1999 a. 32, 85, 188; 2001 a. 109; 2005 a. 14.

11 **SECTION 61.** 939.632 (1) (e) 1. of the statutes is amended to read:

12 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
13 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
14 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025,
15 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.085, or 948.30 (2).

History: 1995 a. 22; 2001 a. 109.

16 **SECTION 62.** 939.74 (2) (c) of the statutes is amended to read:

17 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
18 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095 shall
19 be commenced before the victim reaches the age of 45 years or be barred, except as
20 provided in sub. (2d) (c).

History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 403; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279,
326.

21 **SECTION 63.** 940.32 (2e) (a) of the statutes is amended to read:

22 940.32 (2e) (a) After having been convicted of sexual assault under s. 940.225,
23 948.02, ~~or~~ 948.025, or 948.085 or a domestic abuse offense, the actor engages in any

1 of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual
2 assault or the domestic abuse offense.

3 **History:** 1993 a. 96, 496; 2001 a. 109; 2003 a. 222, 327.

3 **SECTION 64.** 941.291 (1) (b) of the statutes is amended to read:

4 941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,
5 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
6 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,
7 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,
8 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,
9 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),
10 943.23 (1g), 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,
11 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30.

12 **History:** 2001 a. 95; 2003 a. 321.

12 **SECTION 65.** 941.38 (1) (b) 21. of the statutes is created to read:

13 941.38 (1) (b) 21. Sexual assault of a child placed in substitute care under s.
14 948.085.

15 **SECTION 66.** 948.06 (1) of the statutes is amended to read:

16 948.06 (1) Marries or has sexual intercourse or sexual contact with a child he
17 or she knows is related, either by blood or adoption, and the child is related in a
18 degree of kinship closer than 2nd cousin; ~~or~~.

19 **History:** 1987 a. 332; 1995 a. 69; 2001 a. 109.

19 **SECTION 67.** 948.06 (1m) of the statutes is created to read:

20 948.06 (1m) Has sexual contact or sexual intercourse with a child if the actor
21 is the child’s stepparent.

22 **SECTION 68.** 948.06 (2) (a) of the statutes is amended to read:

23 948.06 (2) (a) Has knowledge that another person who is related to the child
24 by blood or adoption in a degree of kinship closer than 2nd cousin or who is a child’s

1 stepparent has had or intends to have sexual intercourse or sexual contact with the
2 child;

3 History: 1987 a. 332; 1995 a. 69; 2001 a. 109.

SECTION 69. 948.07 (1) of the statutes is amended to read:

4 948.07 (1) Having sexual contact or sexual intercourse with the child in
5 violation of s. 948.02, 948.085, or 948.095.

6 History: 1987 a. 332; 1995 a. 67, 69, 448, 456; 2001 a. 16, 109.

SECTION 70. 948.085 of the statutes is created to read:

7 **948.085 Sexual assault of a child placed in substitute care.** Whoever does
8 any of the following is guilty of a Class C felony:

9 (1) Has sexual contact or sexual intercourse with a child for whom the actor
10 is a foster parent or treatment foster parent.

11 (2) Has sexual contact or sexual intercourse with a child who is placed in any
12 of the following facilities if the actor works or volunteers at the facility or is directly
13 or indirectly responsible for managing it:

14 1. A shelter care facility licensed under s. 48.66 (1) (a).

15 2. A group home licensed under s. 48.625 or 48.66 (1).

16 3. A facility described in s. 940.295 (2) (m).

17 **SECTION 71.** 948.13 (1) (a) of the statutes is amended to read:

18 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
19 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or
20 (2), 948.025 (1), 948.05 (1) or (1m), 948.06, 948.07 (1), (2), (3), or (4), ~~or~~ 948.075, or
21 948.085.

22 History: 1995 a. 265; 1997 a. 130, 220; 1999 a. 3; 2001 a. 97, 109; 2003 a. 321.

SECTION 72. 948.13 (2m) (a) (intro.) of the statutes is amended to read:

23 948.13 (2m) (a) (intro.) A person who has been convicted of a crime under s.
24 948.02 (2) ~~or~~, 948.025 (1), or 948.085 may petition the court in which he or she was

1 convicted to order that the person be exempt from sub. (2) (a) and permitted to engage
2 in an occupation or participate in a volunteer position that requires the person to
3 work or interact primarily and directly with children under 16 years of age. The
4 court may grant a petition filed under this paragraph if the court finds that all of the
5 following apply:

6 History: 1995 a. 265; 1997 a. 130, 220; 1999 a. 3; 2001 a. 97, 109; 2003 a. 321.

SECTION 73. 948.13 (2m) (a) 1. of the statutes is amended to read:

7 948.13 (2m) (a) 1. At the time of the commission of the crime under s. 948.02
8 (2) ~~or~~, 948.025 (1), or 948.085 the person had not attained the age of 19 years and was
9 not more than 4 years older or not more than 4 years younger than the child with
10 whom the person had sexual contact or sexual intercourse.

11 History: 1995 a. 265; 1997 a. 130, 220; 1999 a. 3; 2001 a. 97, 109; 2003 a. 321.

SECTION 74. 949.03 (1) (b) of the statutes is amended to read:

12 949.03 (1) (b) The commission or the attempt to commit any crime specified in
13 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
14 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
15 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
16 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 948.02, 948.025, 948.03, 948.04, 948.07,
17 948.085, 948.095, 948.20, 948.30 or 948.51.

18 History: 1975 c. 224 s. 145za; 1975 c. 344; 1977 c. 173, 239; 1979 c. 118; 1983 a. 199, 356, 538; 1985 a. 275; 1985 a. 293 s. 3; 1985 a. 306 s. 5; 1987 a. 90, 332, 380, 399,
403; 1989 a. 105, 140, 359; 1993 a. 92, 227; 1995 a. 153, 374, 456; 1997 a. 35, 143, 258; 2001 a. 109.

SECTION 75. 950.04 (1v) (dL) of the statutes is amended to read:

19 950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district
20 attorney's order, request, or suggestion that he or she submit to a test using a lie
21 detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of
22 a sexual assault under s. 940.22 (2), 940.225, ~~or~~ 948.02 (1) or (2), or 948.085, except
23 as permitted under s. 968.265.

History: 1979 c. 219; 1983 a. 102, 364; 1985 a. 311; 1987 a. 332 s. 64; 1989 a. 31; 1997 a. 181, 237, 283; 1999 a. 9, 32, 188; 2001 a. 16, 109; 2003 a. 224.

1 **SECTION 76.** 968.265 (2) of the statutes is amended to read:

2 968.265 (2) If a person reports to a law enforcement officer that he or she was
3 the victim of an offense under s. 940.22 (2), 940.225, ~~or~~ 948.02 (1) or (2), or 948.085,
4 no law enforcement officer may in connection with the report order, request, or
5 suggest that the person submit to a test using a lie detector, or provide the person
6 information regarding tests using lie detectors unless the person requests
7 information regarding tests using lie detectors.

8 History: 2003 a. 224.

8 **SECTION 77.** 968.265 (3) (intro.) of the statutes is amended to read:

9 968.265 (3) (intro.) If a person reports to a district attorney that he or she was
10 the victim of an offense under s. 940.22 (2), 940.225, ~~or~~ 948.02 (1) or (2), or 948.085,
11 no district attorney may do any of the following in connection with the report:

12 History: 2003 a. 224.

12 **SECTION 78.** 968.38 (2) (intro.) of the statutes is amended to read:

13 968.38 (2) (intro.) In a criminal action under s. 940.225, 948.02, 948.025,
14 948.05, 948.06, 948.085, or 948.095, if all of the following apply, the district attorney
15 shall apply to the circuit court for his or her county to order the defendant to submit
16 to a test or a series of tests administered by a health care professional to detect the
17 presence of HIV, antigen or nonantigenic products of HIV, an antibody to HIV or a
18 sexually transmitted disease and to disclose the results of the test or tests as
19 specified in sub. (4) (a) to (c):

20 History: 1991 a. 269; 1993 a. 27, 32, 183, 227, 495; 1995 a. 456; 1997 a. 182; 1999 a. 188.

20 **SECTION 79.** 969.035 (1) of the statutes is amended to read:

21 969.035 (1) In this section, “violent crime” means any crime specified in s.
22 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 (5), 940.195

1 (5), 940.21, 940.225 (1), 940.23, 941.327, 948.02 (1) or (2), 948.025 ~~or~~, 948.03, or
2 948.085.

History: 1981 c. 183; 1987 a. 90; 1987 a. 332 ss. 58, 64; 1987 a. 399, 403; 1993 a. 227, 441, 491; 1997 a. 295.

3 **SECTION 80.** 969.035 (2) (a) of the statutes is amended to read:

4 969.035 (2) (a) A person accused of committing an offense under s. 940.01,
5 940.225 (1), 948.02 (1) or (2) ~~or~~, 948.025, or 948.085.

History: 1981 c. 183; 1987 a. 90; 1987 a. 332 ss. 58, 64; 1987 a. 399, 403; 1993 a. 227, 441, 491; 1997 a. 295.

6 **SECTION 81.** 969.08 (10) (b) of the statutes is amended to read:

7 969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),
8 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
9 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
10 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
11 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
12 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32,
13 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
14 948.06, 948.07, 948.085, or 948.30.

History: 1971 c. 298; 1977 c. 449; 1979 c. 112; 1981 c. 183; 1985 a. 293 s. 3; 1987 a. 90, 332, 399, 403; 1991 a. 153, 269; 1993 a. 50, 92, 94, 227, 441, 445, 491; 1997 a. 143, 180, 295; 1999 a. 32; 2001 a. 109.

15 **SECTION 82.** 970.03 (4) (a) of the statutes is amended to read:

16 970.03 (4) (a) If the defendant is accused of a crime under s. 940.225, 948.02,
17 948.025, 948.05, 948.06, 948.085, or 948.095, the court may exclude from the hearing
18 all persons who are not officers of the court, members of the complainant’s or
19 defendant’s families or others considered by the court to be supportive of the
20 complainant or defendant, the service representative, as defined in s. 895.73 (1) (c),
21 or other persons required to attend, if the court finds that the state or the defendant
22 has established a compelling interest that would likely be prejudiced if the persons
23 were not excluded. The court may consider as a compelling interest, among others,

1 the need to protect a complainant from undue embarrassment and emotional
2 trauma.

History: 1975 c. 184; 1977 c. 449; 1979 c. 112, 332; 1985 a. 267; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 332 s. 64; 1987 a. 403; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 193, 276; 1993 a. 27, 98, 227, 486; 1995 a. 456; 1997 a. 252; 1999 a. 111; 2001 a. 103; 2003 a. 36; 2005 a. 42.

3 **SECTION 83.** 971.17 (1m) (a) of the statutes is amended to read:

4 971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of
5 mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or,
6 948.025, or 948.085, the court shall require the person to provide a biological
7 specimen to the state crime laboratories for deoxyribonucleic acid analysis.

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50.

8 **SECTION 84.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

9 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason
10 of mental disease or defect for a violation, or for the solicitation, conspiracy, or
11 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02
12 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085,
13 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if
14 the victim was a minor and the defendant was not the victim's parent, the court shall
15 require the defendant to comply with the reporting requirements under s. 301.45
16 unless the court determines, after a hearing on a motion made by the defendant, that
17 the defendant is not required to comply under s. 301.45 (1m).

History: 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50.

18 **SECTION 85.** 971.31 (11) of the statutes is amended to read:

19 971.31 (11) In actions under s. 940.225, 948.02, 948.025, 948.085, or 948.095,
20 evidence which is admissible under s. 972.11 (2) must be determined by the court
21 upon pretrial motion to be material to a fact at issue in the case and of sufficient

1 probative value to outweigh its inflammatory and prejudicial nature before it may
2 be introduced at trial.

History: 1975 c. 184; 1985 a. 275; 1987 a. 332 s. 64; 1993 a. 227, 486; 1995 a. 352, 387, 456; 1997 a. 205.

3 **SECTION 86. 971.37 (1) (intro.)** of the statutes is amended to read:

4 971.37 (1) (intro.) In this section, “child sexual abuse” means an alleged
5 violation of s. 940.225, 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095 if the
6 alleged victim is a minor and the person accused of, or charged with, the violation:

History: 1979 c. 111; 1981 c. 88, 366; 1983 a. 204; 1987 a. 27; 1987 a. 332 s. 64; 1991 a. 39; 1993 a. 227, 262, 319; 1995 a. 343, 353, 456; 1997 a. 35, 143; 2003 a. 139.

7 **SECTION 87. 972.11 (2) (b) (intro.)** of the statutes is amended to read:

8 972.11 (2) (b) (intro.) If the defendant is accused of a crime under s. 940.225,
9 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, any evidence concerning the
10 complaining witness’s prior sexual conduct or opinions of the witness’s prior sexual
11 conduct and reputation as to prior sexual conduct shall not be admitted into evidence
12 during the course of the hearing or trial, nor shall any reference to such conduct be
13 made in the presence of the jury, except the following, subject to s. 971.31 (11):

History: Sup. Ct. Order, 59 Wis. 2d R1, R7 (1973); Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 184, 422; 1979 c. 89; 1981 c. 147 ss. 1, 2; 1983 a. 165, 449; 1985 a. 275; 1987 a. 332 s. 64; 1993 a. 16, 97, 227, 359; 1995 a. 456; 1997 a. 319; 1999 a. 185; 2001 a. 16.

14 **SECTION 88. 972.11 (2) (d) 1. (intro.)** of the statutes is amended to read:

15 972.11 (2) (d) 1. (intro.) If the defendant is accused of a crime under s. 940.225,
16 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, evidence of the manner of dress
17 of the complaining witness at the time when the crime occurred is admissible only
18 if it is relevant to a contested issue at trial and its probative value substantially
19 outweighs all of the following:

History: Sup. Ct. Order, 59 Wis. 2d R1, R7 (1973); Sup. Ct. Order, 67 Wis. 2d 585, 784 (1975); 1975 c. 184, 422; 1979 c. 89; 1981 c. 147 ss. 1, 2; 1983 a. 165, 449; 1985 a. 275; 1987 a. 332 s. 64; 1993 a. 16, 97, 227, 359; 1995 a. 456; 1997 a. 319; 1999 a. 185; 2001 a. 16.

20 **SECTION 89. 973.01 (3g)** of the statutes is amended to read:

21 973.01 (3g) **EARNED RELEASE PROGRAM ELIGIBILITY.** When imposing a bifurcated
22 sentence under this section on a person convicted of a crime other than a crime
23 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,

1 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise of its
2 sentencing discretion, decide whether the person being sentenced is eligible or
3 ineligible to participate in the earned release program under s. 302.05 (3) during the
4 term of confinement in prison portion of the bifurcated sentence.

History: 1997 a. 283; 2001 a. 109; 2003 a. 33.

5 **SECTION 90.** 973.01 (3m) of the statutes is amended to read:

6 **973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY.** When imposing
7 a bifurcated sentence under this section on a person convicted of a crime other than
8 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
9 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise
10 of its sentencing discretion, decide whether the person being sentenced is eligible or
11 ineligible for the challenge incarceration program under s. 302.045 during the term
12 of confinement in prison portion of the bifurcated sentence.

History: 1997 a. 283; 2001 a. 109; 2003 a. 33.

13 **SECTION 91.** 973.017 (4) (a) 2. of the statutes is amended to read:

14 973.017 (4) (a) 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2),
15 948.02 (1) or (2), ~~or~~ 948.025, 948.085.

History: 2001 a. 109; 2003 a. 321; 2005 a. 14.

16 **SECTION 92.** 973.046 (1r) of the statutes is amended to read:

17 973.046 (1r) If a court imposes a sentence or places a person on probation for
18 a violation of s. 940.225, 948.02 (1) or (2) ~~or~~, 948.025, 948.085, the court shall impose
19 a deoxyribonucleic acid analysis surcharge of \$250.

History: 1993 a. 16; 1995 a. 201; 1997 a. 27; 1999 a. 9; 2003 a. 33.

20 **SECTION 93.** 973.048 (2m) of the statutes is amended to read:

21 973.048 (2m) If a court imposes a sentence or places a person on probation for
22 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
23 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,

1 948.06, 948.07, 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12,
2 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person
3 was not the victim's parent, the court shall require the person to comply with the
4 reporting requirements under s. 301.45 unless the court determines, after a hearing
5 on a motion made by the person, that the person is not required to comply under s.
6 301.45 (1m).

7 **History:** 1995 a. 440; 1997 a. 130; 1999 a. 89; 2001 a. 109; 2003 a. 50.

7 **SECTION 94.** 973.176 (3) of the statutes is amended to read:

8 973.176 (3) CHILD SEX OFFENDER WORKING WITH CHILDREN. Whenever a court
9 imposes a sentence or places a defendant on probation regarding a conviction under
10 s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time
11 of the offense, or a conviction under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m),
12 948.06, 948.07 (1), (2), (3), or (4), ~~or~~ 948.075, or 948.085, the court shall inform the
13 defendant of the requirements and penalties under s. 948.13.

14 **History:** 2003 a. 121 ss. 2, 3, 5.

14 **SECTION 95.** 973.195 (1r) (d) of the statutes is amended to read:

15 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for
16 an offense under s. 940.225 (2) or (3), 948.02 (2), ~~or~~ 948.08, or 948.085, and the district
17 attorney does not object to the petition within 10 days of receiving notice under par.
18 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the
19 inmate's petition. The notice to the victim shall include information on the sentence
20 adjustment petition process under this subsection, including information on how to
21 object to the inmate's petition. If the victim objects to adjustment of the inmate's
22 sentence within 45 days of the date on which the district attorney received notice
23 under par. (c), the court shall deny the inmate's petition.

24 **History:** 2001 a. 109.

24 **SECTION 96.** 973.20 (4m) of the statutes is amended to read:

