

ASSEMBLY BILL 784 (LRB -3859)

An Act to renumber and amend 939.623, 939.624 and 948.02 (1); to amend 939.30 (2), 939.31, 939.32 (1) (a), 948.025 (1) (a), 973.01 (2) (a), 973.01 (2) (b) 1., 973.01 (2) (d) (intro.), 973.01 (2) (d) 1., 973.01 (3) and 973.014 (1g) (a) 1.; and to create 939.617 and 948.02 (1) (b) of the statutes; relating to: a mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties. (FE)

2005

10-25.	A.	Introduced by Representatives Suder, Honadel, Kleefisch, Van Roy, Jeskewitz, Nischke, J. Fitzgerald, Gronemus, Montgomery, Mursau, Turner, Albers, Lothian, Sheridan, Hines, Wood, McCormick, Gunderson, Lamb, Nass, Pettis, Pridemore, Musser, LeMahieu, Hundertmark, Moulton and Stone ; cosponsored by Senators Darling, Zien, A. Lasee, Roessler, Lazich, Lassa, Grothman and Kanavas .	
10-25.	A.	Read first time and referred to committee on Criminal Justice and Homeland Security	534
10-25.	A.	Representative Kreibich added as a coauthor	536
10-27.	A.	Representative Gundrum added as a coauthor	548
10-27.	A.	Executive action taken.	
10-31.	A.	Report passage recommended by committee on Criminal Justice and Homeland Security, Ayes 8, Noes 3	557
10-31.	A.	Referred to committee on Rules	557
11-01.	A.	Placed on calendar 11-8-2005 by committee on Rules.	
11-08.	A.	Fiscal estimate received.	
11-08.	A.	Representative Gielow added as a coauthor	592
11-08.	A.	Read a second time	592
11-08.	A.	Ordered to a third reading	592
11-08.	A.	Rules suspended	592
11-08.	A.	Read a third time and passed , Ayes 82, Noes 13, Paired 2	592
11-08.	A.	Ordered immediately messaged	592
11-09.	S.	Received from Assembly	446
11-09.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	447
11-10.	S.	Public hearing held.	
11-16.	S.	Fiscal estimate received.	

2006

03-01.	S.	Executive action taken.	
03-01.	S.	Report introduction of Senate Substitute Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 1.	
03-01.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 1	650
03-01.	S.	Report concurrence as amended recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 1	651
03-01.	S.	Available for scheduling.	
03-06.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Darling (LRB a2618)	693
03-06.	S.	Placed on calendar 3-7-2006 by committee on Senate Organization.	
03-07.	S.	Senator Stepp added as a cosponsor	695
03-07.	S.	Read a second time	708
03-07.	S.	Senate amendment 1 to Senate substitute amendment 1 laid on table.	
03-07.	S.	Senate amendment 2 to Senate substitute amendment 1 offered by Senator Darling (LRB a2700)	708
03-07.	S.	Senate amendment 2 to Senate substitute amendment 1 laid on table	708
03-07.	S.	Senate substitute amendment 1 laid on table	708
03-07.	S.	Senate substitute amendment 2 offered by Senators Darling and Grothman (LRB s0636)	708
03-07.	S.	Senate substitute amendment 2 adopted , Ayes 33, Noes 0	708
03-07.	S.	Ordered to a third reading	709
03-07.	S.	Rules suspended	709
03-07.	S.	Read a third time and concurred in as amended, Ayes 31, Noes 2	709
03-07.	S.	Ordered immediately messaged	710
03-14.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 2 adopted)	972
03-14.	A.	Referred to committee on Rules	973
04-25.	A.	Placed on calendar 4-27-2006 by committee on Rules.	
04-27.	A.	Senate substitute amendment 2 concurred in .	
04-27.	A.	Action ordered immediately messaged.	

MB

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig

Engr

S SubAmdt 2

05 50636 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

5-1-06

Date

J.R. [Signature]

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**SENATE SUBSTITUTE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 784**

March 7, 2006 - Offered by Senators DARLING and GROTHMAN.

1 **AN ACT** *to renumber and amend* 948.02 (1); *to amend* 948.025 (1) (a) and
2 948.025 (2) (a); and *to create* 939.617, 939.66 (2p), 948.02 (1) (a), (c), (d) and
3 (e), 948.025 (1) (ag) and (ar) and 948.025 (2) (ag) and (ar) of the statutes;
4 **relating to:** mandatory terms of confinement for certain child sex offenses and
5 providing penalties.

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

6 **SECTION 1.** 939.617 of the statutes is created to read:
7 **939.617 Mandatory minimum sentence for child sex offenses.** (1) If a
8 person is convicted of a violation of s. 948.02 (1) (b) or (c) or 948.025 (1) (a), the court
9 shall impose a bifurcated sentence under s. 973.01. The term of confinement in
10 prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the
11 penalties for the crime apply, subject to any applicable penalty enhancement.

1 (2) If a person is convicted of a violation of s. 948.02 (1) (d) or 948.025 (1) (ag),
2 the court shall impose a bifurcated sentence under s. 973.01. The term of
3 confinement in prison portion of the bifurcated sentence shall be at least 5 years.
4 Otherwise the penalties for the crime apply, subject to any applicable penalty
5 enhancement.

6 (3) This section does not apply if s. 939.62 (2m) (c) applies.

7 **SECTION 2.** 939.66 (2p) of the statutes is created to read:

8 **939.66 (2p)** A crime which is a less serious or equally serious type of violation
9 under s. 948.02 than the one charged.

10 **SECTION 3.** 948.02 (1) of the statutes is renumbered 948.02 (1) (b) and amended
11 to read:

12 **948.02 (1) (b)** Whoever has ~~sexual contact or~~ sexual intercourse with a person
13 who has not attained the age of ~~13~~ 12 years is guilty of a Class B felony.

14 **SECTION 4.** 948.02 (1) (a), (c), (d) and (e) of the statutes are created to read:

15 **948.02 (1) (a)** In this subsection, “sexual intercourse” means vulvar
16 penetration as well as cunnilingus, fellatio, or anal intercourse between persons or
17 any intrusion of any inanimate object into the genital or anal opening either by the
18 defendant or upon the defendant’s instruction. The emission of semen is not
19 required.

20 (c) Whoever has sexual intercourse with a person who has not attained the age
21 of 16 years by use or threat of force or violence is guilty of a Class B felony.

22 (d) Whoever has sexual contact with a person who has not attained the age of
23 16 years by use or threat of force or violence is guilty of a Class B felony if the actor
24 is at least 18 years of age when the sexual contact occurs.

1 (e) Whoever has sexual contact with a person who has not attained the age of
2 13 years is guilty of a Class B felony.

3 **SECTION 5.** 948.025 (1) (a) of the statutes is amended to read:

4 948.025 (1) (a) A Class B felony if at least 3 of the violations were violations of
5 s. 948.02 (1) (b) or (c).

6 **SECTION 6.** 948.025 (1) (ag) and (ar) of the statutes are created to read:

7 948.025 (1) (ag) A Class B felony if at least 3 of the violations were violations
8 of s. 948.02 (1) (b), (c), or (d) but fewer than 3 of the violations were violations of s.
9 948.02 (1) (b) or (c).

10 (ar) A Class B felony if at least 3 of the violations were violations of s. 948.02
11 (1) (b), (c), (d), or (e) but fewer than 3 of the violations were violations of s. 948.02 (1)
12 (b), (c), or (d).

13 **SECTION 7.** 948.025 (2) (a) of the statutes is amended to read:

14 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
15 the defendant guilty the members of the jury must unanimously agree that at least
16 3 violations of s. 948.02 (1) (b) or (c) occurred within the specified period of time but
17 need not agree on which acts constitute the requisite number and need not agree on
18 whether a particular violation was a violation of s. 948.02 (1) (b) or (c).

19 **SECTION 8.** 948.025 (2) (ag) and (ar) of the statutes are created to read:

20 948.025 (2) (ag) If an action under sub. (1) (ag) is tried to a jury, in order to find
21 the defendant guilty the members of the jury must unanimously agree that at least
22 3 violations of s. 948.02 (1) (b), (c), or (d) occurred within the specified period of time
23 but need not agree on which acts constitute the requisite number and need not agree
24 on whether a particular violation was a violation of s. 948.02 (1) (b), (c), or (d).

