

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB784)

Received: **03/01/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **David**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.state.wi.us**

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

Pre Topic:

No specific pre topic given

Topic:

Mandatory minimum sentences for certain sex offenses against children

Instructions:

See Attached--agreement on Jessica's law

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:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0613/2
CMH:.....

lmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 784

1 AN ACT ^{refer cat} relating to: mandatory terms of confinement for certain child sex
2 offenses and providing penalties.

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

3 SECTION 1. 939.617 of the statutes is created to read:

4 **939.617 Mandatory minimum sentence for child sex offenses.** (1) If a
5 person is convicted of a violation of s. 948.02 (1) (b) or (c) or 948.025 (1) (a), the court
6 shall impose a bifurcated sentence under s. 973.01. The term of confinement in
7 prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the
8 penalties for the crime apply, subject to any applicable penalty enhancement.

9 (2) If a person is convicted of a violation of s. 948.02 (1) (d) or 948.025 (1) (ag),
10 the court shall impose a bifurcated sentence under s. 973.01. The term of
11 confinement in prison portion of the bifurcated sentence shall be at least 5 years.

1 Otherwise the penalties for the crime apply, subject to any applicable penalty
2 enhancement. ✓

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

4 SECTION 2. 948.02 (1) of the statutes is renumbered 948.02 (1) (b) and amended
5 to read:

6 948.02 (1) (b) Whoever has ~~sexual contact or~~ sexual intercourse with a person
7 who has not attained the age of 13 12 years is guilty of a Class B felony. ✓

8 History: 1987 a. 332; 1989 a. 31; 1995 a. 14, 69; 2001 a. 109. ✓

8 SECTION 3. 948.02 (1) (a), (c), (d) and (e) of the statutes are created to read:

9 948.02 (1) (a) In this subsection, "sexual intercourse" means vulvar
10 penetration as well as cunnilingus, fellatio, or anal intercourse between persons or
11 any intrusion of any object into the genital or anal opening either by the defendant
12 or upon the defendant's instruction. ✓ The emission of semen is not required. ✓

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

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

18 (e) Whoever has sexual contact with a person who has not attained the age of
19 13 years is guilty of a Class B felony. ✓

20 SECTION 4. 948.025 (1) (a) of the statutes is amended to read:

21 948.025 (1) (a) A Class B felony if at least 3 of the violations were violations of
22 s. 948.02 (1) (b) or (c). ✓

23 History: 1993 a. 227; 1995 a. 14; 2001 a. 109. ✓

23 SECTION 5. 948.025 (1) (ag) and (ar) of the statutes are created to read:

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

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

7 **SECTION 6.** 948.025 (2) (a) of the statutes is amended to read:

8 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
9 the defendant guilty the members of the jury must unanimously agree that at least
10 3 violations of s. 948.02 (1) (b) or (c) occurred within the specified period of time but
11 need not agree on which acts constitute the requisite number and need not agree on
12 whether a particular violation was a violation of s. 948.02 (1) (b) or (c).

13 History: 1993 a. 227; 1995 a. 14; 2001 a. 109.

13 **SECTION 7.** 948.025 (2) (ag) and (ar) of the statutes are created to read:

14 948.025 (2) (ag) If an action under sub. (1) (ag) 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), (c), or (d) occurred within the specified period of time
17 but need not agree on which acts constitute the requisite number and need not agree
18 on whether a particular violation was a violation of s. 948.02 (1) (b), (c), or (d).

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

24

(END)