

2005 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0637/1)-AB591)

Received: **03/07/2006**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Jim Emerson**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

Tracking persons who commit child sex offenses

Instructions:

See Attached--identical to s02726

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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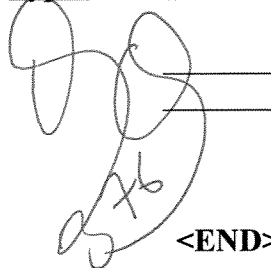
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FE Sent For:

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(CRAS 0637/1)

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 591**

no chgs

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 4, line 20: after "(7)" insert "or (8)".
- 3 **2.** Page 4, line 23: delete lines 23 to 25 and substitute:
- 4 "(e) Serious child sex offense" means a violation of, or the solicitation,
- 5 conspiracy, or attempt to engage in conduct in violation of, any of the following:
- 6 1. Section 948.02 (1) (b), (c), or (d) or 948.025 (1) (a) or (ag).
- 7 2. Section 948.02 (1), 2003 stats., s. 948.02 (2), 2003 stats., or s. 948.025 (1),
- 8 2003 stats., if any of the following applies:
- 9 a. The actor has sexual intercourse with a person who has not attained the age
- 10 of 12 years.
- 11 b. The actor has sexual intercourse with a person who has not attained the age
- 12 of 16 years by use or threat of force or violence.

1 c. The actor has sexual contact with a person who has not attained the age of
2 16 years by use or threat of force or violence and the actor is at least 18 years of age
3 when the contact occurs.”.

4 **3.** Page 4, line 23: delete lines 23 to 25 and substitute:

5 “(em) Serious child sex offense” means a violation of, or the solicitation,
6 conspiracy, or attempt to engage in conduct in violation of, s. 948.02 (1) or (2) or
7 948.025 (1) if any of the following applies:

8 1. The actor has sexual intercourse with a person who has not attained the age
9 of 12 years.

10 2. The actor has sexual intercourse with a person who has not attained the age
11 of 16 years by use or threat of force or violence.

12 3. The actor has sexual contact with a person who has not attained the age of
13 16 years by use or threat of force or violence and the actor is at least 18 years of age
14 when the contact occurs.”.

15 **4.** Page 5, line 1: delete lines 1 to 3.

16 **5.** Page 5, line 7: after that line insert:

17 “(g) “Sexual intercourse” means vulvar penetration as well as cunnilingus,
18 fellatio, or anal intercourse between persons or any intrusion of any inanimate object
19 into the genital or anal opening either by the defendant or upon the defendant’s
20 instruction. The emission of semen is not required.”.

21 **6.** Page 5, line 8: delete “Unless a court exempts the person under sub. (5), the”
22 and substitute “The”.

23 **7.** Page 9, line 9: delete lines 9 to 24.

24 **8.** Page 10, line 1: delete lines 1 to 24.

1 **9.** Page 11, line 1: delete lines 1 to 25.

2 **10.** Page 12, line 1: delete lines 1 to 4.

3 **11.** Page 16, line 15: after that line insert:

4 “(8) (a) In this subsection, “relative” means a child, brother, sister, first cousin,
5 2nd cousin, nephew, niece, grandchild, or great grandchild, or any other person
6 related by blood, marriage, or adoption.

7 (b) Notwithstanding sub. (2), the department may terminate a person’s lifetime
8 tracking after 10 years if the victim of the serious child sex offense for which the
9 person is being tracked is a relative of the person being tracked.”.

10 **12.** Page 16, line 21: delete lines 21 to 25.

11 **13.** Page 17, line 1: delete lines 1 to 11.

12 **14.** Page 23, line 22: after that line insert:

13 “**SECTION 23m. Nonstatutory provisions.**

14 (1m) RECONCILIATION PROVISIONS.

15 (a) If 2005 Wisconsin Act (Assembly Bill 784) is enacted into law, if sections
16 948.02 and 948.025 of the statutes are affected by that act in the manner shown in
17 Senate Substitute Amendment (LRBs0636), then the treatment of section 301.48
18 (1) (em) of the statutes by this act is void.

19 (b) If 2005 Wisconsin Act (Assembly Bill 784) is enacted into law, if sections
20 948.02 and 948.025 of the statutes are not affected by that act in the manner shown
21 in Senate Substitute Amendment (LRBs0636), then the treatment of section
22 301.48 (1) (e) of the statutes by this act is void.”.

