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☞ (FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Judiciary, Corrections and Privacy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

Present: (5) Senators Zien, Roessler, Grothman, Taylor and
Risser.
Absent: (0) None.

February 16, 2006

EXECUTIVE SESSION HELD

Present: (5) Senators Zien, Roessler, Grothman, Taylor and
Risser.
Absent: (0) None.

April 26, 2006

EXECUTIVE SESSION HELD

Present: (5) Senators Zien, Roessler, Grothman, Taylor and
Risser.
Absent: (0) None.

Moved by Senator Grothman, seconded by Senator Roessler that
Senate Substitute Amendment 1 be recommended for adoption.

Ayes: (5) Senators Zien, Roessler, Grothman, Taylor
and Risser.
Noes: (0) None.

ADOPTION OF SENATE SUBSTITUTE AMENDMENT 1
RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Grothman, seconded by Senator Roessler that
Senate Bill 580 be recommended for passage as amended.

Ayes: (4) Senators Zien, Roessler, Grothman and
Taylor.
Noes: (1) Senator Risser.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 1

Kimber Liedl
Committee Clerk

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 4/26/06

Moved by: Grothman

Seconded by: Roessler

AB _____ SB 580 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

0 A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage
 - Adoption
 - Introduction
 - Rejection
 - Confirmation
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Indefinite Postponement

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>1</u>	_____	_____

Motion Carried Motion Failed

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 4/26/06
 Moved by: Grothman Seconded by: Roessler

AB _____ SB 580 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage
 - Adoption
 - Confirmation
 - Concurrence
 - Indefinite Postponement
 - Introduction
 - Rejection
 - Tabling
 - Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	_____	_____

Motion Carried

Motion Failed

held

Vote Record Committee on Judiciary, Corrections and Privacy

Date: _____

Moved by: _____ Seconded by: _____

AB _____	SB <u>580</u> _____	Clearinghouse Rule _____
AJR _____	SJR _____	Appointment _____
AR _____	SR _____	Other _____

A/S Amdt 1 _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | | | | |
|--|--|---------------------------------------|---|--|
| <input type="checkbox"/> Passage | <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____





STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

February 7, 2006

State Representative Scott Suder, Chair
Assembly Criminal Justice and Homeland Security Committee
Room 21 North, State Capitol

State Senator Dave Zien, Chair
Senate Judiciary, Corrections, and Privacy Committee
Room 15 South, State Capitol

Dear Chairman Suder & Chairman Zien:

I write to you today regarding 2005 Assembly Bill 942 and 2005 Senate Bill 580, companion bills relating to child pornography, sexual exploitation of a child, using a computer to facilitate a child sex crime, and child sex offenders working with children. I ask that you request the Joint Review Committee on Criminal Penalties (JRCCP) to prepare a report on the bills under Chapter 13.525 (5) (b) of the Wisconsin Statutes.

As you probably know, under Chapter 13.525, the JRCCP must review any bill that would create a new crime or revise a penalty for an existing crime upon the request of the chairperson of the standing committee to which the bill is referred. The standing committee may not vote on whether to recommend the bill for passage before the JRCCP submits a report or before the 30th day after a report is requested, whichever is earlier.

The report under Chapter 13.525 shall include: 1) the costs that are likely to be incurred or saved by the Department of Corrections, the Department of Justice, the State Public Defender, the courts, district attorneys and other state and local government agencies if the bill is enacted; 2) the consistency of penalties proposed in the bill with existing criminal penalties; 3) alternative language needed, if any, to conform penalties proposed in the bill to penalties in existing criminal statutes; and 4) whether acts prohibited under the bill are prohibited under existing criminal statutes.

Assembly Bill 942 and Senate Bill 580 make several changes to existing criminal penalties. The bills reclassify certain child pornography offenses from Class I felonies to Class C felonies, and create a minimum mandatory prison term of 3 years. The bills also reclassify sexual exploitation of a child from a Class F felony to a Class C felony and create a minimum mandatory prison term of 5 years. Finally, AB 942 and SB 580 create a minimum mandatory prison term of 5 years for using a computerized communication system to communicate with an individual who the actor believes is under 16 with the intent to have sexual contact or intercourse with the individual.

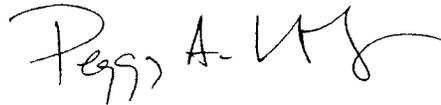
In 2002, the legislature passed Act 109, follow-up legislation to the state's Truth-in-Sentencing law and a major revision to the state's criminal penalties structure. As part of Act 109, the legislature wisely created the JRCCP to study the costs and uniformity of future criminal penalty proposals, and to prevent the legislature from rushing to pass costly tough-on-crime proposals that cause inconsistencies in Wisconsin's criminal code.

While I think Wisconsin must make great strides to protect children from those that would do them harm and that minimum mandatory sentences may result in longer prison terms for some offenders, I would like to see the JRCCP evaluate whether AB 942 and SB 580 offer the best solution for dealing with those committing certain child pornography and computer crimes.

AB 942 and SB 580 are prime examples of the kind of legislation that should be referred to the JRCCP. I believe a report from the JRCCP will assist your committees in their deliberations by providing valuable information on the bills' impact on Wisconsin's criminal justice system.

Please give serious consideration to having AB 942 and SB 580 reviewed by the Joint Review Committee on Criminal Penalties prior to any action by your committees.

Very truly yours,

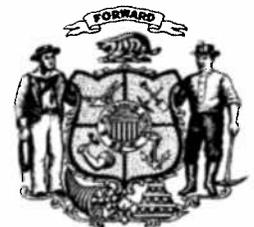
A handwritten signature in black ink, appearing to read "Peggy A. Lautenschlager". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peggy A. Lautenschlager
Attorney General

c: Assembly Criminal Justice and Homeland Security Committee members
Senate Judiciary, Corrections, and Privacy Committee members
State Senator Alberta Darling



WISCONSIN STATE LEGISLATURE



FORWARD

Alberta Darling

Wisconsin State Senator

Joint Committee on Finance

TESTIMONY IN SUPPORT OF SENATE BILL 580 – FEBRUARY 8, 2006

Thank you Chairmen Zien and Suder, and committee members for this opportunity to speak in favor of Assembly Bill 942 and Senate Bill 580. I am the lead Senate sponsor of this bill, and I commend Representatives Jeskewitz and Suder for their leadership on this important initiative.

No one needs persuading that child pornography is an abomination. It destroys the young lives of those who are exploited in the production of this material, and often incites the viewers to commit unspeakable acts that victimize additional children.

The Internet and other relatively new technologies have resulted in a shocking proliferation of child pornography, and our laws and penalties ought to be strengthened in accordance with the increase in its production and possession. The Internet has also been a tool for sexual offenders to reach young people, attempting to gain their confidence and trust before arranging to meet in person for lurid purposes. Senate Bill 580 enhances law enforcement's ability to prosecute these predators.

The bill:

- Increases to a Class C felony the crimes of possession, production and distribution of child pornography
- Requires a mandatory minimum sentence of three years for possession and five years for distribution
- Clarifies "acts" that satisfy the "other act" in the crime of using a computer to facilitate a child sex crime
- Imposes a \$500 per image mandatory minimum surcharge
- Strengthens current law on sex offenders working with children under 16

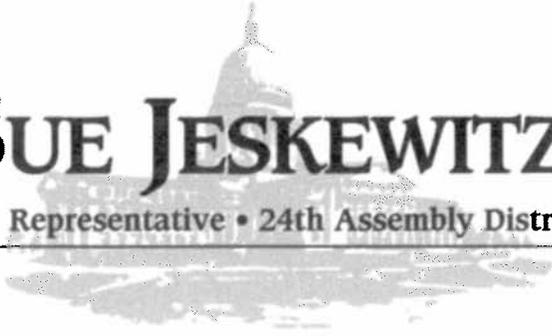
Thank you again for your consideration of my remarks. I look forward to working with the committees on concerns that members may have.

Capitol Office: P.O. Box 7882 □ Madison, Wisconsin 53707-7882 □ Phone: 608-266-5830 □ Fax: 608-267-0588 □ Toll-free: 1-800-863-1113

District Office: N88 W16621 Appleton Avenue □ Menomonee Falls, Wisconsin 53051

Email: Sen.Darling@legis.state.wi.us □ **Web page:** www.legis.state.wi.us/senate/sen08/news/





SUE JESKEWITZ

State Representative • 24th Assembly District

Assembly Bill 942

**Testimony before the Senate Committee on Judiciary, Corrections and Privacy and the
Assembly Committee on Criminal Justice**

February 8, 2006

Good morning members of the committees. I appreciate the opportunity to testify today on Assembly Bill 942.

At my daughter's request I attended a presentation at the school where she is principal. The presentation was done by Eric Szatkowski from the dept of justice. I was horrified and appalled at the information that he presented. That was the impetus for this legislation.

In recent months we have increasingly been hearing about how, through the use of technology, internet sexual predators have become our children's worst nightmare. These predators are creeping into our homes, uninvited, and robbing them of their innocence.

Current law prohibits the sexual exploitation of a child and the possession, production or distribution of child pornography. Unfortunately, not only do these crimes have a felony classification that is too low, if a District Attorney actually files charges and is successful prosecuting under current statutes, judges often hand down little or no jail time to these monsters who destroy our children both physically and mentally.

This bill:

- **removes language to strengthen current law regarding sex offenders working with children under 16 years of age.**
- **changes these crimes to a Class C felony;**
- **requires a mandatory minimum sentence of at least three years for possession and at least five years for distribution of child pornography;**
- **provides clarification of the act of meeting the child.**
- **requires a mandatory minimum surcharge of \$500 per image.**

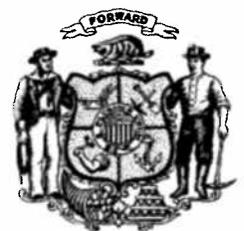
It's an epidemic. The Internet has opened Pandora's box to some of the most evil images of children people could ever imagine seeing.

We cannot afford to ignore the damage these degenerates are doing to our children. Not just today, but in the long term as well.

Thank you again for this opportunity. I am happy to answer any questions.



WISCONSIN STATE LEGISLATURE



no date



Wisconsin Coalition Against Sexual Assault, Inc.

600 Williamson Street
Madison, WI 53703
(608) 257-1516

To: Assembly Committee on Criminal Justice and Homeland Security and Senate Committee on Judiciary Corrections and Privacy

From: Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault, Inc.

Re: Wisconsin Coalition Against Sexual Assault, Inc. Support for AB 942/SB 580

My name is Mike Murray and I am the policy specialist for the Wisconsin Coalition Against Sexual Assault, Inc. [WCASA]. WCASA represents nearly 200 individual, affiliate and organizational members across the state. Our goal is to work toward ending sexual violence in Wisconsin.

I am submitting this testimony to urge this committee to support AB 942/ SB 580, which would provide for harsher penalties for offenders convicted of possessing child pornography or sexual exploitation of a child. WCASA supports Rep. Jeskewitz's, Rep. Suder's, and Sen. Darling's efforts to hold perpetrators accountable and protect our communities from offenders who support or participate in the sexual exploitation of children.

Adults who produce, distribute, or knowingly possess child pornography are actively involved in the sexual exploitation of children. Offenders who produce child pornography usually prey upon our communities' most vulnerable children. Many child victims of pornography are running away from home and are enticed to participate in pornography for economic survival. Offenders who purchase or possess child pornography create the demand necessary to sustain this industry. These offenders also contribute to the circulation of these harmful images.

Child pornography can sometimes be a "gateway" to even more serious child sexual abuse. Child pornography depicts children as wanting to be molested, sexually assaulted, and exploited and legitimizes child sexual abuse by implying that victims are not harmed by such behavior because they somehow "desire" this experience. Numerous studies have indicated that a very high percentage of child sex abusers use pornography for their own personal use or to seduce child victims.

Child pornography also has devastating effects on children who are exploited by this industry. Child victims of pornography experience severe psychological scarring. Many child victims experience post-traumatic stress syndrome (PTSD), flashbacks, and sleep disturbances. Victims of child pornography are often brainwashed by pornographers to think that they are to blame for their victimization, which can lead to feelings of guilt, betrayal, rage, worthlessness, and even suicide. The knowledge that pornographic images of oneself are circulating for the public to view is also extremely embarrassing and stressful for victims. Since victims of child pornography do not control how these images are distributed, the circulation and distribution of these images is equivalent to a lifetime invasion of the victim's privacy.

Wisconsin's children deserve to be protected from adult offenders who knowingly support the exploitation of children. AB 942/SB 580 will help ensure that these offenders are held accountable for their actions. On behalf of WCASA and its members, I urge you to please support this legislation.