

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2066/P2ins
CTS:.....

LPS: Please
check for
extra spaces.

1 **Insert 5-6:**

2 **SECTION 1.** 178.27 (3) of the statutes is created to read:

3 178.27 (3) Upon application by a district attorney or the attorney general, the
4 court shall decree a dissolution if the partnership has violated s. 940.302 (2) or s.
5 948.051 (2).

6 **SECTION 2.** 178.45 (1m) of the statutes is created to read:

7 178.45 (1m) The department may not grant a certificate of authority to a
8 foreign ^{registered} limited liability partnership if the partnership has violated s. 940.302 (2) or
9 s. 948.051 (2). Upon application by a district attorney or the attorney general, a court
10 shall revoke a foreign ^{registered} limited liability partnership's certificate of authority if the
11 foreign ^{registered} limited liability partnership has violated s. 940.302 (2) or s. 948.051 (2).

12 **SECTION 3.** 179.72 of the statutes is renumbered 179.72 (1).

13 **SECTION 4.** 179.72 (2) of the statutes is created to read:

14 179.72 (2) On application by a district attorney or the attorney general, the
15 circuit court shall order dissolution of a limited partnership, if the limited
16 partnership has violated s. 940.302 (2) or s. 948.051 (2).

17 **SECTION 5.** 179.83 (1m) of the statutes is created to read:

18 179.83 (1m) Notwithstanding sub. (1), the department may not issue a
19 certificate of registration to a foreign ^{registered} limited partnership if the foreign ^{registered} limited
20 partnership has violated s. 940.302 (2) or s. 948.051 (2).

21 **SECTION 6.** 179.86 (3) of the statutes is created to read:

1 179.86 (3) Upon application by a district attorney or the attorney general, a
2 court shall cancel the registration of a foreign limited partnership if the foreign
3 limited partnership has violated s. 940.302 (2) or s. 948.051 (2).

4 ~~SECTION 7.~~ 180.1420 (6) of the statutes is created to read:

5 180.1420 (6) The corporation violates s. 940.302 (2) or s. 948.051 (2).

6 ~~SECTION 8.~~ 180.1503 (title) of the statutes is amended to read:

7 **180.1503 (title) Application for certificate of authority; limitation.**

8 History: 1989 a. 303; 1993 a. 214; 1995 a. 27.

8 ~~SECTION 9.~~ 180.1503 (3) of the statutes is created to read:

9 180.1503 (3) The department may not issue a certificate of authority to a
10 foreign corporation if the foreign corporation has violated s. 940.302 (2) or s. 948.051
11 (2).

12 ~~SECTION 10.~~ 180.1530 (1) (g) of the statutes is created to read:

13 180.1530 (1) (g) The foreign corporation violates s. 940.302 (2) or s. 948.051 (2).

14 ~~SECTION 11.~~ 181.1420 (7) of the statutes is created to read:

15 181.1420 (7) ^{(No B) (CS)} **Human trafficking.** The corporation violates s. 940.302 (2) or
16 s. 948.051 (2).

17 ~~SECTION 12.~~ 181.1503 (title) of the statutes is amended to read:

18 **181.1503 (title) Application for certificate of authority; limitation.**

19 History: 1997 a. 79.

19 ~~SECTION 13.~~ 181.1503 (3) of the statutes is created to read:

20 181.1503 (3) ^{(S) Human trafficking} The department may not issue a certificate of authority to a
21 foreign corporation if the foreign corporation has violated s. 940.302 (2) or s. 948.051
22 (2).

23 ~~SECTION 14.~~ 181.1530 (1) (g) of the statutes is created to read:

24 181.1530 (1) (g) The foreign corporation violates s. 940.302 (2) or s. 948.051 (2).

2007-2008 DRAFTING INSERT
FROM THE
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LRB-2066/P1ins
CMH:wlj:nwn

1

2

Insert 6-17

3

Not

or under s. 940.302 (2) if the court determines that the offense was sexually motivated, as defined in s. 980.01 (5).

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Insert 6-19

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~~SECTION 1~~ 938.34 (15m) (bm) of the statutes is amended to read:

8

938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a

9

violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22

10

(2), 940.225 (1), (2), or (3), 940.302 (2) (a) 1. b., 944.06, 948.02 (1) or (2), 948.025,

11

948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.085 (2), 948.095,

12

948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim

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was a minor and the juvenile was not the victim's parent, the court shall require the

14

juvenile to comply with the reporting requirements under s. 301.45 unless the court

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determines, after a hearing on a motion made by the juvenile, that the juvenile is not

16

required to comply under 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, 253, 277, 344; s. 13.93 (2) (c).

17

~~SECTION 2~~ 939.46 (1m) of the statutes is created to read:

18

939.46 (1m) A victim of a violation of s. 940.302 or 948.051 has an affirmative

19

defense for any offense committed as a direct result of the violation of s. 940.302 or

20

948.051 without regard to whether ~~the~~ anyone was prosecuted or convicted for the

21

violation of s. 940.302 or 948.051.

****NOTE: Please review this provision.

22

1 Insert 7-9

2 SECTION ~~3~~ 939.74 (2) (c) of the statutes is amended to read:

3 939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03
4 (2) (a), 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085,
5 or 948.095 shall be commenced before the victim reaches the age of 45 years or be
6 barred, except as provided in sub. (2d) (c).

~~NOTE: NOTE: Par. (c) is shown as affected by two acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

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; 2005 a. 60, 276, 277; s. 13.93 (2) (c).

****NOTE: Please review this section. This provision differs from the instructions which asked that the statute of limitations be tolled until the victim reaches the age of 18. But most comparable crimes against children do not have a specific year range in Wisconsin but an age limit. So I folded this crime into an existing age limit provision. Is that OK? *

7

8 Ins 7-11

9 (a) "Commercial sex act" means sexual contact for which anything of value is
10 given to, promised, or received, directly or indirectly, by any person.

11 Insert 7-23

12 (2) (a) Except as provided in s. 948.051, whoever knowingly engages in
13 trafficking is guilty of a Class D felony if all of the following apply:

- 14 1. One of the following applies:
 - 15 a. The trafficking is for the purposes of labor or services.
 - 16 b. The trafficking is for the purposes of a commercial sex act.
- 17 2. The trafficking is done by any of the following:

18

19 Insert 10-23

20 or under s. 940.302 (1), if the court finds that the crime was sexually motivated,
21 as defined in s. 980.01 (5).

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Insert 11-19

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Not For under s. 940.302 ²(~~1~~), if the court finds that the crime was sexually motivated,
as defined in s. 980.01 (5),

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Insert 11-25

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Not For under s. 940.302 ²(~~1~~), if the court finds that the crime was sexually motivated,
as defined in s. 980.01 (5),

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Insert 14-5

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Not , or s. 940.302 ²(~~1~~), if the court finds that the crime was sexually motivated, as
defined in s. 980.01 (5),

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Insert 14-23

15

(d) The costs of relocating the victim to his or her city, state, or country of origin.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2066/R1dn P2
CMH:wlj:nwn

↑
stays

I did not include provisions to grant public benefits to victims. Under the Trafficking Victims Protection Act of 2000, victims of human trafficking in the U.S. who are noncitizens may be eligible for a special visa and comprehensive benefits and services. Victims who are U.S. citizens are already eligible to receive many of these benefits. Since federal law already grants benefits, I am not sure how to proceed. I don't want to jeopardize federal benefits or add something that is inconsistent with federal law.

Cathlene Hanaman
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2066/P2dn
CMH:wlj:pg

May 9, 2007

I did not include provisions to grant public benefits to victims. Under the Trafficking Victims Protection Act of 2000, victims of human trafficking in the U.S. who are noncitizens may be eligible for a special visa and comprehensive benefits and services. Victims who are U.S. citizens are already eligible to receive many of these benefits. Since federal law already grants benefits, I am not sure how to proceed. I don't want to jeopardize federal benefits or add something that is inconsistent with federal law.

Cathlene Hanaman
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8/31/07 Redraft LRB-2006/P2:

Remove mandatory provisions re: non-issuance
of revocation of certificates of authority.

* Bill sections 10, 13, 17, 21



P3
↑
stays

WAD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regen.

1 **AN ACT to renumber** 179.72; **to amend** 48.355 (2d) (a) 2., 48.371 (3) (d), 48.415
2 (9m) (b) 2., 48.417 (1) (d), 48.685 (1) (c), 50.065 (1) (e) 2., 51.20 (13) (ct) 2m.,
3 180.1503 (title), 181.1503 (title), 301.048 (2) (bm) 1. a., 301.45 (1d) (b), 302.045
4 (2) (c), 302.05 (3) (a) 1., 440.982 (2), 901.04 (3) (c), 938.34 (15m) (bm), 939.615
5 (1) (b) 1., 939.62 (2m) (a) 1m. a., 939.632 (1) (e) 1., 939.74 (2) (c), 946.82 (4),
6 948.13 (1) (a), 949.03 (1) (b), 969.08 (10) (b), 970.03 (4) (a), 971.17 (1m) (b) 2m.,
7 971.31 (11), 972.11 (2) (b) (intro.), 973.01 (3g), 973.01 (3m), 973.0135 (1) (b) 2.,
8 973.017 (6) (b), 973.048 (2m), 973.176 (3) and 973.20 (4m); and **to create** 16.964
9 (1) (gm), 178.27 (3), 178.45 (1m), 179.72 (2), 179.83 (1m), 179.86 (3), 180.1420
10 (6), 180.1503 (3), 180.1530 (1) (g), 181.1420 (7), 181.1503 (3), 181.1530 (1) (g),
11 343.12 (7) (c) 15m., 939.46 (1m), 940.302, 948.051 and 973.20 (4o) of the
12 statutes; **relating to:** human trafficking and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
Because this bill creates a new crime or revises a penalty for an existing crime,
the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 16.964 (1) (gm) of the statutes is created to read:

2 16.964 (1) (gm) Collect data relating to the number and nature of violations of
3 ss. 940.302⁽²⁾ and 948.051 and publish statistics relating to the violations. The data
4 shall include all of the following:

- 5 1. Numbers of investigations, arrests, prosecutions, and convictions of persons.
- 6 2. Demographics of victims, including nationality, age, method of recruitment,
- 7 and country, state, or city of origin.

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

9 48.355 (2d) (a) 2. "Sexual abuse" means a violation of s. 940.225, 944.30,
10 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10 or a
11 violation of the law of any other state or federal law if that violation would be a
12 violation of s. 940.225, 944.30, 948.02, 948.025, 948.05, 948.051, 948.055, 948.06,
13 948.085, 948.09 or 948.10 if committed in this state.

14 SECTION 3. 48.371 (3) (d) of the statutes is amended to read:

15 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
16 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or
17 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in
18 violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child
19 to view or listen to sexual activity in violation of s. 948.055, if the information is
20 necessary for the care of the child or for the protection of any person living in the

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1 foster home, treatment foster home, group home, or residential care center for
2 children and youth.

3 **SECTION 4.** 48.415 (9m) (b) 2. of the statutes is amended to read:

4 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
5 a violation of s. 940.19 (2), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
6 948.03 (2) (a) or (3) (a), 948.05, 948.051, 948.06 or 948.08 or a violation of the law of
7 any other state or federal law, if that violation would be a violation of s. 940.19 (2),
8 (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05,
9 948.051, 948.06 or 948.08 if committed in this state.

10 **SECTION 5.** 48.417 (1) (d) of the statutes is amended to read:

11 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
12 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (4), or
13 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.051, or
14 948.085 or a violation of the law of any other state or federal law, if that violation
15 would be a violation of s. ~~940.19 (2), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2),~~
16 ~~948.025, 948.03 (2) (a) or (3) (a), 948.051, or 948.085~~ if committed in this state, and
17 that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in
18 substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of
19 the parent. If the circumstances specified in this paragraph apply, the petition shall
20 be filed or joined in within 60 days after the date on which the court assigned to
21 exercise jurisdiction under this chapter determines, based on a finding that a
22 circumstance specified in this paragraph applies, that reasonable efforts to make it
23 possible for the child to return safely to his or her home are not required.

24 **SECTION 6.** 48.685 (1) (c) of the statutes is amended to read:

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3-14

listed under this paragraph

940.302
SECTION 6
(2)(a)1.b.

1 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
2 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22
3 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025,
4 948.03 (2), 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a)
5 or (am), 948.12, 948.13, 948.21 (1), 948.30, or 948.53 or a violation of the law of any
6 other state or United States jurisdiction that would be a violation of s. 940.19 (3),
7 1999 stats., or a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4),
8 (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02
9 (1) or (2), 948.025, 948.03 (2), 948.05, 948.051, 948.055, 948.06, 948.07, 948.08,
10 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), 948.30, or 948.53 if
11 committed in this state.

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4-12

SECTION 7. 50.065 (1) (e) 2. of the statutes is amended to read:

12 50.065 (1) (e) 2. For the purposes of an entity that serves persons under the age
13 of 18, "serious crime" includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,
14 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12,
15 948.13, 948.21 (1), 948.30, or 948.53 or a violation of the law of any other state or
16 United States jurisdiction that would be a violation of s. 948.02 (2), 948.03 (2) (b) or
17 (c), 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am),
18 948.12, 948.13, 948.21 (1), 948.30, or 948.53 if committed in this state.

SECTION 8. 51.20 (13) (ct) 2m. of the statutes is amended to read:

21 51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed
22 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
23 violation, or to have solicited, conspired, or attempted to commit a violation, of s.
24 940.22 (2), 940.225 (1), (2), or (3), ~~940.302 (2) (a) 1. b.~~ 944.06, 948.02 (1) or (2),
25 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085,

INS 5-1 ✓

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

6 SECTION 9. 178.27 (3) of the statutes is created to read:

7 178.27 (3) Upon application by a district attorney or the attorney general, the
8 court shall decree a dissolution if the partnership has violated s. 940.302 (2) or
9 948.051 (2).

10 SECTION 10. 178.45 (1m) of the statutes is created to read:

11 178.45 (1m) The department may not grant a certificate of authority to a
12 foreign registered limited liability partnership if the partnership has violated s.
13 940.302 (2) or 948.051 (2). Upon application by a district attorney or the attorney
14 general, a court shall revoke a foreign registered limited liability partnership's
15 certificate of authority if the foreign registered limited liability partnership has
16 violated s. 940.302 (2) or 948.051 (2).

17 SECTION 11. 179.72 of the statutes is renumbered 179.72 (1).

18 SECTION 12. 179.72 (2) of the statutes is created to read:

19 179.72 (2) On application by a district attorney or the attorney general, the
20 circuit court shall order dissolution of a limited partnership, if the limited
21 partnership has violated s. 940.302 (2) or 948.051 (2).

22 SECTION 13. 179.83 (1m) of the statutes is created to read:

23 179.83 (1m) Notwithstanding sub. (1), the department may not issue a
24 certificate of registration to a foreign limited partnership if the foreign limited
25 partnership has violated s. 940.302 (2) or 948.051 (2).

1 **SECTION 14.** 179.86 (3) of the statutes is created to read:

2 179.86 (3) Upon application by a district attorney or the attorney general, a
3 court shall cancel the registration of a foreign limited partnership if the foreign
4 limited partnership has violated s. 940.302 (2) or 948.051 (2).

5 **SECTION 15.** 180.1420 (6) of the statutes is created to read:

6 180.1420 (6) The corporation violates s. 940.302 (2) or 948.051 (2).

7 **SECTION 16.** 180.1503 (title) of the statutes is amended to read:

8 **180.1503 (title) Application for certificate of authority; limitation.**

9 **SECTION 17.** 180.1503 (3) of the statutes is created to read:

10 180.1503 (3) The department may not issue a certificate of authority to a
11 foreign corporation if the foreign corporation has violated s. 940.302 (2) or 948.051
12 (2).

13 **SECTION 18.** 180.1530 (1) (g) of the statutes is created to read:

14 180.1530 (1) (g) The foreign corporation violates s. 940.302 (2) or 948.051 (2).

15 **SECTION 19.** 181.1420 (7) of the statutes is created to read:

16 181.1420 (7) HUMAN TRAFFICKING. The corporation violates s. 940.302 (2) or
17 948.051 (2).

18 **SECTION 20.** 181.1503 (title) of the statutes is amended to read:

19 **181.1503 (title) Application for certificate of authority; limitation.**

20 **SECTION 21.** 181.1503 (3) of the statutes is created to read:

21 181.1503 (3) HUMAN TRAFFICKING. The department may not issue a certificate
22 of authority to a foreign corporation if the foreign corporation has violated s. 940.302
23 (2) or 948.051 (2).

24 **SECTION 22.** 181.1530 (1) (g) of the statutes is created to read:

25 181.1530 (1) (g) The foreign corporation violates s. 940.302 (2) or 948.051 (2).

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

301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

SECTION 24. 301.45 (1d) (b) of the statutes is amended to read:

301.45 (1d) (b) "Sex offense" means a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), ~~940.302 (2)~~ (a) 1, b, 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person who committed the violation was not the victim's parent.

MS ✓
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SECTION 25. 302.045 (2) (c) of the statutes is amended to read:

302.045 (2) (c) The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

SECTION 26. 302.05 (3) (a) 1. of the statutes is amended to read:

302.05 (3) (a) 1. The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

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8-1

1 SECTION 27. 343.12 (7) (c) 15m. of the statutes is created to read:

2 343.12 (7) (c) 15m. Trafficking a minor under s. 948.051.

3 SECTION 28. 440.982 (2) of the statutes is amended to read:

4 440.982 (2) The department may not grant a license under this subchapter to
5 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,
6 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.051,
7 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12

8 SECTION 29. 901.04 (3) (c) of the statutes is amended to read:

9 901.04 (3) (c) In actions under s. 940.225, 948.02, 948.025, 948.051, 948.085,
10 or 948.095, or under s. 940.302 (2), if the court determines that the offense was
11 sexually motivated, as defined in s. 980.01 (5), admissibility of the prior sexual
12 conduct or reputation of a complaining witness.

or
under 940.302 (2) if
940.302 (2) (a)
940.302
(2) (a)
b/o
applies

13 SECTION 30. 938.34 (15m) (bm) of the statutes is amended to read:

14 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
15 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
16 (2), 940.225 (1), (2), or (3), 940.302 (2) (a) 1. b., 944.06, 948.02 (1) or (2), 948.025,
17 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.085 (2), 948.095,
18 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim
19 was a minor and the juvenile was not the victim's parent, the court shall require the
20 juvenile to comply with the reporting requirements under s. 301.45 unless the court
21 determines, after a hearing on a motion made by the juvenile, that the juvenile is not
22 required to comply under s. 301.45 (1m).

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23 SECTION 31. 939.46 (1m) of the statutes is created to read:

24 939.46 (1m) A victim of a violation of s. 940.302 or 948.051 has an affirmative
25 defense for any offense committed as a direct result of the violation of s. 940.302 or

(2) ✓

1 948.051 without regard to whether anyone was prosecuted or convicted for the
 2 violation of s. 940.302⁽²⁾ or 948.051.

***NOTE: Please review this provision.

3 **SECTION 32.** 939.615 (1) (b) 1. of the statutes is amended to read:

4 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
 5 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
 6 (1), 948.05 (1) or (1m), 948.051, 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.085,
 7 948.11 (2) (a), 948.12, or 948.13^{INS 9-7 ✓}

8 **SECTION 33.** 939.62 (2m) (a) 1m. a. of the statutes is amended to read:

9 939.62 (2m) (a) 1m. a. A violation of s. 948.02, 948.025, 948.05, 948.051,
 10 948.055, 948.06, 948.07, 948.08, 948.085, or 948.095 or 948.30 or, if the victim was
 11 a minor and the convicted person was not the victim's parent, a violation of s. 940.31.

12 **SECTION 34.** 939.632 (1) (e) 1. of the statutes is amended to read:

13 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
 14 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
 15 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025,
 16 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2)^{INS 9-16 ✓}

17 **SECTION 35.** 939.74 (2) (c) of the statutes is amended to read:

18 939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03
 19 (2) (a), 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085,
 20 or 948.095 shall be commenced before the victim reaches the age of 45 years or be
 21 barred, except as provided in sub. (2d) (c).

***NOTE: Please review this section. This provision differs from the instructions which asked that the statute of limitations be tolled until the victim reaches the age of 18. But most comparable crimes against children do not have a specific year range in Wisconsin but an age limit. So I folded this crime into an existing age-limit provision. Is that OK?

1 **SECTION 36.** 940.302 of the statutes is created to read:

2 **940.302 Human trafficking.** (1) In this section:

3 (a) “Commercial sex act” means sexual contact for which anything of value is
4 given to, promised, or received, directly or indirectly, by any person.

5 (b) “Debt bondage” means the condition of a debtor arising from the debtor’s
6 pledge of services as a security for debt if the reasonable value of those services is not
7 applied toward repaying the debt or if the length and nature of the services are not
8 defined.

9 (c) “Services” means activities performed by one individual at the request,
10 under the supervision, or for the benefit of another person.

11 (d) “Trafficking” means recruiting, enticing, harboring, transporting,
12 providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide,
13 or obtain, an individual without consent of the individual.

14 (2) (a) Except as provided in s. 948.051, whoever knowingly engages in
15 trafficking is guilty of a Class D felony if all of the following apply:

16 1. One of the following applies:

17 a. The trafficking is for the purposes of labor or services.

18 b. The trafficking is for the purposes of a commercial sex act.

19 2. The trafficking is done by any of the following:

20 a. Causing or threatening to cause bodily harm to any individual.

21 b. Causing or threatening to cause financial harm to any individual.

22 c. Restraining or threatening to restrain any individual.

23 d. Violating or threatening to violate a law.

1 e. Destroying, concealing, removing, confiscating, or possessing, or threatening
2 to destroy, conceal, remove, confiscate, or possess, any actual or purported passport
3 or any other actual or purported official identification document of any individual.

4 f. Extortion.

5 g. Fraud or deception.

6 h. Debt bondage.

7 i. Controlling any individual's access to an addictive controlled substance.

8 j. Using any scheme or pattern to cause an individual to believe that any
9 individual would suffer bodily harm, financial harm, restraint, or other harm.

10 (b) Whoever benefits in any manner from a violation of par. (a) is guilty of a
11 Class D felony if the person knows that the benefits come from an act described in
12 par. (a).

13 (3) Any person who incurs an injury or death as a result of a violation of sub.
14 (2) may bring a civil action against the person who committed the violation. In
15 addition to actual damages, the court may award punitive damages to the injured
16 party, not to exceed treble the amount of actual damages incurred, and reasonable
17 attorney fees.

18 **SECTION 37.** 946.82 (4) of the statutes is amended to read:

19 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
20 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
21 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
22 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
23 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
24 940.19 (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.302, 940.305, 940.31,
25 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d),

(2)

1 or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,
2 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,
3 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
4 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 943.81, 943.82,
5 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e),
6 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10,
7 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65,
8 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

9 SECTION 38. 948.051 of the statutes is created to read:

10 **948.051 Trafficking of a child.** (1) Whoever knowingly engages in
11 trafficking, as defined in s. 940.302 (1) (d), any child if the trafficking is done for the
12 purpose of commercial sex acts, as defined in s. 940.302 (1) (a), or sexually explicit
13 performance is guilty of a Class C felony.

14 (2) Whoever benefits in any manner from a violation of sub. (1) is guilty of a
15 Class C felony if the person know that the benefits come from an act described in sub.
16 (1).

17 (3) Any person who incurs an injury or death as a result of a violation of sub.
18 (1) or (2) may bring a civil action against the person who committed the violation.
19 In addition to actual damages, the court may award punitive damages to the injured
20 party, not to exceed treble the amount of actual damages incurred, and reasonable
21 attorney fees.

22 SECTION 39. 948.13 (1) (a) of the statutes is amended to read:

23 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
24 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or

*recruits, entices,
provides,
obtains,
or
harbors,
or
knowingly
attempts
to
recruit,
entice,
provide,
obtain,
or
harbor?*

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1 (2), 948.025 (1), 948.05 (1) or (1m), 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075,
2 or 948.085.

3 **SECTION 40.** 949.03 (1) (b) of the statutes is amended to read:

4 949.03 (1) (b) The commission or the attempt to commit any crime specified in
5 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, ~~940.03~~, 940.05, 940.06, 940.07, 940.08,
6 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
7 940.25, 940.285, 940.29, 940.30, 940.302, 940.305, 940.31, 940.32, 941.327, 943.02,
8 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02,
9 948.025, 948.03, 948.04, 948.051, 948.07, 948.085, 948.095, 948.20, 948.30 or 948.51.

10 **SECTION 41.** 969.08 (10) (b) of the statutes is amended to read:

11 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
12 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
13 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
14 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
15 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01
16 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30,
17 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90,
18 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
19 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution,
20 as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

21 **SECTION 42.** 970.03 (4) (a) of the statutes is amended to read:

22 970.03 (4) (a) If the defendant is accused of a crime under s. 940.225, 940.302
23 (2), 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302
24 (2), if the court finds that the crime was sexually motivated, as defined in s. 980.01
25 (5), the court may exclude from the hearing all persons who are not officers of the

1 court, members of the complainant's or defendant's families or others considered by
2 the court to be supportive of the complainant or defendant, the service
3 representative, as defined in s. 895.45 (1) (c), or other persons required to attend, if
4 the court finds that the state or the defendant has established a compelling interest
5 that would likely be prejudiced if the persons were not excluded. The court may
6 consider as a compelling interest, among others, the need to protect a complainant
7 from undue embarrassment and emotional trauma.

8 **SECTION 43.** 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), ~~940.302 (2) (a)~~
12 ~~1 (b)~~ 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.051, 948.055, 948.06, 948.07,
13 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30,
14 or of s. 940.30 or 940.31 if the victim was a minor and the defendant was not the
15 victim's parent, the court shall require the defendant to comply with the reporting
16 requirements under s. 301.45 unless the court determines, after a hearing on a
17 motion made by the defendant, that the defendant is not required to comply under
18 s. 301.45 (1m).

19 **SECTION 44.** 971.31 (11) of the statutes is amended to read:

20 971.31 (11) In actions under s. 940.225, ~~940.302 (2)~~ 948.02, 948.025, 948.051,
21 948.085, or 948.095, or under s. 940.302 (2), if the court finds that the crime was
22 sexually motivated, as defined in s. 980.01 (5), evidence which is admissible under
23 s. 972.11 (2) must be determined by the court upon pretrial motion to be material to
24 a fact at issue in the case and of sufficient probative value to outweigh its
25 inflammatory and prejudicial nature before it may be introduced at trial.

INS
14-13

1 **SECTION 45.** 972.11 (2) (b) (intro.) of the statutes is amended to read:

2 972.11 (2) (b) (intro.) If the defendant is accused of a crime under s. 940.225,
3 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2),
4 if the court finds that the crime was sexually motivated, as defined in s. 980.01 (5),
5 any evidence concerning the complaining witness's prior sexual conduct or opinions
6 of the witness's prior sexual conduct and reputation as to prior sexual conduct shall
7 not be admitted into evidence during the course of the hearing or trial, nor shall any
8 reference to such conduct be made in the presence of the jury, except the following,
9 subject to s. 971.31 (11):

10 **SECTION 46.** 973.01 (3g) of the statutes is amended to read:

11 973.01 (3g) **EARNED RELEASE PROGRAM ELIGIBILITY.** When imposing a bifurcated
12 sentence under this section on a person convicted of a crime other than a crime
13 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06,
14 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the exercise
15 of its sentencing discretion, decide whether the person being sentenced is eligible or
16 ineligible to participate in the earned release program under s. 302.05 (3) during the
17 term of confinement in prison portion of the bifurcated sentence.

18 **SECTION 47.** 973.01 (3m) of the statutes is amended to read:

19 973.01 (3m) **CHALLENGE INCARCERATION PROGRAM ELIGIBILITY.** When imposing
20 a bifurcated sentence under this section on a person convicted of a crime other than
21 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055,
22 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095, the court shall, as part of the
23 exercise of its sentencing discretion, decide whether the person being sentenced is
24 eligible or ineligible for the challenge incarceration program under s. 302.045 during
25 the term of confinement in prison portion of the bifurcated sentence.

1 **SECTION 48.** 973.0135 (1) (b) 2. of the statutes is amended to read:

2 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
3 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
4 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
5 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
6 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
7 948.051, 948.06, 948.07, 948.075, 948.08, or 948.30 (2).

8 **SECTION 49.** 973.017 (6) (b) of the statutes is amended to read:

9 973.017 (6) (b) When making a sentencing decision concerning a person
10 convicted of a violation of s. 948.02 (1) or (2), 948.025 (1), ~~or~~ 948.03 (2) or (3), or
11 948.051, the court shall consider as an aggravating factor the fact that the person
12 was a person responsible for the welfare of the child who was the victim of the
13 violation.

14 **SECTION 50.** 973.048 (2m) of the statutes is amended to read:

15 973.048 (2m) If a court imposes a sentence or places a person on probation for
16 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
17 940.22 (2), 940.225 (1), (2), or (3), 940.302 (2) (a) 1. b., 944.06, 948.02 (1) or (2),
18 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085,
19 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, ^{INS 16-19} or of s. 940.30 or 940.31 if
20 the victim was a minor and the person was not the victim's parent, the court shall
21 require the person to comply with the reporting requirements under s. 301.45 unless
22 the court determines, after a hearing on a motion made by the person, that the person
23 is not required to comply under s. 301.45 (1m).

24 **SECTION 51.** 973.176 (3) of the statutes is amended to read:

IN 3 17-4 ✓
10.3

1 973.176 (3) CHILD SEX OFFENDER WORKING WITH CHILDREN. Whenever a court
2 imposes a sentence or places a defendant on probation regarding a conviction under
3 s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time
4 of the offense, or a conviction under s. 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m),
5 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075, or 948.085, the court shall inform
6 the defendant of the requirements and penalties under s. 948.13.

7 **SECTION 52.** 973.20 (4m) of the statutes is amended to read:

8 973.20 (4m) If the defendant violated s. 940.225, 948.02, 948.025, 948.05,
9 948.051, 948.06, 948.07, 948.08, or 948.085, or s. 940.302 (2), if the court finds that
10 the crime was sexually motivated, as defined in s. 980.01 (5), and sub. (3) (a) does not
11 apply, the restitution order may require that the defendant pay an amount, not to
12 exceed \$10,000, equal to the cost of necessary professional services relating to
13 psychiatric and psychological care and treatment. The \$10,000 limit under this
14 subsection does not apply to the amount of any restitution ordered under sub. (3) or
15 (5) for the cost of necessary professional services relating to psychiatric and
16 psychological care and treatment.

17 **SECTION 53.** 973.20 (4o) of the statutes is created to read:

18 973.20 (4o) If the defendant violated s. 940.302 or 948.051, and sub. (2) or (3)
19 does not apply, the restitution order may require that the defendant pay an amount
20 equal to any of the following:

- 21 (a) The costs of necessary transportation, housing, and child care for the victim.
22 (b) The greater of the following:
23 1. The gross income gained by the defendant due to the services of the victim.
24 2. The value of the victim's services as provided under the state minimum wage.

(2) ✓

