



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 209

Assembly Amendments 1 and 2

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Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Assembly Bill 209, relating to crimes against children, does all of the following:

- Reconciles the provisions of 2005 Wisconsin Acts 430, 431, and 437 relating to the offense of first-degree sexual assault of a child and global positioning system (GPS) tracking for persons convicted of first-degree sexual assault of a child.
- Specifies that mandatory minimum terms of confinement in prison for first-degree sexual assault of a child do not apply if the offender was under 18 years of age at the time of the violation.
- Clarifies that harm to the victim caused by the offender at the time of a first-degree sexual assault of a child, and not necessarily caused by the sexual intercourse or contact, would satisfy the great bodily harm element under s. 948.02 (1) (a), Stats., as affected by 2005 Wisconsin Act 437.
- Eliminates the separate definition of “sexual intercourse” that was created by 2005 Wisconsin Act 430 for prosecutions for first-degree sexual assault of a child, but maintains this definition for purposes of GPS tracking requirements.
- Reconciles provisions of 2005 Wisconsin Acts 60 and 276, relating to the time limits for commencing a prosecution of first-degree sexual assault of a child and the various offenses of engaging in repeated acts of first-degree sexual assault of a child.
- With two exceptions, eliminates the prohibition against prosecutors charging a violation of engaging in repeated acts of sexual assault of the same child in the same action as other offenses listed under s. 948.025 (3), Stats.

- Changes the penalty for intentionally causing great bodily harm to a child from a Class E felony to a Class C felony.
- Modifies the offense of soliciting a child for prostitution to prohibit intentionally soliciting or causing any child to engage in an act of prostitution.
- Creates separate penalty classes for neglect of a child and leaving a child unattended in a child care vehicle when bodily harm or great bodily harm result.
- Requires the court to order a presentence investigation report that includes an assessment of the risk of the defendant committing another sex-related crime against a child in certain cases.
- Removes the offenses of child enticement with the intent to cause bodily or mental harm to a child and child enticement with intent to give or sell a controlled substance or controlled substance analog to a child from the list of offenses requiring mandatory sex offender registration.

Assembly Amendment 1 clarifies that the provisions relating to the time limits for prosecution of first-degree sexual assault of a child first apply to offenses for which the time limit has not expired before the effective date of the legislation.

Assembly Amendment 2 makes the following changes to the provision requiring the court to order a presentence investigation report that includes an assessment of the risk of the defendant committing another sex-related crime against a child in certain cases:

- Permits, instead of requires, the court to order a presentence investigation report that includes a risk assessment.
- Provides that the risk assessment must assess the risk of the defendant committing another sex-related crime, instead of another sex-related crime *against a child*.
- Delays the effective date of the provision for one year.

Legislative History

Representative Kleefisch offered Assembly Amendments 1 and 2. The Assembly Committee on Criminal Justice recommended adoption of Assembly Amendments 1 and 2 on votes of Ayes, 8; Noes, 0 and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

AS:ksm