



2009 ASSEMBLY BILL 225

April 23, 2009 – Introduced by Representatives HONADEL, VOS, SUDER, BROOKS, GUNDERSON, KERKMAN, KLEEFISCH, KNODL, LEMAHIEU, LOTHIAN, MURTHA, NASS, NYGREN, PETROWSKI, SPANBAUER, STRACHOTA and TOWNSEND, cosponsored by Senators PLALE, DARLING, HOPPER, KREITLOW, LEIBHAM and OLSEN. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 939.617 (2); and *to amend* 939.617 (1) of the statutes; **relating**
2 **to:** mandatory minimum sentences for certain child sex offenses.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of sexual exploitation of a child, use of a computer to facilitate a child sex crime, or possession of child pornography, the court must impose a bifurcated sentence, which includes a term of confinement in prison and a term of extended supervision in the community. Current law sets a mandatory minimum term of confinement of five years if the conviction is for sexual exploitation of child or use of a computer to facilitate a child sex crime, and a mandatory minimum term of confinement of three years if the conviction is for possession of child pornography. The mandatory minimum term of confinement does not apply if the convicted person was under the age of 18 when he or she committed the crime or if the court finds that, if it does not apply the mandatory minimum, the best interests of the community will be served and the public will not be harmed. Under this bill, the mandatory minimum term of confinement does not apply only if the convicted person was under the age of 18 when he or she committed the crime.

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

3 **SECTION 1.** 939.617 (1) of the statutes is amended to read:

