

**2009 DRAFTING REQUEST**

**Bill**

Received: **02/05/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Janine Hale**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Mandatory minimum sentencing for child sex crimes--remove any discretion

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**Instructions:**

See attached

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**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>
/?	chanaman 02/10/2009	bkraft 02/23/2009		_____			
/1			rschluet 02/23/2009	_____	lparisi 02/23/2009	lparisi 03/10/2009	

FE Sent For: **NONE**

<END>

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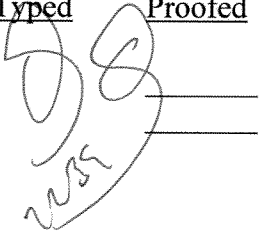
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/?	chanaman	1 bjk 2/23					
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FE Sent For:

<END>



Lbjk

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓  
X-refv

sen cut

1 AN ACT ...; relating to: mandatory minimum sentences for certain child sex  
2 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:

1           939.617 (1) Except as provided in ~~subs. (2) and sub. (3)~~, if a person is convicted  
2 of a violation of s. 948.05, 948.075, or 948.12, the court shall impose a bifurcated  
3 sentence under s. 973.01. The term of confinement in prison portion of the bifurcated  
4 sentence shall be at least 5 years for violations of s. 948.05 or 948.075 and 3 years  
5 for violations of s. 948.12. Otherwise the penalties for the crime apply, subject to any  
6 applicable penalty enhancement.

7           History: 2005 a. 433.

8           ~~SECTION 2.~~ 939.617 (2) of the statutes is repealed.

(END)

**Parisi, Lori**

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**From:** Rep.Vos

**Sent:** Tuesday, March 10, 2009 2:12 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-2018/1 Topic: Mandatory minimum sentencing for child sex crimes--remove any discretion

Please Jacket LRB 09-2018/1 for the ASSEMBLY.