

**2009 DRAFTING REQUEST**

**Bill**

Received: **02/12/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Van Akkeren (608) 266-0656**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Penalties for crimes against children

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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>
/?				_____			Crime
/1	phurley 02/17/2009	bkraft 02/26/2009	mduchek 03/02/2009	_____	cduerst 03/02/2009	cduerst 07/13/2009	

FE Sent For:

<END>

*None*

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/?	phurley	1 bjk 2/25	MD	MD PH 3/12			
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FE Sent For:

<END>

## Hurley, Peggy

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**From:** Reineking, Carol  
**Sent:** Thursday, February 12, 2009 9:09 AM  
**To:** Hurley, Peggy  
**Subject:** Draft request

Hi Peggy:

Thanks for your help with this draft request.

Rep. Van Akkeren would like to draft legislation to provide a penalty enhancement for specified crimes against children committed by day care providers (those who are licensed and those who are certified). The penalty enhancement would provide an additional sentence of up to 5 years.

There was such a similar provision in state statutes (such as 1999 statutes 948.03(5)).

Below are the specified crimes for which he would like a penalty enhancement.

Please let me know if you have any questions.

Thanks!!

Carol Reineking

*Carol Reineking  
Office of Rep. Terry Van Akkeren  
608-266-0656  
1-888-529-0026*

Day Care providers Chapter 48

48.65 licensed providers

48.651 certified providers

Crimes against children, Chapter 948

948.02 sexual assault of a child

948.025 repeated acts of sexual assault of the same child

948.03 (2) intentional causation of bodily harm

948.03 (3) reckless causation of bodily harm

AM  
bjk

2009 BILL

SA  
x-ref

2-17-09  
D. not

①

AN ACT <sup>gen.</sup>...; relating to: crimes against children committed by certain persons,

2

and creating a penalty.

*Analysis by the Legislative Reference Bureau*

Current law provides a number of penalty enhancement provisions that allow a judge to increased a penalty for a crime that is committed under certain circumstances. This bill allows a judge to increase the maximum period of imprisonment by up to five years if a person who is licensed or certified to provide day care commits a sexual assault against, or intentionally or recklessly causes bodily harm to, a child for whom the person provides day care.

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.

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

3

SECTION 1. <sup>X</sup> 939.635 of the statutes is created to read:

4

**939.635 Increased penalty for certain crimes against children**

⑤

**committed by a day care provider.** If a person who is licensed under s. 48.65 or <sup>e. 5</sup>

**BILL**

**SECTION 1**

1 certified under s. 48.651 commits a violation of s. 948.02, 948.025, 948.03 (2), or  
2 948.03 (3) against a child for whom the person was providing day care, the maximum  
3 term of imprisonment for that crime may be increased by not more than 5 years.

4 (END)

nor providing  
care pursuant to  
a contract under  
§ 12003(14)

D-note

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

LRB-2095/edn

PJH  
Lbjk

Date

Carol,

Please review this draft to ensure that it is consistent with your intent. Please note that under this draft, a person's sentence may be increased by up to five years; the increase is not mandatory. If you want to make the penalty enhancement mandatory (for either five years or for some other period, such as "not less than one but not more than five" years), please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)



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

LRB-2095/1dn

PJH:bjk:md

February 27, 2009

Carol,

Please review this draft to ensure that it is consistent with your intent. Please note that under this draft, a person's sentence may be increased by up to five years; the increase is not mandatory. If you want to make the penalty enhancement mandatory (for either five years or for some other period, such as "not less than one but not more than five" years), please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

**Duerst, Christina**

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**From:** Reineking, Carol  
**Sent:** Monday, July 13, 2009 11:02 AM  
**To:** LRB.Legal  
**Subject:** Bill jacketing request

Please jacket LRB-2095/1 for the State Assembly.

Representative Terry Van Akkeren  
Room 220 North  
266-0656