



2009 ASSEMBLY BILL 460

October 2, 2009 – Introduced by Representatives GUNDRUM, PETERSEN, KNODL, BROOKS, ZIGMUNT, TOWNSEND, BIES, GUNDERSON, MURSAU, LEMAHIEU, RIPP, BALLWEG and STRACHOTA, cosponsored by Senators DARLING and LASSA. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 970.03 (4) (a) of the statutes; **relating to:** preliminary
2 hearings for allegations of sexual exploitation by a therapist.

Analysis by the Legislative Reference Bureau

Under current law, a preliminary hearing is a hearing before a court to determine if probable cause exists to believe the defendant has committed a felony. If the defendant is accused of certain crimes such as first-degree sexual assault, sexual assault of a child, sexual exploitation of a child, or incest with a child, the court may exclude from the hearing all persons who are not court officers, family members of the complainant or the defendant, or other persons required to attend if the court finds that the state or the defendant has established a compelling interest that would likely be prejudiced if the persons were not excluded. A compelling interest could be the need to protect the complainant from undue embarrassment and emotional trauma.

This bill adds sexual exploitation by a therapist to the list of felonies for which the preliminary hearing may be closed.

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

3 **SECTION 1.** 970.03 (4) (a) of the statutes is amended to read:
4 970.03 (4) (a) If the defendant is accused of a crime under s. 940.22, 940.225,
5 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2),

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1 if the court finds that the crime was sexually motivated, as defined in s. 980.01 (5),
2 the court may exclude from the hearing all persons who are not officers of the court,
3 members of the complainant's or defendant's families or others considered by the
4 court to be supportive of the complainant or defendant, the service representative,
5 as defined in s. 895.45 (1) (c), or other persons required to attend, if the court finds
6 that the state or the defendant has established a compelling interest that would
7 likely be prejudiced if the persons were not excluded. The court may consider as a
8 compelling interest, among others, the need to protect a complainant from undue
9 embarrassment and emotional trauma.

10 (END)