



2011 ASSEMBLY BILL 102

April 26, 2011 – Introduced by Representatives LEMAHIEU, ENDSLEY, KESTELL, KERKMAN, NYGREN, STEINEKE, JACQUE, KLEEFISCH, MURSAU, RIPP, BIES, HONADEL, BROOKS, A. OTT and SPANBAUER, cosponsored by Senators LEIBHAM and OLSEN. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to amend* 973.01 (2) (c) 2. a.; and *to create* 939.635 of the statutes;
2 **relating to:** crimes against children committed by certain persons and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides a number of penalty enhancement provisions that allow a judge to increase 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:

4 **SECTION 1.** 939.635 of the statutes is created to read:
5 **939.635 Increased penalty for certain crimes against children**
6 **committed by a day care provider.** If a person who is licensed under s. 48.65,

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1 certified under s. 48.651, or providing care pursuant to a contract under s. 120.13 (14)
2 commits a violation of s. 948.02, 948.025, or 948.03 (2) or (3) against a child for whom
3 the person was providing day care, the maximum term of imprisonment for that
4 crime may be increased by not more than 5 years.

5 **SECTION 2.** 973.01 (2) (c) 2. a. of the statutes is amended to read:

6 973.01 **(2)** (c) 2. a. Sections 939.621, 939.632, 939.635, 939.645, 946.42 (4),
7 961.46, and 961.49.

8 (END)