

2017 DRAFTING REQUEST

Bill

For: **Joel Kleefisch (608) 266-8551** Drafter: **chanaman**  
 By: **Katie** Secondary Drafters:  
 Date: **6/19/2017** May Contact:  
 Same as LRB: **-4140**

Submit via email: **YES**  
 Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Increasing penalty for patronizing if person is child

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 7/20/2017	jdyer 7/20/2017	mbarman 6/22/2017		
/P2			lparisi 7/20/2017		
/1			lparisi 8/8/2017	dwalker 8/16/2017	

FE Sent For: <END>

↳ Not Needed

## Hanaman, Cathlene

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**From:** Scott, Katie  
**Sent:** Wednesday, June 14, 2017 5:10 PM  
**To:** Hanaman, Cathlene  
**Subject:** Bill draft: patronizing a prostituted child

Hi Cathlene,

We would like to have a bill drafted that clarifies that patronizing children (even unintentionally) carries a higher penalty. This is coming at the request of DOJ, and I have their email below.

Basically, DOJ says below: to do this, we could create an equivalent crime in chapter 948. Perhaps amend 948.08 (Soliciting a child for prostitution) to also include the crime of patronizing a child. [Then, add "except as provided in 948.08..." to the intro of the amended 944.31.] This strategy provides prosecutors with some flexibility. It is a step above patronizing an adult but not elevated all the way up to the level of a human trafficking charge.

*Under either strategy, there should NOT be an exception related to whether the actor knew the person they were patronizing was a minor.*

Thank you,

Katie Scott  
Policy Advisor  
Office of Representative Joel Kleefisch  
38<sup>th</sup> Assembly District  
(608) 266-8551

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**From:** Ruhland, Lane E - DOJ  
**Sent:** Wednesday, June 14, 2017 9:04 AM  
**To:** Scott, Katie <Katie.Scott@legis.wisconsin.gov>  
**Subject:** patronizing a prostituted child

Katie,

Thank you for your patience on this. We are in the process of bringing on a new director of our Office of Crime Victim Services and I wanted to make sure she was able to weigh in before I circled back with you. Here is an idea for handling the patronizing of a prostituted child, obviously a huge and more horrible piece of human trafficking.

### **Patronizing a Prostituted Child.**

The only truly equivalent statute that I could find related to "patronizing a child" for commercial sex is 948.05(1) [as of 5/29/17]. There is an opportunity to clarify that patronizing children (even unintentionally) carries a higher penalty. This could significantly disrupt the recruitment of young victims.

To do this you could create an equivalent crime in chapter 948. Perhaps amend 948.08 (Soliciting a child for prostitution) to also include the crime of patronizing a child. [Then, add "except as provided in 948.08..." to the intro of

the amended 944.31.] This strategy provides prosecutors with some flexibility. It is a step above patronizing an adult but not elevated all the way up to the level of a human trafficking charge.

*Under either strategy, there should NOT be an exception related to whether the actor knew the person they were patronizing was a minor. Buyer beware.*

Please let me know if you have any initial questions. I look forward to working with you on this.

Lane



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3795/P1

CMH:A

JG

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

X

Gen

1 AN ACT ...; relating to: patronization of a prostitute who is a child and providing  
2 a criminal penalty. ✓

*Analysis by the Legislative Reference Bureau*

\*

Under current law, the penalty for patronizing a prostitute is a ✓ Class A misdemeanor. This bill increases the penalty to a Class I felony ✓ if the prostitute is under the age of 18. ✓ This bill also specifies that, for the increased penalty, the prosecutor does not need to prove that the person knew the prostitute was under the age of 18 ✓ and it is not a defense to the crime that the person believed the prostitute was at least 18.

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

3 SECTION 1. 48.415 (9m) (b) 2. a. ✓ of the statutes is amended to read:  
4 48.415 (9m) (b) 2. a. The commission of a violation of s. 940.19 (3), 1999 stats.,  
5 a violation of s. 940.19 (2), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
6 948.03 (2) (a), (3) (a), or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, or 948.08, or  
7 948.081, ✓ or a violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

**History:** 1979 c. 330; 1983 a. 189 s. 329 (5); 1983 a. 326; 1983 a. 447 ss. 8, 67; 1983 a. 488, 538; 1987 a. 355, 383; 1989 a. 86; 1993 a. 235, 395; 1995 a. 77, 108, 225, 275; 1997 a. 35, 80, 237, 292, 294; 1999 a. 9, 32; 2001 a. 2, 109; 2005 a. 277, 293; 2007 a. 45, 116; 2009 a. 94; 2011 a. 257 s. 56; 2011 a. 271; 2015 a. 366.

1           **SECTION 2.** 48.685 (1) (c) 2. of the statutes is amended to read:

2           48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19  
3           (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295,  
4           942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,  
5           948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),  
6           948.12, 948.13, 948.21 (1), 948.30, or 948.53.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20, 165, 170, 334; 2015 a. 55, 129, 172, 366, 371; s. 13.92 (2) (i).

7           **SECTION 3.** 165.60 of the statutes is amended to read:

8           **165.60 Law enforcement.** The department of justice is authorized to enforce  
9           ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,  
10          945.02 (2), 945.03 (1m), and 945.04 (1m), and 948.081 and ch. 108 and, with respect  
11          to a false statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as  
12          described under s. 175.60 (17) (c), to enforce s. 946.32, is authorized to assist the  
13          department of workforce development in the investigation and prosecution of  
14          suspected fraudulent activity related to worker's compensation as provided in s.  
15          102.125, and is invested with the powers conferred by law upon sheriffs and  
16          municipal police officers in the performance of those duties. This section does not  
17          deprive or relieve sheriffs, constables, and other local police officers of the power and  
18          duty to enforce those sections, and those officers shall likewise enforce those sections.

History: 1975 c. 39; 1985 a. 29; 1989 a. 97; 2003 a. 33; 2005 a. 86; 2009 a. 12; 2011 a. 35; 2013 a. 362; 2015 a. 180.

19          **SECTION 4.** 165.70 (1) (b) of the statutes is amended to read:

20          165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
21          940.20 (3), 940.201, 941.25, 941.26, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
22          944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
23          948.08, and 948.081.

History: 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143; 1999 a. 83; 2001 a. 109; 2003 a. 33; 2011 a. 32; 2013 a. 362; 2015 a. 197.

1           **SECTION 5.** 440.312 (2) <sup>X</sup> of the statutes is amended to read:

2           440.312 (2) The department may not grant a license under this subchapter to  
3           any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
4           (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
5           948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, <sup>✓</sup>948.081, 948.09, 948.095,  
6           948.10, 948.11, or 948.12.

7           History: 2009 a. 282; 2013 a. 362.

7           **SECTION 6.** 440.982 (2) <sup>X</sup> of the statutes is amended to read:

8           440.982 (2) The department may not grant a license under this subchapter to  
9           any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
10          944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
11          948.051, 948.06, 948.07, 948.075, 948.08, <sup>✓</sup>948.081, 948.09, 948.095, 948.10, 948.11,  
12          or 948.12 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

13          History: 2005 a. 292; 2007 a. 20, 104, 116; 2013 a. 362.

13          **SECTION 7.** 460.05 (1) (h) 1. <sup>X</sup> of the statutes is amended to read:

14          460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
15          (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, <sup>✓</sup>948.081, 948.085,  
16          948.09, 948.095, or 948.10.

17          History: 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. 104; 2009 a. 355 <sup>X</sup> ss. 21, 28 to 34; 2013 a. 362.

17          **SECTION 8.** 460.14 (2m) (a) <sup>X</sup> of the statutes is amended to read:

18          460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
19          (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, <sup>✓</sup>948.081, 948.085,  
20          948.09, 948.095, or 948.10.

21          History: 2001 a. 74; 2005 a. 277; 2009 a. 355; 2013 a. 362.

21          **SECTION 9.** 901.08 (1) (b) <sup>X</sup> of the statutes is amended to read:

22          901.08 (1) (b) "Sexual misconduct" includes a violation of s. 940.22 (2), 940.225  
23          (1), (2), or (3), 940.32, 942.08, 942.09, 948.02, 948.025, 948.05 (1) or (1m), 948.055 (1),

1 948.06, 948.07, 948.075, 948.08, 948.081<sup>✓</sup>, 948.09, 948.095, 948.10, or 948.11 (2) and  
2 includes sexual harassment, as defined in s. 111.32 (13).

3 History: 2009 a. 138.

3 **SECTION 10.** 939.62 (2m) (a) 1m. a. <sup>✓</sup> of the statutes is amended to read:

4 939.62 (2m) (a) 1m. a. A violation of s. 948.02, 948.025, 948.05, 948.051,  
5 948.055, 948.06, 948.07, 948.08, 948.081<sup>✓</sup>, 948.085, 948.095 or 948.30 or, if the victim  
6 was a minor and the convicted person was not the victim's parent, a violation of s.  
7 940.31.

8 History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; 1999 a. 32, 85, 188; 2001 a. 109; 2005 a. 14, 277; 2007 a. 116; 2013 a. 173 s. 33; 2015 a. 197 s. 51; 2015 a. 366.

8 **SECTION 11.** 939.62 (2m) (a) 2m. b. <sup>✓</sup> of the statutes is amended to read:

9 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
10 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.  
11 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
12 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),  
13 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2.,  
14 3., or 4., 948.05, 948.06, 948.07, 948.075, 948.08, 948.081<sup>✓</sup>, 948.085, or 948.30 (2).

15 History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; 1999 a. 32, 85, 188; 2001 a. 109; 2005 a. 14, 277; 2007 a. 116; 2013 a. 173 s. 33; 2015 a. 197 s. 51; 2015 a. 366.

15 **SECTION 12.** 939.74 (2) (c) <sup>✓</sup> of the statutes is amended to read:

16 939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (e), 948.03  
17 (2) (a) or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075,  
18 948.08, 948.081<sup>✓</sup>, 948.085, or 948.095 shall be commenced before the victim reaches  
19 the age of 45 years or be barred, except as provided in sub. (2d).

20 History: 1981 c. 280; 1985 a. 275; 1987 a. 332, 380, 399, 408; 1989 a. 121; 1991 a. 269; 1993 a. 219, 227, 486; 1995 a. 456; 1997 a. 237; 2001 a. 16, 109; 2003 a. 196, 279, 326; 2005 a. 60, 276, 277; 2007 a. 80, 97, 116; 2009 a. 203; 2011 a. 271, 282; 2013 a. 165, 167; 2015 a. 121, 366.

20 **SECTION 13.** 944.31 of the statutes is amended to read:

21 **944.31 Patronizing prostitutes.** <sup>✓</sup> Any Except as provided in s. 948.081<sup>✓</sup>, any  
22 person who enters or remains in any place of prostitution with intent to have  
23 nonmarital sexual intercourse or to commit an act of sexual gratification, in public

1 or in private, involving the sex organ of one person and the mouth or anus of another,  
2 masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.✓

History: 1977 c. 173; 1979 c. 221; 1983 a. 17.

3 **SECTION 14.** 948.081<sup>x</sup> of the statutes is created to read:

4 **948.081 Patronizing a prostitute who is a child.**✓ Any person who enters  
5 or remains in any place of prostitution with intent to have<sup>v</sup> nonmarital sexual  
6 intercourse or to commit an act of sexual gratification, in public or in private,  
7 involving the sex organ of one person and the mouth or anus of another, masturbation,  
8 or sexual contact with a prostitute<sup>v</sup> is guilty of a Class I felony<sup>v</sup> if the prostitute is a  
9 child. In a prosecution under this section,<sup>v</sup> it need not be proven that the person knew  
10 the age of the prostitute,<sup>v</sup> and it is not a defense that the person reasonably believed  
11 that the prostitute was not a child.✓

12 **SECTION 15.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

13 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
14 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.05, 948.051,  
15 948.055, 948.06, 948.07, 948.08, 948.081<sup>v</sup>, 948.09, 948.10, 948.12, or 948.14.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91; 2013 a. 262, 362; 2015 a. 352.

16 **SECTION 16.** 973.075 (2) (intro.)<sup>x</sup> of the statutes is amended to read:

17 973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
18 section upon process issued by any court of record having jurisdiction over the  
19 property. Except for vehicles used in the commission of a crime in violation of s.  
20 940.302, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.05,  
21 948.051, 948.055, 948.06, 948.07, 948.08, 948.081<sup>v</sup>, 948.09, 948.10, 948.12, or 948.14,  
22 seizure without process may be made under any of the following circumstances:

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91; 2013 a. 262, 362; 2015 a. 352.



## Hanaman, Cathlene

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**From:** Scott, Katie  
**Sent:** Tuesday, July 18, 2017 11:24 AM  
**To:** Hanaman, Cathlene  
**Subject:** Small change - Bill draft - Preventing Human Trafficking of Children  
**Attachments:** 17-3795\_P1.pdf

Hi Cathlene,

Thank you for drafting LRB 3795. It looks great! We just have 1 small change: Could we use a different term for these minors other than prostitute? For example on Page 5 line 1, perhaps it could be "Patronizing a child for purposes of sexual gratification and providing a penalty." Then, just removing the term prostitute in the sections where it is referring to a minor and replacing with child, or individual. Would that work?

Thank you,  
Katie

Katie Scott  
Policy Advisor  
Office of Representative Joel Kleefisch  
38<sup>th</sup> Assembly District  
(608) 266-8551



P2

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Reger

4  
1  
2  
3  
4  
5

AN ACT to amend 48.415 (9m) (b) 2. a., 48.685 (1) (c) 2., 165.60, 165.70 (1) (b),  
440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a), 901.08 (1) (b), 939.62  
(2m) (a) 1m. a., 939.62 (2m) (a) 2m. b., 939.74 (2) (c), 944.31, 973.075 (1) (b) 1m.  
c. and 973.075 (2) (intro.); and to create 948.081 of the statutes; relating to:  
patronization of a prostitute who is a child and providing a criminal penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, the penalty for patronizing a prostitute is a Class A misdemeanor. This bill increases the penalty to a Class I felony if the prostitute is under the age of 18. This bill also specifies that, for the increased penalty, the prosecutor does not need to prove that the person knew the prostitute was under the age of 18 and it is not a defense to the crime that the person believed the prostitute was at least 18.

actor  
for patronizing person who

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

SECTION 1. 48.415 (9m) (b) 2. a. of the statutes is amended to read:  
48.415 (9m) (b) 2. a. The commission of a violation of s. 940.19 (3), 1999 stats.,  
a violation of s. 940.19 (2), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,

1 948.03 (2) (a), (3) (a), or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, ~~or~~ 948.08, or  
2 948.081, or a violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

3 **SECTION 2.** 48.685 (1) (c) 2. of the statutes is amended to read:

4 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19  
5 (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295,  
6 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,  
7 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),  
8 948.12, 948.13, 948.21 (1), 948.30, or 948.53.

9 **SECTION 3.** 165.60 of the statutes is amended to read:

10 **165.60 Law enforcement.** The department of justice is authorized to enforce  
11 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,  
12 945.02 (2), 945.03 (1m), and 945.04 (1m), and 948.081 and ch. 108 and, with respect  
13 to a false statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as  
14 described under s. 175.60 (17) (c), to enforce s. 946.32, is authorized to assist the  
15 department of workforce development in the investigation and prosecution of  
16 suspected fraudulent activity related to worker's compensation as provided in s.  
17 102.125, and is invested with the powers conferred by law upon sheriffs and  
18 municipal police officers in the performance of those duties. This section does not  
19 deprive or relieve sheriffs, constables, and other local police officers of the power and  
20 duty to enforce those sections, and those officers shall likewise enforce those sections.

21 **SECTION 4.** 165.70 (1) (b) of the statutes is amended to read:

22 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
23 940.20 (3), 940.201, 941.25, 941.26, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
24 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
25 948.08, and 948.081.

1           **SECTION 5.** 440.312 (2) of the statutes is amended to read:

2           440.312 (2) The department may not grant a license under this subchapter to  
3 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
4 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
5 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095,  
6 948.10, 948.11, or 948.12.

7           **SECTION 6.** 440.982 (2) of the statutes is amended to read:

8           440.982 (2) The department may not grant a license under this subchapter to  
9 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
10 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
11 948.051, 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095, 948.10, 948.11,  
12 or 948.12 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

13           **SECTION 7.** 460.05 (1) (h) 1. of the statutes is amended to read:

14           460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
15 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085,  
16 948.09, 948.095, or 948.10.

17           **SECTION 8.** 460.14 (2m) (a) of the statutes is amended to read:

18           460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
19 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085,  
20 948.09, 948.095, or 948.10.

21           **SECTION 9.** 901.08 (1) (b) of the statutes is amended to read:

22           901.08 (1) (b) "Sexual misconduct" includes a violation of s. 940.22 (2), 940.225  
23 (1), (2), or (3), 940.32, 942.08, 942.09, 948.02, 948.025, 948.05 (1) or (1m), 948.055 (1),  
24 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095, 948.10, or 948.11 (2) and  
25 includes sexual harassment, as defined in s. 111.32 (13).

1           **SECTION 10.** 939.62 (2m) (a) 1m. a. of the statutes is amended to read:

2           939.62 **(2m)** (a) 1m. a. A violation of s. 948.02, 948.025, 948.05, 948.051,  
3 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.095 or 948.30 or, if the victim  
4 was a minor and the convicted person was not the victim's parent, a violation of s.  
5 940.31.

6           **SECTION 11.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

7           939.62 **(2m)** (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
8 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.  
9 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
10 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),  
11 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2.,  
12 3., or 4., 948.05, 948.06, 948.07, 948.075, 948.08, 948.081, 948.085, or 948.30 (2).

13           **SECTION 12.** 939.74 (2) (c) of the statutes is amended to read:

14           939.74 **(2)** (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (e), 948.03  
15 (2) (a) or (5) (a) 1., 2., or 3., 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075,  
16 948.08, 948.081, 948.085, or 948.095 shall be commenced before the victim reaches  
17 the age of 45 years or be barred, except as provided in sub. (2d).

18           **SECTION 13.** 944.31 of the statutes is amended to read:

19           **944.31 Patronizing prostitutes.** Any Except as provided in s. 948.081, any  
20 person who enters or remains in any place of prostitution with intent to have  
21 nonmarital sexual intercourse or to commit an act of sexual gratification, in public  
22 or in private, involving the sex organ of one person and the mouth or anus of another,  
23 masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.

24           **SECTION 14.** 948.081 of the statutes is created to read:

1

**948.081 Patronizing a prostitute who is a child.**

(Any person) who enters

An actor

2

or remains in any place of prostitution with intent to have nonmarital sexual

3

intercourse or to commit an act of sexual gratification, in public or in private,

4

involving the sex organ of one person and the mouth or anus of another,

5

masturbation, or sexual contact with a prostitute is guilty of a Class I felony if the

6

prostitute is a child. In a prosecution under this section, it need not be proven that

7

the person knew the age of the prostitute and it is not a defense that the person

8

reasonably believed that the prostitute was not a child.

9

**SECTION 15.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

10

973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,

11

944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.05, 948.051,

12

948.055, 948.06, 948.07, 948.08, 948.081, 948.09, 948.10, 948.12, or 948.14.

13

**SECTION 16.** 973.075 (2) (intro.) of the statutes is amended to read:

14

973.075 (2) (intro.) A law enforcement officer may seize property subject to this

15

section upon process issued by any court of record having jurisdiction over the

16

property. Except for vehicles used in the commission of a crime in violation of s.

17

940.302, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.05,

18

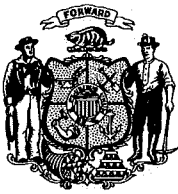
948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.09, 948.10, 948.12, or 948.14,

19

seizure without process may be made under any of the following circumstances:

20

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3795/P2  
CMH:jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

NO  
changes

1 **AN ACT to amend** 48.415 (9m) (b) 2. a., 48.685 (1) (c) 2., 165.60, 165.70 (1) (b),  
2 440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a), 901.08 (1) (b), 939.62  
3 (2m) (a) 1m. a., 939.62 (2m) (a) 2m. b., 939.74 (2) (c), 944.31, 973.075 (1) (b) 1m.  
4 c. and 973.075 (2) (intro.); and **to create** 948.081 of the statutes; **relating to:**  
5 patronization of a child and providing a criminal penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, the penalty for patronizing a prostitute is a Class A misdemeanor. This bill increases the penalty to a Class I felony for patronizing a person who is under the age of 18. This bill also specifies that, for the increased penalty, the prosecutor does not need to prove that the actor knew the person was under the age of 18 and it is not a defense to the crime that the actor believed the person was at least 18.

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

6 **SECTION 1.** 48.415 (9m) (b) 2. a. of the statutes is amended to read:  
7 48.415 (**9m**) (b) 2. a. The commission of a violation of s. 940.19 (3), 1999 stats.,  
8 a violation of s. 940.19 (2), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,





**Walker, Dan**

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**From:** Scott, Katie  
**Sent:** Wednesday, August 16, 2017 10:46 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3795/1

Please Jacket LRB -3795/1 for the ASSEMBLY.