



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3592/1
CMH:wlj

2017 SENATE BILL 308

1 **AN ACT** *to renumber and amend* 944.31; *to amend* 51.20 (13) (cr), 165.76 (1)
2 (am), 938.34 (15) (a) 1. and 971.17 (1m) (a) 1.; and *to create* 944.31 (2) of the
3 statutes; **relating to:** patronizing a prostitute and providing a criminal
4 penalty.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 51.20 (13) (cr) of the statutes is amended to read:
6 51.20 (13) (cr) If the subject individual is before the court on a petition filed
7 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
8 violation that would be a felony if committed by an adult in this state or a violation
9 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or
10 948.10 (1) (b), the court shall require the individual to provide a biological specimen

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1 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall
2 inform the individual that he or she may request expungement under s. 165.77 (4).

3 **SECTION 2.** 165.76 (1) (am) of the statutes is amended to read:

4 165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed
5 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20
6 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b).

7 **SECTION 3.** 938.34 (15) (a) 1. of the statutes is amended to read:

8 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a
9 violation that would be a felony if committed by an adult in this state or of a violation
10 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or
11 948.10 (1) (b), the court shall require the juvenile to comply with the requirement
12 under s. 165.76 (1) (am) by providing a biological specimen to the state crime
13 laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile
14 that he or she may request expungement under s. 165.77 (4).

15 **SECTION 4.** 944.31 of the statutes is renumbered 944.31 (intro.) and amended
16 to read:

17 **944.31 Patronizing prostitutes.** (intro.) Any person who enters or remains
18 in any place of prostitution with intent to have nonmarital sexual intercourse or to
19 commit an act of sexual gratification, in public or in private, involving the sex organ
20 of one person and the mouth or anus of another, masturbation or sexual contact with
21 a prostitute is guilty of the following:

22 (1) For a first or 2nd violation, a Class A misdemeanor.

23 **SECTION 5.** 944.31 (2) of the statutes is created to read:

24 944.31 (2) For a 3rd or subsequent violation, a Class I felony.

25 **SECTION 6.** 971.17 (1m) (a) 1. of the statutes is amended to read:

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1 971.17 **(1m)** (a) 1. If the defendant under sub. (1) is found not guilty by reason
2 of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or
3 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or
4 948.10 (1) (b), the court shall require the person to provide a biological specimen to
5 the state crime laboratories for deoxyribonucleic acid analysis. The judge shall
6 inform the person that he or she may request expungement under s. 165.77 (4).

7

(END)