



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2017 Senate Bill 396**

**Senate Amendment 1**

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### **BACKGROUND**

Under current law, a person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor. A Class A misdemeanor is punishable by a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both.

### **2017 SENATE BILL 396**

2017 Senate Bill 396 (“the bill”) increases the penalty for patronizing a prostitute to a Class I felony if the person patronizes a person who is under the age of 18 (“a child”). The penalty for a Class I felony is a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

Under the bill, when prosecuting a violation of the prohibition of patronizing a child, the prosecution does not need to prove that the actor knew the age of the person. Also under the bill, it is not a defense that the actor reasonably believes that the person was not a child.

### **SENATE AMENDMENT 1**

Senate Amendment 1 provides that a person who violates the prohibition against patronizing a child is guilty of a Class G felony. The penalty for a Class G felony is a fine not to exceed \$25,000, imprisonment not to exceed 10 years, or both.

**BILL HISTORY**

Senator LeMahieu offered Senate Amendment 1 on October 18, 2017. On October 24, 2017, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of the amendment by a vote of Ayes, 4; Noes, 1; and subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 5; Noes, 0.

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