

1983 Assembly Bill 250

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## 1983 Wisconsin Act 17

AN ACT *to repeal* 944.20 (3); *to amend* 343.06 (11), 343.30 (2d), 939.22 (24), 944.20 (2), 944.30 (2), 944.31 and 944.33 (1) (a) and (b); *to repeal and recreate* 944.15 and 944.17; and *to create* 944.01 of the statutes, relating to sexual activity between consenting adults.

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

SECTION 1. 343.06 (11) of the statutes is amended to read:

343.06 (11) To any person who has been convicted of any offense specified under ss. 940.225, and 944.12 ~~and 944.17~~ or adjudged delinquent under ch. 48 for a like or similar offense, when the sentencing court makes a finding that issuance of a license will be inimical to the public safety and welfare. ~~Such~~ The prohibition against issuance of a license to ~~said~~ the offenders shall apply ~~forthwith~~ immediately upon receipt of a record of ~~such~~ the conviction and ~~such~~ the court finding by the secretary, for a period of one year or until discharge from any jail or prison sentence or any period of probation or parole with respect to the offenses specified, whichever date is the later. Receipt by ~~such~~ the offender of a certificate of discharge from the department of health and social services or other responsible supervising agency shall, after one year has elapsed since ~~said~~ the prohibition began, entitle the holder ~~thereof~~ to apply for an operator's license. ~~Such~~ The applicant may be required to present the certificate of discharge to the secretary if the latter deems it necessary.

SECTION 2. 343.30 (2d) of the statutes is amended to read:

343.30 (2d) A court may suspend or revoke a person's operating privilege upon conviction of any offense specified under ss. 940.225, and 944.12 ~~and 944.17~~, ~~when, if~~ the court finds that it is inimical to the public safety and welfare for the offender to have operating privileges. The suspension or revocation shall be for one year or until discharge from prison or jail sentence or probation or parole with respect to the offenses specified, whichever date is later. Receipt of a certificate of discharge from the department of health and social services or other responsible supervising agency ~~shall~~, after one year has elapsed since ~~such~~ the suspension or revocation, ~~entitle~~ entitles the holder ~~thereof~~ to reinstatement of operating privileges. The holder may be required to present ~~such~~ the certificate to the secretary if the ~~latter~~ secretary deems necessary.

SECTION 3. 939.22 (24) of the statutes is amended to read:

939.22 (24) "Place of prostitution" means any place where a person habitually engages, in public or in private, in nonmarital acts of sexual intercourse, sexual ~~perversion~~ gratification involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact for any thing of value.

SECTION 3m. 944.01 of the statutes is created to read:

**944.01 Intent.** The state recognizes that it has a duty to encourage high moral standards. Although the state does not regulate the private sexual activity of consenting adults, the state does not condone or encourage any form of sexual conduct outside the institution of marriage. Marriage is the foundation of family and society. Its stability is basic to morality and civilization, and of vital interest to society and this state.

SECTION 4. 944.15 of the statutes is repealed and recreated to read:

**944.15 Fornication.** (1) In this section, “in public” means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual intercourse.

(2) Whoever has sexual intercourse in public or whoever has sexual intercourse with a minor who is 16 years old or older but younger than 18 years old and who is not his or her spouse is guilty of a Class E felony.

SECTION 5. 944.17 of the statutes is repealed and recreated to read:

**944.17 Sexual gratification.** (1) In this section, “in public” means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual gratification.

(2) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Commits an act of sexual gratification in public involving the sex organ of one person and the mouth or anus of another.

(b) Commits an act of sexual gratification with a minor who is 16 years old or older but younger than 18 years old and who is not his or her spouse, involving the sex organ of one person and the mouth or anus of another.

(c) Commits an act of sexual gratification involving his or her sex organ and the sex organ, mouth or anus of an animal.

(d) Commits an act of sexual gratification involving his or her sex organ, mouth or anus and the sex organ of an animal.

SECTION 6. 944.20 (2) of the statutes is amended to read:

944.20 (2) Publicly and indecently exposes a sex organ; ~~or,~~

SECTION 7. 944.20 (3) of the statutes is repealed.

SECTION 8. 944.30 (2) of the statutes is amended to read:

944.30 (2) Commits or offers to commit or requests to commit an act of sexual ~~perver-~~  
~~sion~~ gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another for any thing of value.

SECTION 9. 944.31 of the statutes is amended to read:

**944.31 Patronizing prostitutes.** Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual ~~perversion~~ 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.

SECTION 10. 944.33 (1) (a) and (b) of the statutes are amended to read:

944.33 (1) (a) Solicits another to have nonmarital sexual intercourse or to commit an act of sexual ~~perversion~~ 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 person the solicitor knows is a prostitute; or

(b) With intent to facilitate another in having nonmarital intercourse or committing an act of sexual ~~perversion~~ 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, directs or transports the person to a prostitute or directs or transports a prostitute to the person.