

# State of Wisconsin



1995 Assembly Bill 405

Date of enactment: **April 22, 1996**

Date of publication\*: **May 6, 1996**

## 1995 WISCONSIN ACT 265

AN ACT to create 948.13 and 973.034 of the statutes; relating to: child sex offenders working or volunteering with children under 16 years of age and providing a penalty.

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

**SECTION 1.** 948.13 of the statutes is created to read:

**948.13 Child sex offender working with children.**

(1) In this section, "serious child sex offense" means any of the following:

(a) A crime under s. 940.22 (2) or 940.225 (2) (c), if the victim is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1), 948.025 (1), 948.05 (1), 948.06 or 948.07 (1), (2), (3) or (4).

(b) A crime under federal law or the law of any other state or, prior to the effective date of this paragraph .... [revisor inserts date], under the law of this state that is comparable to a crime specified in par. (a).

(2) Whoever has been convicted of a serious child sex offense and subsequently engages in an occupation or participates in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years of age is guilty of a Class C felony.

(3) Evidence that a person engages in an occupation or participates in a volunteer position relating to any of

the following is prima facie evidence that the occupation or position requires him or her to work or interact primarily and directly with children under 16 years of age: teaching children, child care, youth counseling, youth organization, coaching children, parks or playground recreation or school bus driving.

**SECTION 2.** 973.034 of the statutes is created to read:

**973.034 Sentencing; restriction on child sex offender working with children.** Whenever a court imposes a sentence or places a defendant on probation regarding a conviction under s. 940.22 (2) or 940.225 (2) (c), if the victim is under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1), 948.025 (1), 948.05 (1), 948.06 or 948.07 (1), (2), (3) or (4), the court shall inform the defendant of the requirements and penalties under s. 948.13.

**SECTION 3. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of other offenses as prior serious child sex offenses for determining whether a person is subject to section 948.13 (2) of the statutes, as created by this act.

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\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].