



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 272
[2011 Assembly Bill 209]

**Mandatory Minimum Sentences for
Certain Child Sex Crimes**

2011 Wisconsin Act 272 removes court discretion to apply a sentence below the mandatory minimum for certain child sex crimes unless the offender is no more than four years older than the victim.

Prior Law

A mandatory minimum sentence of at least five years confinement applies to offenders convicted of sexual exploitation of a child or use of a computer to facilitate a child sex crime, and a mandatory minimum sentence of at least three years of confinement applies to offenders convicted of possession of child pornography. Under prior law, a court could impose probation or a sentence that was less than the mandatory minimum if it found that the best interests of the community would be served and the public would not be harmed, and if the court placed its reasons on the record.

2011 Wisconsin Act 272

Under *Act 272*, a court may only impose probation or a sentence that is less than the mandatory minimum under specific circumstances involving young offenders. The Act provides that a court may not impose a sentence below the mandatory minimum *unless*: (a) the offender is convicted of sexual exploitation of a child, and is no more than 48 months older than the child; or (b) the offender is convicted of possession of child pornography, and is no more than 48 months older than the child.

Effective date: Act 272 takes effect on April 24, 2012.

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April 19, 2012

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.