



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1125/2
PJH&EHS:jld/cmh/ahe

2015 ASSEMBLY BILL 926

February 18, 2016 - Introduced by Representatives JOHNSON and BILLINGS.
Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to amend* 973.05 (3) (a); and *to create* 20.455 (5) (hf), 814.75 (28), 814.76
2 (21), 973.044 and 973.05 (2m) (fr) of the statutes; **relating to:** creating a
3 surcharge to be paid by persons convicted of certain crimes against children and
4 certain crimes against sexual morality to fund services relating to crimes
5 against children, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a surcharge that is paid by any person who commits a sexual crime against a child or who commits certain crimes related to prostitution or sex trafficking. Under the bill, a person who is convicted of committing one of those offenses must pay, in addition to any criminal fine for the offense, a \$500 surcharge. Under the bill, the money collected under the surcharge is used by the Office of Crime Victim Services in the Department of Justice to provide services to child victims of sexual exploitation.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

6 **SECTION 1.** 20.455 (5) (hf) of the statutes is created to read:

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1 20.455 (5) (hf) *Services for child victims*. All moneys received under s. 973.044
2 for providing services to children who are victims of sexual exploitation.

3 **SECTION 2.** 814.75 (28) of the statutes is created to read:

4 814.75 (28) The sexual exploitation surcharge under s. 973.044.

5 **SECTION 3.** 814.76 (21) of the statutes is created to read:

6 814.76 (21) The sexual exploitation surcharge under s. 973.044.

7 **SECTION 4.** 973.044 of the statutes is created to read:

8 **973.044 Sexual exploitation surcharge.** (1) If a court imposes a sentence
9 or places a person on probation for a crime under s. 940.302 (2) if s. 940.302 (2) (a)
10 1. b. applies or under ss. 944.31 to 944.36 or 948.02 to 948.14, the court shall impose
11 a sexual exploitation surcharge of \$500 for each offense.

12 (2) After determining the amount due, the clerk of court shall collect and
13 transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
14 treasurer shall then make payment to the secretary of administration under s. 59.25
15 (3) (f) 2.

16 (3) The secretary of administration shall credit the surcharge to the
17 appropriation account under s. 20.455 (5) (hf).

18 (4) If an inmate in a state prison or a person sentenced to a state prison has
19 not paid the sexual exploitation surcharge under this section, the department shall
20 assess and collect the amount owed from the inmate's wages or other moneys. Any
21 amount collected under this subsection shall be transmitted to the secretary of
22 administration.

23 **SECTION 5.** 973.05 (2m) (fr) of the statutes is created to read:

24 973.05 (2m) (fr) To payment of the sexual exploitation surcharge until paid in
25 full.

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1 **SECTION 6.** 973.05 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 973.05 **(3)** (a) In lieu of part or all of a fine imposed by a court, the court may
4 stay the execution of part or all of the sentence and provide that the defendant
5 perform community service work under pars. (b) and (c). Any applicable driver
6 improvement surcharge under s. 346.655, any sexual exploitation surcharge under
7 s. 973.044, any safe ride program surcharge under s. 346.657, or any domestic abuse
8 surcharge under s. 973.055 shall be imposed under ch. 814 regardless of whether
9 part or all of the sentence has been stayed. If the defendant fails to comply with the
10 community service order, the court shall order the defendant brought before the
11 court for imposition of sentence. If the defendant complies with the community
12 service order, he or she has satisfied that portion of the sentence.

13

(END)