

1 **AN ACT to repeal and recreate** 948.025 (1) and 948.025 (2) of the statutes; **relating**
 2 **to:** engaging in repeated acts of sexual assault of the same child.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Review of Crimes Against Children.

The bill draft redrafts the offense of engaging in repeated acts of the same child. It is drafted to be consistent with WLC: 0006/1.

3 **SECTION 1.** 948.025 (1) of the statutes, as affected by 2005 Wisconsin Acts 430 and 437,
 4 is repealed and recreated to read:

5 948.025 (1) Whoever commits 3 or more violations under s. 948.02 (1) or (2) within
 6 a specified period of time involving the same child is guilty of:

7 (a) A Class A felony if at least 3 of the violations were violations of s. 948.02 (1) (am).

8 (b) A Class A felony if at least 3 of the violations were violations of s. 948.02 (1) (am),
 9 (b), or (c).

10 (c) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1) (am),
 11 (b), (c), or (d).

12 (d) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

13 (e) A Class C felony if at least 3 of the violations were violations of s. 948.02 (1) or (2).

NOTE: This SECTION restructures the offense of engaging in repeated acts of the same child. Under current law, for example, par. (c) requires a showing that the defendant committed at least 3 violations of sub. (1) (am), (b), (c), or (d), but that fewer than 3 of the violations were of sub. (am), (b), or (c).

COMMENT: This bill draft is intended to simplify the offense without changing the prosecutor's standard of proof.

1 **SECTION 2.** 948.025 (2) of the statutes, as affected by 2005 Wisconsin Acts 430 and 437,
2 is repealed and recreated to read:

3 948.025 (2) If an action under sub. (1) is tried to a jury, in order to find the defendant
4 guilty the members of the jury must unanimously agree that the requisite number of violations
5 occurred within the specified period of time, but need not agree on which acts constitute the
6 requisite number or which of the requisite types of violations is violated by a particular act.

NOTE: This SECTION sets forth the findings that must be made by a jury to find a defendant guilty of repeated acts of sexual assault of the same child. The SECTION combines the paragraphs under current s. 948.025 (2) into a single provision. No substantive changes to current law are intended to be made by this SECTION.

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(END)