AN ACT ***to amend*** 948.09 of the statutes; **relating to:** sexual intercourse with a child age 16 or older.

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.

Under current law, it is a Class A misdemeanor for a person to have sexual intercourse with a child age 16 or older who is not the person's spouse. Under this draft, persons who are close in age to the child are excluded from being included under this offense. Two options are provided to accomplish this change. Under the first option, a person under the age of 21 at the time of the sexual intercourse is excluded. Under the second option, a person not more than 4 years older than the child is excluded.

SECTION 1. 948.09 of the statutes is amended to read:

948.09 Sexual intercourse with a child age 16 or older. Whoever has sexual intercourse with a child who is not the defendant's spouse and who has attained the age of 16 years is guilty of a Class A misdemeanor. [<u>This section does not apply to a person who was under 21 years of age at the time of the sexual intercourse.</u>] [<u>This section does not apply to a person who is not more than 4 years older than the child.</u>]

(END)