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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 245**

**Senate Amendment 1**

### 2021 SENATE BILL 245

Under current law, a person who commits the crime of prostitution is guilty of a Class A misdemeanor. However, if the person is under 18 years of age and the court determines that the best interests of the person are served and society will not be harmed, the court may enter a consent decree or a deferred prosecution agreement, under which the prostitution charges are generally suspended or dismissed, if certain conditions are met.

Senate Bill 245 provides that a person may not be prosecuted for acts that constitute the crime of prostitution if the person is under 18 years of age at the time he or she commits the offense. To that end, the bill repeals the provision allowing a court to enter a consent decree or a deferred prosecution agreement in certain circumstances and, relatedly, repeals various statutory references to delinquency adjudications in juvenile court for violations of the crime of prostitution.

### SENATE AMENDMENT 1

Senate Amendment 1 specifies that the bill's provisions apply prospectively. Specifically, the amendment clarifies that certain current law provisions, such as those requiring submission of a biological specimen or allowing for expungement of records, remain applicable to delinquency adjudications for violations of the crime of prostitution entered prior to the bill's enactment.

### BILL HISTORY

Senator Darling offered Senate Amendment 1 on October 12, 2021. On October 14, 2021, the Senate Committee on Judiciary and Public Safety recommended adoption of Senate Amendment 1, and passage of Senate Bill 245, as amended, on votes of Ayes, 5; Noes, 2.

AO:jal