



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

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**ASSEMBLY AMENDMENT 63,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

March 14, 2002 – Offered by Representatives HUBER, GUNDRUM, KAUFERT, WOOD,
STASKUNAS and JESKEWITZ.

1 At the locations indicated, amend the substitute amendment as follows:
2 **1.** Page 48, line 5: after that line insert:
3 “**SECTION 149f.** 51.20 (13) (ct) 2m. of the statutes is amended to read:
4 51.20 (**13**) (ct) 2m. If the subject individual is before the court on a petition filed
5 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
6 violation, or to have solicited, conspired, or attempted to commit a violation, of s.
7 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
8 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or
9 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the subject individual
10 was not the victim’s parent, the court shall require the individual to comply with the
11 reporting requirements under s. 301.45 unless the court determines, after a hearing

1 on a motion made by the individual, that the individual is not required to comply
2 under s. 301.45 (1m).”.

3 **2.** Page 173, line 16: after that line insert:

4 “**SECTION 338p.** 165.70 (1) (b) of the statutes is amended to read:

5 165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to
6 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33,
7 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.”.

8 **3.** Page 188, line 7: after that line insert:

9 “**SECTION 378p.** 301.45 (1d) (b) of the statutes is amended to read:

10 301.45 (1d) (b) “Sex offense” means a violation, or the solicitation, conspiracy,
11 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
12 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11
13 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was
14 a minor and the person who committed the violation was not the victim’s parent.”.

15 **4.** Page 188, line 14: after that line insert:

16 “**SECTION 379v.** 302.045 (2) (c) of the statutes is amended to read:

17 302.045 (2) (c) The inmate is incarcerated regarding a violation other than a
18 crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
19 948.07, 948.075, 948.08, or 948.095.”.

20 **5.** Page 226, line 10: after that line insert:

21 “**SECTION 531k.** 938.34 (15m) (bm) of the statutes is amended to read:

22 938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a
23 violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22
24 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,

1 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or
2 of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's
3 parent, the court shall require the juvenile to comply with the reporting
4 requirements under s. 301.45 unless the court determines, after a hearing on a
5 motion made by the juvenile, that the juvenile is not required to comply under s.
6 301.45 (1m).”.

7 **6.** Page 232, line 6: after that line insert:

8 “**SECTION 559v.** 939.615 (1) (b) 1. of the statutes is amended to read:

9 939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to
10 commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025
11 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a),
12 948.12, or 948.13.”.

13 **7.** Page 233, line 3: delete lines 3 to 9 and substitute:

14 “**SECTION 566d.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

15 939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05,
16 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
17 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
18 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
19 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

20 **SECTION 566f.** 939.62 (2m) (a) 2m. b. of the statutes, as affected by 2001
21 Wisconsin (this act), is amended to read:

22 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
23 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
24 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,

1 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
2 ~~(1m), or (1r)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
3 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~”.

4 **8.** Page 235, line 25: after that line insert:

5 “**SECTION 582p.** 939.74 (2) (c) of the statutes, as affected by 2001 Wisconsin Act
6 16, is amended to read:

7 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
8 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be
9 commenced before the victim reaches the age of 31 years or be barred, except as
10 provided in sub. (2d) (c).”.

11 **9.** Page 284, line 14: after that line insert:

12 “**SECTION 886f.** 948.025 (3) of the statutes is amended to read:

13 948.025 (3) The state may not charge in the same action a defendant with a
14 violation of this section and with a felony violation involving the same child under
15 ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06,
16 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation
17 occurred outside of the time period applicable under sub. (1). This subsection does
18 not prohibit a conviction for an included crime under s. 939.66 when the defendant
19 is charged with a violation of this section.”.

20 **10.** Page 287, line 17: after that line insert:

21 “**SECTION 904m.** 948.075 of the statutes is created to read:

22 **948.075 Use of a computer to facilitate a child sex crime.** (1) Whoever
23 uses a computerized communication system to communicate with an individual who
24 the actor believes or has reason to believe has not attained the age of 16 years with

1 intent have sexual contact or sexual intercourse with the individual in violation of
2 s. 948.02 (1) or (2) is guilty of a Class BC felony.

3 (2) This section does not apply if, at the time of the communication, the actor
4 reasonably believed that the age of the person to whom the communication was sent
5 was no more than 24 months less than the age of the actor.

6 (3) Proof that the actor did an act, other than use a computerized
7 communication system to communicate with the individual, to effect the actor's
8 intent under sub. (1) shall be necessary to prove that intent.

9 **SECTION 904n.** 948.075 (1) of the statutes, as created by 2001 Wisconsin Act
10 (this act), is amended to read:

11 948.075 (1) Whoever uses a computerized communication system to
12 communicate with an individual who the actor believes or has reason to believe has
13 not attained the age of 16 years with intent have sexual contact or sexual intercourse
14 with the individual in violation of s. 948.02 (1) or (2) is guilty of a ~~Class BC~~ Class D
15 felony.”

16 **11.** Page 288, line 23: after that line insert:

17 “**SECTION 910v.** 948.13 (1) (a) of the statutes is amended to read:

18 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
19 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1),
20 948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075.”

21 **12.** Page 327, line 10: after that line insert:

22 “**SECTION 1108d.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

23 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason
24 of mental disease or defect for a violation, or for the solicitation, conspiracy, or

1 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02
2 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11
3 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was
4 a minor and the defendant was not the victim’s parent, the court shall require the
5 defendant to comply with the reporting requirements under s. 301.45 unless the
6 court determines, after a hearing on a motion made by the defendant, that the
7 defendant is not required to comply under s. 301.45 (1m).”.

8 **13.** Page 332, line 7: after that line insert:

9 “**SECTION 1131m.** 973.01 (3m) of the statutes is amended to read:

10 973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing
11 a bifurcated sentence under this section on a person convicted of a crime other than
12 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
13 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its
14 sentencing discretion, decide whether the person being sentenced is eligible or
15 ineligible for the challenge incarceration program under s. 302.045 during the term
16 of confinement in prison portion of the bifurcated sentence.”.

17 **14.** Page 332, line 17: delete lines 17 to 23 and substitute:

18 “**SECTION 1134f.** 973.0135 (1) (b) 2. of the statutes is amended to read:

19 973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
20 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,
21 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),
22 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,
23 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

1 **SECTION 1134g.** 973.0135 (1) (b) 2. of the statutes, as affected by 2001
2 Wisconsin Act (this act), is amended to read:

3 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
4 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
5 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
6 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
7 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
8 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.”.

9 **15.** Page 339, line 13: after that line insert:

10 “**SECTION 1138k.** 973.034 of the statutes is amended to read:

11 **973.034 Sentencing; restriction on child sex offender working with**
12 **children.** Whenever a court imposes a sentence or places a defendant on probation
13 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is
14 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),
15 948.025 (1), 948.05 (1) or (1m), 948.06 or, 948.07 (1), (2), (3), or (4), or 948.075, the
16 court shall inform the defendant of the requirements and penalties under s. 948.13.

17 **SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

18 973.048 (2m) If a court imposes a sentence or places a person on probation for
19 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
20 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
21 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or
22 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
23 victim’s parent, the court shall require the person to comply with the reporting
24 requirements under s. 301.45 unless the court determines, after a hearing on a

1 motion made by the person, that the person is not required to comply under s. 301.45
2 (1m).”.

3 **16.** Page 442, line 3: after “948.07 (intro.),” insert “948.075 (1),”.

4 **17.** Page 451, line 7: after “2m. b.” insert “(by SECTION 566f of this act)”.

5 **18.** Page 453, line 5: after “948.07 (intro.),” insert “948.075 (1),”.

6 **19.** Page 454, line 13: after “(b) 2.” insert “(by SECTION 1134g of this act)”.

7 (END)