



**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 652**

January 19, 2006 – Offered by Representative McCORMICK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 20: after that line insert:

3 “**SECTION 5g.** 971.31 (11) of the statutes is amended to read:

4 971.31 **(11)** In actions under s. 940.225, 941.39 (2), 948.02, 948.025 or 948.095,
5 evidence which is admissible under s. 972.11 (2) must be determined by the court
6 upon pretrial motion to be material to a fact at issue in the case and of sufficient
7 probative value to outweigh its inflammatory and prejudicial nature before it may
8 be introduced at trial.

9 **SECTION 5r.** 972.11 (2) (b) (intro.) of the statutes is amended to read:

10 972.11 **(2)** (b) (intro.) If the defendant is accused of a crime under s. 940.225,
11 941.39 (2), 948.02, 948.025, 948.05, 948.06 or 948.095, any evidence concerning the
12 complaining witness’s prior sexual conduct or opinions of the witness’s prior sexual
13 conduct and reputation as to prior sexual conduct shall not be admitted into evidence

1 during the course of the hearing or trial, nor shall any reference to such conduct be
2 made in the presence of the jury, except the following, subject to s. 971.31 (11):”.

3 (END)