



State of Wisconsin  
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 620**

February 11, 2014 – Offered by Representatives KESSLER, JOHNSON, C. TAYLOR,  
DANOU, WACHS, HEBL, GOYKE, YOUNG and BARNES.

1     **AN ACT** *to renumber* 904.04 (2) (b), 944.30, 944.33 (1) and 973.076 (1); *to*  
2     *renumber and amend* 940.302 (1) (a), 944.33 (2), 944.33 (3), 973.015 and  
3     973.076 (2); *to amend* 6.47 (1) (b), 48.02 (1) (d), 48.355 (2d) (a) 2. a., 48.371 (3)  
4     (d), 48.57 (3p) (g) 3., 48.981 (3) (a) 2d., 48.981 (3) (c) 1. a., 51.20 (13) (cr), 103.10  
5     (1m) (b) 6., 103.34 (1) (b) 2., 165.60, 165.70 (1) (b), 165.76 (1) (am), 301.048 (2)  
6     (bm) 1. a., 301.45 (1p) (a), 301.45 (7) (e) 2., 301.45 (7) (e) 3., 440.312 (2), 440.982  
7     (2), 460.05 (1) (h) 1., 460.14 (2m) (a), 904.04 (2) (a), 938.34 (15) (a) 1., 938.355  
8     (2d) (a) 2., 938.371 (3) (d), 939.615 (1) (b) 2., 940.302 (1) (d), 940.302 (2) (a) 2.  
9     i., 940.302 (2) (a) 2. j., 940.302 (2) (b), 946.82 (4), 948.051 (1), 948.07 (3), 948.10  
10     (title), 948.10 (1) (intro.), 949.03 (1) (b), 950.04 (1v) (p), 971.17 (1m) (a) 1., 972.15  
11     (4m), 973.055 (1) (a) 1., 973.075 (1) (a), 973.075 (1) (b) 1m. c., 973.075 (2) (intro.)  
12     and 973.075 (5m) (c) (intro.); and *to create* 48.981 (3) (a) 2. e., 904.04 (2) (b)  
13     (title), 940.302 (1) (a) 1., 2. and 3., 940.302 (2) (a) 2. k. and L., 944.30 (2m) and

1 (3m), 973.015 (2m), 973.015 (3), 973.076 (1) (title) and 973.076 (2m) of the  
2 statutes; **relating to:** human trafficking, human trafficking victims, property  
3 forfeitures, rights of victims, admitting evidence of past actions, definitions of  
4 certain offenses, and providing penalties.

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

5 **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:

6 6.47 (1) (b) “Offense relating to domestic abuse, sexual assault, or stalking”  
7 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,  
8 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

9 **SECTION 2.** 48.02 (1) (d) of the statutes is amended to read:

10 48.02 (1) (d) Permitting, allowing or encouraging a child to violate s. 944.30  
11 (1m).

12 **SECTION 3.** 48.355 (2d) (a) 2. a. of the statutes is amended to read:

13 48.355 (2d) (a) 2. a. A violation of s. 940.225, 944.30 (1m), 948.02, 948.025,  
14 948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10.

15 **SECTION 4.** 48.371 (3) (d) of the statutes is amended to read:

16 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,  
17 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or  
18 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.  
19 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation  
20 of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view  
21 or listen to sexual activity in violation of s. 948.055, if the information is necessary  
22 for the care of the child or for the protection of any person living in the foster home,

1 group home, or residential care center for children and youth or in the home of the  
2 relative.

3 **SECTION 5.** 48.57 (3p) (g) 3. of the statutes is amended to read:

4 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944,  
5 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
6 or of a violation of the law of any other state or federal law that would be a violation  
7 of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
8 948.63, or 948.70, if committed in this state, except that a county department or, in  
9 a county having a population of 500,000 or more, the department may make  
10 payments to a person applying for payments under sub. (3m) and a person receiving  
11 payments under sub. (3m) may employ in a position in which the person would have  
12 regular contact with the child for whom those payments are being made or permit  
13 to be an adult resident a person who has been convicted of a violation of s. 944.30  
14 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
15 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
16 state, if that violation occurred 20 years or more before the date of the investigation.

17 **SECTION 6.** 48.981 (3) (a) 2. e. of the statutes is created to read:

18 48.981 **(3)** (a) 2. e. Cases in which a child has committed a violation of s. 944.30  
19 (1m) under the circumstances described in s. 944.30 (3m).

20 **SECTION 7.** 48.981 (3) (a) 2d. of the statutes is amended to read:

21 48.981 **(3)** (a) 2d. The Except as provided in subd. 2. e., the sheriff or police  
22 department may refer to the county department or, in a county having a population  
23 of 500,000 or more, the department or a licensed child welfare agency under contract  
24 with the department a case reported to the sheriff or police department in which a  
25 person who is not a caregiver is suspected of abuse or of threatened abuse of a child.

1           **SECTION 8.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

2           48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the  
3 agency shall evaluate the report to determine whether there is reason to suspect that  
4 a caregiver has abused or neglected the child, has threatened the child with abuse  
5 or neglect, or has facilitated or failed to take action to prevent the suspected or  
6 threatened abuse or neglect of the child or that the child has committed a violation  
7 of s. 944.30 (1m) under the circumstances described in s. 944.30 (3m). Except as  
8 provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse  
9 or neglect or of threatened abuse or neglect of the child, determines that a caregiver  
10 is suspected of facilitating or failing to take action to prevent the suspected or  
11 threatened abuse or neglect of the child, or cannot determine who abused or  
12 neglected the child, within 24 hours after receiving the report the agency shall, in  
13 accordance with the authority granted to the department under s. 48.48 (17) (a) 1.  
14 or the county department under s. 48.57 (1) (a), initiate a diligent investigation to  
15 determine if the child is in need of protection or services. If the agency determines  
16 that a person who is not a caregiver is suspected of abuse or of threatened abuse or  
17 that the child has committed a violation of s. 944.30 (1m) under the circumstances  
18 described in s. 944.30 (3m), the agency may, in accordance with that authority,  
19 initiate a diligent investigation to determine if the child is in need or protection or  
20 services. Within 24 hours after receiving a report under par. (a) of suspected unborn  
21 child abuse, the agency, in accordance with that authority, shall initiate a diligent  
22 investigation to determine if the unborn child is in need of protection or services. An  
23 investigation under this subd. 1. a. shall be conducted in accordance with standards  
24 established by the department for conducting child abuse and neglect investigations  
25 or unborn child abuse investigations.

1           **SECTION 9.** 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,  
2 is amended to read:

3           51.20 **(13)** (cr) If the subject individual is before the court on a petition filed  
4 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
5 violation that would be a felony if committed by an adult in this state or a violation  
6 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or  
7 948.10 (1) (b), the court shall require the individual to provide a biological specimen  
8 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall  
9 inform the individual that he or she may request expungement under s. 165.77 (4).

10           **SECTION 10.** 103.10 (1m) (b) 6. of the statutes is amended to read:

11           103.10 **(1m)** (b) 6. “Sexual abuse” means conduct that is in violation of s.  
12 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085,  
13 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b.  
14 applies.

15           **SECTION 11.** 103.34 (1) (b) 2. of the statutes is amended to read:

16           103.34 **(1)** (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07,  
17 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3),  
18 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03,  
19 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, ~~944.33 (2)~~, 944.34, 946.10, 948.02 (1)  
20 or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07,  
21 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30  
22 or of a substantially similar federal law or law of another state.

23           **SECTION 12.** 165.60 of the statutes is amended to read:

24           **165.60 Law enforcement.** The department of justice is authorized to enforce  
25 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,

1 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false  
2 statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described  
3 under s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred  
4 by law upon sheriffs and municipal police officers in the performance of those duties.  
5 This section does not deprive or relieve sheriffs, constables, and other local police  
6 officers of the power and duty to enforce those sections, and those officers shall  
7 likewise enforce those sections.

8 **SECTION 13.** 165.70 (1) (b) of the statutes is amended to read:

9 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
10 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
11 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
12 948.08.

13 **SECTION 14.** 165.76 (1) (am) of the statutes, as created by 2013 Wisconsin Act  
14 20, is amended to read:

15 165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed  
16 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
17 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or 948.10 (1) (b).

18 **SECTION 15.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

19 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
20 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,  
21 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
22 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
23 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
24 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
25 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,

1 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
2 948.08, 948.085, or 948.30.

3 **SECTION 16.** 301.45 (1p) (a) of the statutes is amended to read:

4 301.45 (1p) (a) If a person is covered under sub. (1g) based solely on an order  
5 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
6 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
7 the person is not required to comply with the reporting requirements under this  
8 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
9 conviction is expunged under s. 973.015 ~~(2)~~ (1m) (b).

10 **SECTION 17.** 301.45 (7) (e) 2. of the statutes is amended to read:

11 301.45 (7) (e) 2. The department issues a certificate of discharge under s.  
12 973.015 ~~(2)~~ (1m) (b).

13 **SECTION 18.** 301.45 (7) (e) 3. of the statutes is amended to read:

14 301.45 (7) (e) 3. The department receives a certificate of discharge issued under  
15 s. 973.015 ~~(2)~~ (1m) (b) by the detaining authority.

16 **SECTION 19.** 440.312 (2) of the statutes is amended to read:

17 440.312 (2) The department may not grant a license under this subchapter to  
18 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
19 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
20 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,  
21 948.11, or 948.12.

22 **SECTION 20.** 440.982 (2) of the statutes is amended to read:

23 440.982 (2) The department may not grant a license under this subchapter to  
24 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
25 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,

1 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12  
2 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

3 **SECTION 21.** 460.05 (1) (h) 1. of the statutes is amended to read:

4 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
5 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
6 948.095, or 948.10.

7 **SECTION 22.** 460.14 (2m) (a) of the statutes is amended to read:

8 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
9 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
10 948.095, or 948.10.

11 **SECTION 23.** 904.04 (2) (a) of the statutes is amended to read:

12 904.04 (2) (a) General admissibility. Except as provided in par. (b) 2., evidence  
13 of other crimes, wrongs, or acts is not admissible to prove the character of a person  
14 in order to show that the person acted in conformity therewith. This subsection does  
15 not exclude the evidence when offered for other purposes, such as proof of motive,  
16 opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or  
17 accident.

18 **SECTION 24.** 904.04 (2) (b) (title) of the statutes is created to read:

19 904.04 (2) (b) *Greater latitude.*

20 **SECTION 25.** 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

21 **SECTION 26.** 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
22 20, is amended to read:

23 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
24 violation that would be a felony if committed by an adult in this state or of a violation  
25 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 ~~(1)~~, 946.52, or



1 948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
2 under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
3 laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
4 that he or she may request expungement under s. 165.77 (4).

5 **SECTION 27.** 938.355 (2d) (a) 2. of the statutes is amended to read:

6 938.355 (2d) (a) 2. "Sexual abuse" means a violation of s. 940.225, 944.30 (1m),  
7 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of  
8 the law of any other state or federal law if that violation would be a violation of s.  
9 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09  
10 or 948.10 if committed in this state.

11 **SECTION 28.** 938.371 (3) (d) of the statutes is amended to read:

12 938.371 (3) (d) Any involvement of the juvenile, whether as victim or  
13 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
14 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), sexual exploitation  
15 of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
16 in violation of s. 948.055, if the information is necessary for the care of the juvenile  
17 or for the protection of any person living in the foster home, group home, residential  
18 care center for children and youth, or juvenile correctional facility.

19 **SECTION 29.** 939.615 (1) (b) 2. of the statutes is amended to read:

20 939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to  
21 commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation  
22 specified in subd. 1., if the court determines that one of the purposes for the conduct  
23 constituting the violation was for the actor's sexual arousal or gratification.

24 **SECTION 30.** 940.302 (1) (a) of the statutes is renumbered 940.302 (1) (a) (intro.)

25 and amended to read:

1           940.302 (1) (a) (intro.) “Commercial sex act” means ~~sexual contact~~ any of the  
2 following for which anything of value is given to, promised, or received, directly or  
3 indirectly, by any person-;

4           **SECTION 31.** 940.302 (1) (a) 1., 2. and 3. of the statutes are created to read:

5           940.302 (1) (a) 1. Sexual contact.

6           2. Sexual intercourse.

7           3. Except as provided in sub. (2) (c), any of the following:

8           a. Sexually explicit performance.

9           b. Any other conduct done for the purpose of sexual humiliation, degradation,  
10 arousal, or gratification.

11          **SECTION 32.** 940.302 (1) (d) of the statutes is amended to read:

12          940.302 (1) (d) “Trafficking” means recruiting, enticing, harboring,  
13 transporting, providing, or obtaining, or attempting to recruit, entice, harbor,  
14 transport, provide, or obtain, an individual ~~without consent of the individual.~~

15          **SECTION 33.** 940.302 (2) (a) 2. i. of the statutes is amended to read:

16          940.302 (2) (a) 2. i. Controlling or threatening to control any individual’s access  
17 to an addictive controlled substance.

18          **SECTION 34.** 940.302 (2) (a) 2. j. of the statutes is amended to read:

19          940.302 (2) (a) 2. j. Using any scheme or, pattern, or other means to cause an  
20 directly or indirectly coerce, threaten, or intimidate any individual to believe that  
21 any individual would suffer bodily harm, financial harm, restraint, or other harm.

22          **SECTION 35.** 940.302 (2) (a) 2. k. and L. of the statutes are created to read:

23          940.302 (2) (a) 2. k. Using or threatening to use force or violence on any  
24 individual.

1 L. Causing or threatening to cause any individual to do any act against the  
2 individual's will or without the individual's consent.

3 **SECTION 36.** 940.302 (2) (b) of the statutes is amended to read:

4 940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is  
5 guilty of a Class D felony if the person knows or reasonably should have known that  
6 the benefits come from or are derived from an act or scheme described in par. (a).

7 **SECTION 37.** 944.30 of the statutes is renumbered 944.30 (1m).

8 **SECTION 38.** 944.30 (2m) and (3m) of the statutes are created to read:

9 944.30 (2m) If the person under sub. (1m) has not attained the age of 18 years  
10 and if the court determines that the best interests of the person are served and  
11 society will not be harmed, the court may enter a consent decree under s. 938.32 or  
12 a deferred prosecution agreement in accordance with s. 938.245, 971.39, or 971.40.

13 (3m) A person is not in violation of, and may not be charged with a violation  
14 of, sub. (1m) if all of the following apply:

15 (a) The person has not attained the age of 18.

16 (b) The person was a victim of trafficking for the purposes of a commercial sex  
17 act, as defined in s. 940.302 (1) (a), under s. 940.302 or 948.051 or under 22 USC 7101  
18 to 7112, regardless of whether anyone was charged with, prosecuted for, or convicted  
19 of a violation of s. 940.302 or 948.051 or 22 USC 7101 to 7112.

20 (c) The person committed the violation of sub. (1m) as a result of being a victim  
21 of trafficking for the purposes of a commercial sex act.

22 **SECTION 39.** 944.33 (1) of the statutes is renumbered 944.33.

23 **SECTION 40.** 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and  
24 amended to read:

1           940.302 (2) (c) ~~If the person received~~ Whoever knowingly receives  
2 compensation from the earnings of the debt bondage, a prostitute, such person or a  
3 commercial sex act, as described in sub. (1) (a) 1. and 2., is guilty of a Class F felony.

4           **SECTION 41.** 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and  
5 amended to read:

6           904.04 (2) (b) 1. ~~In a prosecution under this section, it is competent for the state~~  
7 ~~to prove other~~ criminal proceeding alleging a violation of s. 940.302 (2) or of ch. 948,  
8 alleging the commission of a serious sex offense, as defined in s. 939.615 (1) (b), or  
9 of domestic abuse, as defined in s. 968.075 (1) (a), or alleging an offense that,  
10 following a conviction, is subject to the surcharge in s. 973.055, evidence of any  
11 similar acts by the accused for the purpose of showing the accused's intent and  
12 disposition is admissible, and is admissible without regard to whether the victim of  
13 the crime that is the subject of the proceeding is the same as the victim of the similar  
14 act.

15           **SECTION 42.** 946.82 (4) of the statutes is amended to read:

16           946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
17 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
18 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
19 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
20 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
21 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
22 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
23 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
24 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
25 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)

1 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
2 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33  
3 (~~2~~), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,  
4 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
5 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

6 **SECTION 43.** 948.051 (1) of the statutes is amended to read:

7 948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors,  
8 or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the  
9 purpose of commercial sex acts, as defined in s. 940.302 (1) (a), ~~or sexually explicit~~  
10 ~~performance~~ is guilty of a Class C felony.

11 **SECTION 44.** 948.07 (3) of the statutes is amended to read:

12 948.07 (3) Exposing ~~a sex organ~~ genitals, pubic area, or intimate parts to the  
13 child or causing the child to expose ~~a sex organ~~ genitals, pubic area, or intimate parts  
14 in violation of s. 948.10.

15 **SECTION 45.** 948.10 (title) of the statutes is amended to read:

16 **948.10 (title) Exposing genitals ~~or~~, pubic area, or intimate parts.**

17 **SECTION 46.** 948.10 (1) (intro.) of the statutes is amended to read:

18 948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual  
19 gratification, causes a child to expose genitals ~~or~~, pubic area, or intimate parts or  
20 exposes genitals ~~or~~, pubic area, or intimate parts to a child is guilty of the following:

21 **SECTION 47.** 949.03 (1) (b) of the statutes is amended to read:

22 949.03 (1) (b) The commission or the attempt to commit any crime specified in  
23 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,  
24 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.235,  
25 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32,

1 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86,  
2 943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075,  
3 948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

4 **SECTION 48.** 950.04 (1v) (p) of the statutes is amended to read:

5 950.04 (1v) (p) To have the person preparing a presentence investigation under  
6 s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15  
7 (2m), and to view the sentence recommendation and any victim information included  
8 on the presentence investigation report, as provided in s. 972.15 (4m).

9 **SECTION 49.** 971.17 (1m) (a) 1. of the statutes, as affected by 2013 Wisconsin  
10 Act 20, is amended to read:

11 971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
12 of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
13 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
14 948.10 (1) (b), the court shall require the person to provide a biological specimen to  
15 the state crime laboratories for deoxyribonucleic acid analysis. The judge shall  
16 inform the person that he or she may request expungement under s. 165.77 (4).

17 **SECTION 50.** 972.15 (4m) of the statutes, as affected by 2013 Wisconsin Act 108,  
18 is amended to read:

19 972.15 (4m) The district attorney, the defendant's attorney, and, following a  
20 conviction for a felony in which an assistant attorney general has original  
21 jurisdiction, served at the request of a district attorney under s. 978.05 (8) (b), or  
22 served as a special prosecutor under s. 978.045, the assistant attorney general are  
23 entitled to have and keep a copy of the presentence investigation report. If the  
24 defendant is not represented by counsel, the defendant is entitled to view the  
25 presentence investigation report but may not keep a copy of the report. ~~A~~ Except

1 as provided in s. 950.04 (1v) (p), a district attorney, the defendant's attorney, or an  
2 assistant attorney general who receives a copy of the report shall keep it confidential.  
3 A defendant who views the contents of a presentence investigation report shall keep  
4 the information in the report confidential.

5 **SECTION 51.** 973.015 of the statutes is renumbered 973.015 (1m), and 973.015  
6 (1m) (a) 1., as renumbered, is amended to read:

7 973.015 (1m) (a) 1. Subject to ~~par. (b)~~ subd. 2. and except as provided in ~~par.~~  
8 ~~(e)~~ subd. 3., when a person is under the age of 25 at the time of the commission of an  
9 offense for which the person has been found guilty in a court for violation of a law for  
10 which the maximum period of imprisonment is 6 years or less, the court may order  
11 at the time of sentencing that the record be expunged upon successful completion of  
12 the sentence if the court determines the person will benefit and society will not be  
13 harmed by this disposition. This subsection does not apply to information  
14 maintained by the department of transportation regarding a conviction that is  
15 required to be included in a record kept under s. 343.23 (2) (a).

16 **SECTION 52.** 973.015 (2m) of the statutes is created to read:

17 973.015 (2m) At any time after a person has been convicted, adjudicated  
18 delinquent, or found not guilty by reason of mental disease or defect for a violation  
19 of s. 944.30, a court may, upon the motion of the person, vacate the conviction,  
20 adjudication, or finding, or may order that the record of the violation of s. 944.30 be  
21 expunged, if all of the following apply:

22 (a) The person was a victim of trafficking for the purposes of a commercial sex  
23 act, as defined in s. 940.302 (1) (a), under s. 940.302 or 948.051 or under 22 USC 7101  
24 to 7112.

1 (b) The person committed the violation of s. 944.30 as a result of being a victim  
2 of trafficking for the purposes of a commercial sex act.

3 (c) The person submitted a motion that complies with s. 971.30, that contains  
4 a statement of facts and, if applicable, the reason the person did not previously raise  
5 an affirmative defense under s. 939.46 or allege that the violation was committed as  
6 a result of being a victim of trafficking for the purposes of a commercial sex act, and  
7 that may include any of the following:

8 1. Certified records of federal or state court proceedings.

9 2. Certified records of approval notices, law enforcement certifications, or  
10 similar documents generated from federal immigration proceedings.

11 3. Official documentation from a federal, state, or local government agency.

12 4. Other relevant and probative evidence of sufficient credibility in support of  
13 the motion.

14 (d) The person made the motion with due diligence subject to reasonable  
15 concern for the safety of himself or herself, family members, or other victims of  
16 trafficking for the purposes of a commercial sex act or subject to other reasons  
17 consistent with the safety of persons.

18 (e) A copy of the motion has been served on the office of the district attorney  
19 that prosecuted the case that resulted in the conviction, adjudication, or finding  
20 except that failure to serve a copy does not deprive the court of jurisdiction and is not  
21 grounds for dismissal of the motion.

22 (f) The court in which the motion was made notified the appropriate district  
23 attorney's office of the motion and has given the district attorney's office an  
24 opportunity to respond to the motion.



1 (g) The court determines that the person will benefit and society will not be  
2 harmed by a disposition.

3 **SECTION 53.** 973.015 (3) of the statutes is created to read:

4 973.015 (3) A special disposition under this section is not a basis for a claim  
5 under s. 775.05.

6 **SECTION 54.** 973.055 (1) (a) 1. of the statutes is amended to read:

7 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
8 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
9 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, 940.42, 940.43,  
10 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
11 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201,  
12 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or  
13 947.0125; and

14 **SECTION 55.** 973.075 (1) (a) of the statutes is amended to read:

15 973.075 (1) (a) All property, real or personal, including money, used in the  
16 course of, intended for use in the course of, or directly or indirectly derived from or  
17 realized through the commission of any crime.

18 **SECTION 56.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

19 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
20 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05, 948.051,  
21 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14.

22 **SECTION 57.** 973.075 (2) (intro.) of the statutes is amended to read:

23 973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
24 section upon process issued by any court of record having jurisdiction over the  
25 property. Except for vehicles used in the commission of a crime in violation of s.

1 940.302, 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05,  
2 948.051, 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14, seizure  
3 without process may be made under any of the following circumstances:

4 **SECTION 58.** 973.075 (5m) (c) (intro.) of the statutes is amended to read:

5 973.075 (**5m**) (c) (intro.) If, by the forfeiture action deadline, a summons,  
6 complaint and affidavit have not been filed under s. 973.076 ~~(2) (a)~~ (1) (b) 1. with  
7 respect to property seized under sub. (1) (e), the prosecutor shall notify the victim,  
8 if known, by certified mail no later than 7 days after the forfeiture action deadline.  
9 The prosecutor shall then return the property to the person from whom it was seized  
10 no earlier than 60 days and no later than 90 days after the forfeiture action deadline  
11 unless one of the following applies:

12 **SECTION 59.** 973.076 (1) (title) of the statutes is created to read:

13 973.076 (**1**) (title) CIVIL FORFEITURES.

14 **SECTION 60.** 973.076 (1) of the statutes is renumbered 973.076 (1) (a).

15 **SECTION 61.** 973.076 (2) of the statutes is renumbered 973.076 (1) (b), and  
16 973.076 (1) (b) 3., as renumbered, is amended to read:

17 973.076 (**1**) (b) 3. In counties having a population of 500,000 or more, the  
18 district attorney or the corporation counsel may proceed under ~~par. (a).~~ subd. 1.

19 **SECTION 62.** 973.076 (2m) of the statutes is created to read:

20 973.076 (**2m**) CRIMINAL FORFEITURES. (a) In addition to any penalties under this  
21 chapter, the court shall, with due provision for the rights of innocent persons, order  
22 forfeiture of any property specified in s. 973.075 (1) in accordance with pars. (b), (c),  
23 and (d).

24 (b) A criminal complaint must allege the extent of property subject to forfeiture  
25 under this subsection. At trial, the court or the jury shall return a special verdict

1 determining the extent of property, if any, that is subject to forfeiture under this  
2 subsection. When a special verdict contains a finding of property subject to a  
3 forfeiture under this subsection, a judgment of criminal forfeiture shall be entered  
4 along with the judgment of conviction under s. 972.13.

5 (c) An injured person has a right or claim to forfeited property or the proceeds  
6 derived from forfeited property under this subsection that is superior to any right or  
7 claim the state has in the property or proceeds. This paragraph does not grant the  
8 injured person priority over state claims or rights by reason of a tax lien or other basis  
9 not covered by this section or by s. 973.075 or 973.077. All rights, titles, and interest  
10 in property specified in s. 973.075 (1) vest in the state upon the commission of the act  
11 giving rise to forfeiture under this subsection.

12 (d) An injured or innocent person may petition the court for relief from the  
13 judgment of criminal forfeiture entered under par. (b) within 30 days after it is  
14 entered. The person filing the petition has the burden of satisfying or convincing to  
15 a reasonable certainty by the greater weight of the evidence that the person has a  
16 bona fide perfected security interest in the property subject to forfeiture in s. 973.075  
17 (1) or any other property subject to forfeiture in sub. (4). The court may order that  
18 a person with a bona fide perfected security interest be paid from the proceeds of the  
19 forfeiture or any other equitable relief necessary so as to do substantial justice to the  
20 person.

21 **SECTION 63. Effective dates.** This act takes effect on the day after publication,  
22 except as follows:

23 (1) The treatment of sections 51.20 (13) (cr), 165.76 (1) (am), 938.34 (15) (a) 1.,  
24 and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

25 (END)