



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 511

**Assembly Substitute
Amendment 1**

Memo published: September 13, 2005

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Under *current law*, second-degree sexual assault is a Class C felony, punishable by a fine not to exceed \$100,000 and a term of confinement in prison and extended supervision not to exceed 40 years, or both. Second-degree sexual assault includes, for example, having sexual contact or sexual intercourse with another person without the consent of that person by use of threat or force or violence or, as an employee of an adult family home, a community-based residential facility, an inpatient health care facility, or a state treatment center, having sexual contact or sexual intercourse with a person who is a patient or resident of the facility or center.

Assembly Bill 511 provides that it is second-degree sexual assault to have sexual contact or sexual intercourse with an individual who is under the age of 18 and for whom the actor is a foster parent or to have sexual contact or sexual intercourse with a person who is under the age of 18 and who is placed in a shelter care facility, a group home, or a residential care center for children and youth, if the actor works or volunteers at the facility or is directly or indirectly responsible for managing it.

Assembly Substitute Amendment 1 places the offense created by the bill in a new provision of the chapter of the statutes setting forth crimes against children (ch. 948, Stats.). In addition, under the substitute amendment, having sexual contact or sexual intercourse with a child if the actor is the child's stepparent is included in the crime of incest under s. 948.06, Stats. This offense is also a Class C felony.

Legislative History

The Assembly Committee on Children and Families offered Assembly Substitute Amendment 1 on September 8, 2005. Also on that date, the committee voted to recommend adoption of the substitute amendment on a vote of Ayes, 6; Noes, 0, and to recommend passage of the bill, as amended, on a vote of Ayes, 6; Noes, 0.

AS:ksm