



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 942

**Assembly
Amendments 1 and 2**

Memo published: April 11, 2006

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Assembly Bill 942 increases the penalties for the crimes of sexual exploitation of a child and possession of child pornography and makes other modifications to certain crimes against children.

Assembly Amendment 1

Under *the bill*, when a court sentences a person or places a person on probation for sexual exploitation of a child or possession of child pornography, the court must impose a child pornography surcharge of \$500 for each image or each copy of an image associated with the crime. The proceeds from the surcharge are distributed as follows under the bill:

- 50% to the Department of Corrections to operate institutions and to provide field and administrative services.
- 30% to the Department of Justice for investigating child enticement and possession of child pornography offenses.
- 20% to the Children's Trust Fund to provide grants to organizations for family support and child abuse and neglect prevention.

Assembly Amendment 1 provides that 20% of the proceeds from child pornography surcharges are distributed to the Office of Justice Assistance (OJA) instead of the Children's Trust Fund. The amendment requires OJA to use the funding to provide grants to nonprofit organizations that provide services to victims of sexual assault. OJA may use up to 10% of the funding to cover the costs of administering the program and must develop criteria and procedures for use in selecting grantees and administering the grant program.

Assembly Amendment 1 to Assembly Amendment 1 deletes the provision permitting OJA to use up to 10% of the funding to cover administrative costs.

Assembly Amendment 2

Current law provides that whoever uses a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent to have sexual contact or intercourse with the individual is guilty of a felony. Proof that the actor did an act, other than use a computerized communication system to communicate with the individual, to effect the actor's intent to have sexual contact or intercourse is necessary to prove that intent.

The bill includes a list of acts that are examples of acts that may be used to meet the requirement of proof that the actor did an act, other than use a computerized communication system to communicate with the individual, to effect the actor's intent to have sexual contact or intercourse with the individual. The examples include traveling any distance with the intent to meet the individual and reserving accommodations at any hotel with the intent to meet the individual.

Assembly Amendment 2 deletes the list of acts that are examples of acts that may be used to meet the requirement of proof that the actor did an act, other than use a computerized communication system to communicate with the individual, to effect the actor's intent to have sexual contact or intercourse with the individual.

Legislative History

The Assembly Committee on Criminal Justice and Homeland Security offered Assembly Amendment 1. On February 15, 2006, the committee adopted the amendment on a vote of Ayes, 11; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 4.

Assembly Amendment 1 to Assembly Amendment 1 and Assembly Amendment 2 were offered by the Joint Committee on Finance. On March 30, 2006, the Joint Committee on Finance adopted Assembly Amendment 1 to Assembly Amendment 1 on a vote of Ayes, 14; Noes 2; unanimously adopted Assembly Amendment 1, as amended; and adopted Assembly Amendment 2 on a vote of Ayes, 15; Noes, 1. On that date, the Joint Committee on Finance also recommended passage of the bill, as amended, on a vote of Ayes, 14; Noes, 2.

AS:ksm:jal