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2009 SENATE BILL 330

October 2, 2009 – Introduced by Senators Plale, Lassa, Darling and Kedzie, cosponsored by Representatives Staskunas, Kleefisch, Hraychuck, Suder, Kerkman, LeMahieu, Gundrum, Strachota, Zigmunt, Brooks, Townsend, Bies, Nass, Ripp, Pridemore, Mursau, Molepske Jr. and Honadel. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

AN ACT to renumber and amend 948.10 (1); to amend 973.047 (1f); and to create 948.10 (1) (a) of the statutes; relating to: exposure to a minor and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who exposes, or causes a child to expose, his or her genitals or pubic area for sexual arousal or gratification is guilty of a misdemeanor and is subject to a fine of not more than \$10,000 or imprisonment for not more than nine months, or both. This bill changes the classification of the crime from a misdemeanor to a felony if the person is at least 17 years old when the violation occurs and subjects such person to a fine of not more than \$10,000 or imprisonment for not more than three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 330

1	SECTION 1. 948.10 (1) of the statutes is renumbered 948.10 (1) (intro.) and
2	amended to read:
3	948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual
4	gratification, causes a child to expose genitals or pubic area or exposes genitals or
5	pubic area to a child is guilty of a the following:
6	(b) A Class A misdemeanor if the actor is a child when the violation occurs.
7	Section 2. 948.10 (1) (a) of the statutes is created to read:
8	948.10 (1) (a) Except as provided in par. (b), a Class I felony.
9	Section 3. 973.047 (1f) of the statutes is amended to read:
10	973.047 (1f) If a court imposes a sentence or places a person on probation for
11	a felony conviction or for a conviction for a violation of s. 940.225 (3m), 944.20, or
12	$948.10 \ (1) \ (b)$, the court shall require the person to provide a biological specimen to
13	the state crime laboratories for deoxyribonucleic acid analysis.
14	Section 4. Initial applicability.
15	(1) This act first applies to violations of section 948.10 (1) of the statutes
16	committed on the effective date of this subsection.
17	(END)