

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-2717/1 MLJ:emw

## 2017 ASSEMBLY BILL 406

June 26, 2017 – Introduced by Representatives SARGENT, KOLSTE, BERCEAU, ANDERSON, VRUWINK, C. TAYLOR, CONSIDINE, SPREITZER and FIELDS, cosponsored by Senators CARPENTER, JOHNSON and L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

AN ACT to renumber and amend 940.225 (3); and to create 940.225 (1) (d), 940.225 (2) (k) and 940.225 (3) (c) of the statutes; relating to: classification of sexual assault offenses and providing criminal penalties.

## Analysis by the Legislative Reference Bureau

This bill reclassifies a second, third, or fourth degree sexual assault to one degree higher if the defendant has previously been convicted of first, second, third, or fourth degree sexual assault. Under current law, the penalty for a first degree sexual assault is a Class B felony, the penalty for a second degree sexual assault is a Class C felony, the penalty for a third degree sexual assault is a Class G felony, and the penalty for a fourth degree sexual assault is a Class A misdemeanor.

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

- 4 **SECTION 1.** 940.225 (1) (d) of the statutes is created to read:
- 5 940.225 (1) (d) Violates sub. (2) if he or she has previously been convicted of a
- 6 violation of this subsection or of sub. (2), (3), or (3m) or an analogous crime in another
- 7 jurisdiction.

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## **ASSEMBLY BILL 406**

1	SECTION 2. 940.225 (2) (k) of the statutes is created to read:
2	940.225 (2) (k) Violates sub. (3) if he or she has previously been convicted of a
3	violation of this subsection or of sub. $(1)$ , $(3)$ , or $(3m)$ or an analogous crime in another
4	jurisdiction.
5	<b>SECTION 3.</b> 940.225 (3) of the statutes is renumbered 940.225 (3) (intro.) and
6	amended to read:
7	940.225 (3) THIRD DEGREE SEXUAL ASSAULT. (intro.) Whoever has does any of the
8	following is guilty of a Class G felony:
9	(a) Has sexual intercourse with a person without the consent of that person is
10	guilty of a Class G felony. Whoever has <u>.</u>
11	(b) Has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a
12	person without the consent of that person <del>is guilty of a Class G felony</del> .
13	<b>SECTION 4.</b> 940.225 (3) (c) of the statutes is created to read:
14	940.225 (3) (c) Violates sub. (3m) if he or she has previously been convicted of
15	a violation of this subsection or of sub. (1), (2), or (3m) or an analogous crime in
16	another jurisdiction.
17	SECTION 5. Initial applicability.
18	(1) This act first applies to crimes committed on the effective date of this
19	subsection but does not preclude the counting of other convictions as prior
20	convictions for the purposes of conviction under section 940.225 $(1)$ (d), $(2)$ (k), or $(3)$
21	(c) of the statutes.

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(END)