



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0094/1
CMH:cjs

2021 SENATE BILL 26

January 28, 2021 - Introduced by Senators JACQUE, WANGGAARD, L. TAYLOR, CARPENTER, DARLING, FELZKOWSKI and LARSON, cosponsored by Representatives BRANDTJEN, CALLAHAN, DITTRICH, DRAKE, GUNDRUM, HORLACHER, MILROY, MOSES, MURPHY, MURSAU, ORTIZ-VELEZ, RAMTHUN, ROZAR, SANFELIPPO, STEFFEN, TITTL, WICHGERS, ZIMMERMAN and SUBECK. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 20.455 (2) (hd) and 48.48 (19); and *to create* 20.437 (1) (hf),
2 814.75 (28), 814.76 (21), 944.35 and 973.05 (2m) (fr) of the statutes; **relating**
3 **to:** prostitution crime surcharge and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the court must impose certain surcharges on a defendant who has been found guilty of a criminal offense, which are in addition to any applicable fines, costs, and fees. For instance, the court must impose a crime victim and witness assistance surcharge in an amount of \$67 for each conviction of a misdemeanor count and in an amount of \$92 for each conviction of a felony count. The surcharge amounts collected reimburse counties for services provided to victims and witnesses of crimes.

This bill creates a \$5,000 surcharge to be imposed on persons who are convicted of patronizing or soliciting prostitutes, pandering, or keeping a place of prostitution. Under this bill the surcharge amounts collected are used for treatment and services for sex-trafficking victims and for criminal investigative operations and law enforcement relating to Internet crimes against children.

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 26**SECTION 1**

1 **SECTION 1.** 20.437 (1) (hf) of the statutes is created to read:

2 20.437 (1) (hf) *Sex-trafficking victim services.* All moneys received from the
3 prostitution crime surcharge as authorized under s. 944.35, for treatment and
4 services for sex-trafficking victims under s. 48.48 (19).

5 **SECTION 2.** 20.455 (2) (hd) of the statutes is amended to read:

6 20.455 (2) (hd) *Internet crimes against children.* All moneys transferred under
7 2017 Wisconsin Act 59, section 9228 (1p) and under 2019 Wisconsin Act 9, section
8 9227 (1) ~~shall be credited to this appropriation account~~ and all moneys received from
9 the prostitution crime surcharge as authorized under s. 944.35, for criminal
10 investigative operations and law enforcement relating to Internet crimes against
11 children, prosecution of Internet crimes against children, and activities of state and
12 local Internet crimes against children task forces.

13 **SECTION 3.** 48.48 (19) of the statutes is amended to read:

14 48.48 (19) To purchase or provide treatment and services for children who are
15 the victims of trafficking, as defined in s. 940.302 (1) (d), for purposes of a commercial
16 sex act, as defined in s. 940.302 (1) (a). Within the availability of funding under s.
17 20.437 (1) (e) and (hf), the department shall ensure that that treatment and those
18 services are available to children in all geographic areas of the state, including both
19 urban and rural communities.

20 **SECTION 4.** 814.75 (28) of the statutes is created to read:

21 814.75 (28) The prostitution crime surcharge under s. 944.35.

22 **SECTION 5.** 814.76 (21) of the statutes is created to read:

23 814.76 (21) The prostitution crime surcharge under s. 944.35.

24 **SECTION 6.** 944.35 of the statutes is created to read:

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1 **944.35 Prostitution crime surcharge. (1)** If a court imposes a sentence or
2 places a person on probation for a violation of s. 944.31, 944.32, 944.33, or 944.34, the
3 court shall impose under ch. 814 a prostitution crime surcharge of \$5,000.

4 **(2)** The clerk of the circuit court shall collect and transmit to the county
5 treasurer under s. 59.40 (2) (m) the amount of the surcharge. The county treasurer
6 shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The
7 secretary of administration shall deposit all amounts received under this subsection
8 in the general fund, half of which is to be credited to the appropriation account under
9 s. 20.455 (2) (hd) and half of which is to be credited to the appropriation account
10 under s. 20.437 (1) (hf).

11 **SECTION 7.** 973.05 (2m) (fr) of the statutes is created to read:

12 973.05 **(2m)** (fr) To payment of the prostitution crime surcharge until paid in
13 full.

14 **SECTION 8. Initial applicability.**

15 (1) This act first applies to offenses committed on the effective date of this
16 subsection.

17 **(END)**