



BARBARA DITTRICH

STATE REPRESENTATIVE • 38th ASSEMBLY DISTRICT

July 18, 2019

Assembly Committee on Judiciary

RE: Representative Dittrich Testimony on AB 289 – underage sexual activity.

Good Morning Assembly Committee Chairman Ott and members of the Assembly Committee on Judiciary. I appreciate the committee considering this bill which would make a meaningful impact on hundreds of lives of Wisconsin residents.

As you may remember last session, Assembly Bill 414/2017 Act 174 was introduced to change the criminal classification from a felony to a misdemeanor for any individual under 19 years old who engages in cooperative, sexual intercourse with an individual who is between 15 and 18 years old. Prior to the passage of 2017 Act 174, Wisconsin's sexual assault statutes did not distinguish between sexual activity among teenagers and predatory behavior by adults committed against children. Act 174 removed the life-time sex offender designation and felony classification, removing the label and stigma that comes with it. While these penalties might be appropriate and even needed in some circumstances, they are not between two willing participants.

However, there was a provision in the bill that was inadvertently not included in the final language that was passed into law. AB 289 would remedy the oversight by allowing an individual who has been convicted as a felon under the previous statutes the ability to present their case before a judge to seek retroactive relief, classifying them in the same way they would be if their crime had been committed after the enactment of 2017 Act 174.

In no way does this bill change any of the parameters of Act 174, including circumstance or age limit. It only provides for a mechanism for petitioning a judge for retroactive change in criminal classification and potential removal from the sex offender registry.

Last session, the legislature recognized these changes were a common sense measure that needed to be taken to alleviate a possible felony conviction, long term incarceration, and a life time status as a registered sex offender. I would ask the committee to honor the intent of the authors and support AB 289 in order to make these measures available to everyone affected, not just if the violation occurred after the bill was enacted last session (March 30, 2018).