# MARK R. HONADEL

STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT


TESTIMONY ON **ASSEMBLY BILL 209**

ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

SEPTEMBER 22, 2011

Chairman Bies and members of the committee, thank you for holding this hearing today. This bill, Assembly Bill 209, closes a gaping loophole in state law that allows convicted child predators, child pornographers, and those who prey on children online to serve less than their full sentence.

In 2006, we in the State Legislature passed Assembly Bill 942 and Governor Doyle signed it into law as Act 433. That law increased penalties for child sexual exploitation by requiring a minimum confinement of five years for using a computer to facilitate a child sex crime, and a minimum of three years for possession of child pornography. However, this was a *presumptive* minimum sentence, meaning that courts have the discretion to impose a sentence less than the requirement if they find it "reasonable." In the years since the law was passed, this presumption has become the rule, rather than the exception.

Online sex offender activity continues to rise and additional children continue to be placed at risk. I'm sure by now you have all seen the map prepared by the Department of Justice with red dots blanketing the Wisconsin landscape, indicating thousands of people who are using computers to download and share pornographic pictures and videos of children being raped, assaulted, molested and humiliated.

Law enforcement agencies conducting computer-facilitated child exploitation cases report that most individuals arrested for child pornography possessed pornographic images of prepubescent children – 58% of which were under the age of five – often depicting sexual violence.

This is a difficult issue for me to discuss, and I am sure one that's difficult for you to listen to, but we must realize that behind those images real children were abused and subjected to horrible acts, robbed of their innocence, and their lives forever damaged.

Since taking office, Attorney General Van Hollen has made it a priority to investigate internet crimes against children, and has increased efforts with additional resources. But what is the end result? Even when apprehended, many are not getting the prison sentences they deserve.

*(over)*


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OFFICE: P.O. BOX 8952, STATE CAPITOL • MADISON, WI 53708-8952
(608) 266-0610 • TOLL-FREE: (888) 534-0021 • FAX: (608) 282-3621 • REP.HONADEL@LEGIS.WI.GOV
DISTRICT: 1219 MANITOBA AVE. • SOUTH MILWAUKEE, WI 53172 • (414) 764-9921

In 2009, TV Channel Fox-6 in Milwaukee reported that under the 2006 law only one out of every three convictions received the minimum sentence. To me that shows the law is not being enforced as it was intended, as some of these people are never sent to prison. That is what prompted me to introduce this bill last session and again this session.

Assembly Bill 209 would eliminate the option of a lesser sentence and impose mandatory minimum sentencing for anyone convicted over the age of 18 who uses a computer to prey on children or possesses child pornography.

Pedophiles use the same computer networks that our kids are using. They know where to look and they know what to say to entice innocent children. While online, approximately 1 in 7 kids are requested by an adult to engage in sexual activities or sexual talk or give personal sexual information.

This bill says if you use a computer to entice a child for sexual exploitation, you get a 5 year minimum sentence. Five years will mean five years. The definition of exploitation includes actions such as coercing a child to engage in sexual conduct for the purpose of recording, selling, or distributing the content.

There's absolutely no reason for leniency for those who abuse and take advantage of our children. With this legislation we will keep sex predators off the street and off the internet.

If you view disgusting images of child pornography, this bill says you get a 3 year minimum sentence. Three years will mean three years. If you think merely viewing these images is somehow less harmful, remember that by seeking out and viewing such pictures and videos, they are creating a market demand to create and distribute more filth, thus causing more direct harm to children. And as we all know, pedophiles are not satisfied with looking at just one image, and their habit can escalate into even more serious crimes. Studies indicate a correlation between possessing child pornography and sexually victimizing children.

When Governor Doyle signed the minimum sentence legislation in 2006, he said "the sentence should fit the crime." I could not agree more. Now we must make sure the law that we passed is enforced. Child victims deserve truth in sentencing for their abusers. Sending these convicts to prison for the intended length of sentence is the least we can do to keep children safe and relieve anxiety of parents. We should send a clear message to pedophiles that this type of activity will not be tolerated in Wisconsin and if you do, you *will* go to prison.