



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 80
[2007 Senate Bill 103]

Crimes Against Children

2007 Wisconsin Act 80, relating to crimes against children, does all of the following:

- Reconciles the provisions of 2005 Wisconsin Acts 430 and 437, relating to the offense of first-degree sexual assault of a child.
- Specifies that mandatory minimum terms of confinement in prison for first-degree sexual assault of a child do not apply if the offender was under 18 years of age at the time of the violation.
- Clarifies that harm to the victim caused by the offender at the time of a first-degree sexual assault of a child, and not necessarily caused by the sexual intercourse or contact, would satisfy the great bodily harm element under s. 948.02 (1) (a), Stats., as affected by 2005 Wisconsin Act 437.
- Eliminates the separate definition of “sexual intercourse” that was created by 2005 Wisconsin Act 430 for prosecutions for first-degree sexual assault of a child.
- Reconciles provisions of 2005 Wisconsin Acts 60 and 276, relating to the time limits for commencing a prosecution of first-degree sexual assault of a child and the various offenses of engaging in repeated acts of first-degree sexual assault of a child.
- With two exceptions, eliminates the prohibition against prosecutors charging a violation of engaging in repeated acts of sexual assault of the same child in the same action as other offenses listed under s. 948.025 (3), Stats.
- Changes the penalty for intentionally causing great bodily harm to a child from a Class E felony to a Class C felony.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

- Modifies the offense of soliciting a child for prostitution to prohibit intentionally soliciting or causing any child to engage in an act of prostitution.
- Creates separate penalty classes for neglect of a child and leaving a child unattended in a child care vehicle when bodily harm or great bodily harm result.
- Permits a court to order a presentence investigation report that includes an assessment of the risk of the defendant committing another sex-related crime in certain cases.
- Removes the offenses of child enticement with the intent to cause bodily or mental harm to a child and child enticement with intent to give or sell a controlled substance or controlled substance analog to a child from the list of offenses requiring mandatory sex offender registration.

Effective Date: Act 80 takes effect on March 27, 2008, except that the provision permitting a court to order a presentence investigation and risk assessment in certain cases takes effect on April 1, 2009.

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March 20, 2008

AS:wu