



2025 ASSEMBLY BILL 86

February 28, 2025 - Introduced by Representatives SORTWELL, ALLEN, BEHNKE, GOEBEN, GUNDRUM, KNODL, KREIBICH, MURPHY, MURSAU and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 948.051 (1) and 948.051 (2); *to amend*
2 302.114 (1), 303.065 (1) (b) 2., 304.02 (5) and 973.014 (2); *to create* 948.051 (1)
3 (b) and 948.051 (2) (a) and (b) of the statutes; **relating to:** imposing the
4 penalty of life imprisonment for the crime of child trafficking and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who is convicted of the crime of trafficking a child, or who knowingly benefits from the crime of trafficking a child, is guilty of a Class C felony. This bill increases the penalty to a Class A felony if the crime involved at least three victims who were children at the time the crime was committed. A Class A felony carries a penalty of life imprisonment.

Under current law, the court must impose a bifurcated sentence on a person who is being sentenced for a felony that was committed on or after December 31, 1999. A bifurcated sentence is a sentence that comprises a term of confinement in prison followed by a term of extended supervision in the community. Under current law, a court that sentences a person who has been convicted of a Class A felony committed on or after December 31, 1999, must determine one of the following: 1) the person is eligible for release to extended supervision after serving a 20-year

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term of confinement in prison; 2) the person is eligible for release to extended supervision on a certain date that is after the person serves a 20-year term of confinement in prison; or 3) the person is not eligible for release to extended supervision. Under this bill, a person is not eligible for release to extended supervision if the person is convicted of a Class A felony violation of trafficking a child.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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:

1 **SECTION 1.** 302.114 (1) of the statutes is amended to read:

2 302.114 (1) An inmate is subject to this section if he or she is serving a life
3 sentence imposed under s. 973.014 (1g) (a) 1. or 2. An inmate serving a life sentence
4 under s. 939.62 (2m), 948.051 (1) (b) or (2) (b), or 973.014 (1g) (a) 3. is not eligible for
5 release to extended supervision under this section.

6 **SECTION 2.** 303.065 (1) (b) 2. of the statutes is amended to read:

7 303.065 (1) (b) 2. A person serving a life sentence under s. 939.62 (2m) (c),
8 948.051 (1) (b) or (2) (b), or 973.014 (1) (c) or (1g) (a) 3. may not be considered for
9 work release.

10 **SECTION 3.** 304.02 (5) of the statutes is amended to read:

11 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
12 sentence under s. 939.62 (2m) (c), 948.051 (1) (b) or (2) (b), or 973.014 (1) (c) or (1g)
13 is not eligible for release to parole supervision under this section.

14 **SECTION 4.** 948.051 (1) of the statutes is renumbered 948.051 (1) (intro.) and
15 amended to read:

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1 948.051 (1) (intro.) Whoever knowingly recruits, entices, provides, obtains,
2 sells, purchases, harbors, transports, transfers, receives, patronizes, ~~or~~ solicits,
3 isolates, holds, confines, or deprives of liberty or knowingly attempts to recruit,
4 entice, provide, obtain, sell, purchase, harbor, transport, transfer, receive,
5 patronize, ~~or~~ solicit, isolate, hold, confine, or deprive of liberty any child for the
6 purpose of commercial sex acts, as defined in s. 940.302 (1) (a), is guilty of ~~a~~ the
7 following:

8 (a) Except as provided in par. (b), a Class C felony.

9 **SECTION 5.** 948.051 (1) (b) of the statutes is created to read:

10 948.051 (1) (b) If the act involves at least 3 victims who are children at the
11 time the act is committed, a Class A felony. The term of imprisonment is life
12 imprisonment without the possibility of extended supervision.

13 **SECTION 6.** 948.051 (2) of the statutes is renumbered 948.051 (2) (intro.) and
14 amended to read:

15 948.051 (2) (intro.) Whoever benefits in any manner from a violation of sub.
16 (1) is guilty of ~~a Class C felony~~ the following if the person knows that the benefits
17 come from an act described in sub. (1):

18 **SECTION 7.** 948.051 (2) (a) and (b) of the statutes are created to read:

19 948.051 (2) (a) Except as provided in par. (b), a Class C felony.

20 (b) If the violation involves at least 3 victims who are children at the time of
21 the violation, a Class A felony. The term of imprisonment is life imprisonment
22 without the possibility of extended supervision.

23 **SECTION 8.** 973.014 (2) of the statutes is amended to read:

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973.014 (2) When a court sentences a person to life imprisonment under s. 939.62 (2m) (c), the court shall provide that the sentence is without the possibility of parole or extended supervision. When a court sentences a person to life imprisonment under s. 948.051 (1) (b) or (2) (b), the court shall provide that the sentence is without the possibility of extended supervision.

SECTION 9. Initial applicability.

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

(END)