



## 2023 ASSEMBLY BILL 129

March 24, 2023 - Introduced by Representatives DITTRICH, SUBECK, PENTERMAN, KRUG, GUNDRUM, BODDEN, ROZAR, EMERSON, RODRIGUEZ, SCHUTT, KITCHENS, SINICKI, ANDRACA, BROOKS, GREEN, JOERS, BRANDTJEN, ORTIZ-VELEZ, CONLEY, GUSTAFSON, JACOBSON, ALLEN, J. ANDERSON, CLANCY, C. ANDERSON, OHNSTAD, MADISON, CONSIDINE, S. JOHNSON, BALDEH, SHANKLAND, MURSAU and STUBBS, cosponsored by Senators BALLWEG, AGARD, ROYS, HESSELBEIN, SPREITZER, STROEBEL, LARSON, WIRCH and MARKLEIN. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

- 1     **AN ACT to amend** 940.225 (2) (j) and 940.225 (5) (abm) of the statutes; **relating**  
2     **to:** sexual assault by a health care provider and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, it is a Class C felony for a person who is a licensee, employee, or nonclient resident of an entity that provides various welfare, foster, adoption, and health services, including a hospital, to have sexual contact or sexual intercourse with a client of the entity. Under some but not all circumstances, this prohibition applies to various health care providers and their clients. Under this bill, it is also a Class C felony for a health care provider to have sexual contact or sexual intercourse with a client.

Under current law, with some exceptions, a person is required to register as a sex offender for certain crimes that are sexually motivated. Under the bill, the new offense of sexual contact or sexual intercourse by a health care provider is subject to this provision.

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.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3     **SECTION 1.** 940.225 (2) (j) of the statutes is amended to read:

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## SECTION 1

940.225 (2) (j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity,or is a health care provider under s. 146.81 (1) (a) to (hp) and has sexual contact or sexual intercourse with a client.

**SECTION 2.** 940.225 (5) (abm) of the statutes is amended to read:

940.225 (5) (abm) “Client” means an individual who receives direct care or treatment services from a health care provider or an entity.

**(END)**