



2019 SENATE BILL 46

February 25, 2019 - Introduced by Senators JACQUE, WANGGAARD, L. TAYLOR, DARLING, KOYENGA and OLSEN, cosponsored by Representatives BRANDTJEN, CROWLEY, FIELDS, GUNDRUM, HORLACHER, HUTTON, KULP, MAGNAFICI, MURPHY, RAMTHUN, SANFELIPPO, SUBECK, TUSLER, VORPAGEL, WICHGERS and ZIMMERMAN. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 20.455 (2) (hd) and 48.48 (19); and *to create* 20.437 (1) (hf),
2 814.75 (28), 814.76 (21), 944.35 and 973.05 (2m) (fr) of the statutes; **relating**
3 **to:** prostitution crime surcharge and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a \$5,000 surcharge to be imposed on persons who are convicted of patronizing or soliciting prostitutes, pandering, or keeping a place of prostitution. Under this bill the surcharge amounts collected are used for treatment and services for sex-trafficking victims and for criminal investigative operations and law enforcement relating to Internet crimes against children.

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:

4 **SECTION 1.** 20.437 (1) (hf) of the statutes is created to read:
5 20.437 (1) (hf) *Sex-trafficking victim services.* All moneys received from the
6 prostitution crime surcharge as authorized under s. 944.35 for treatment and
7 services for sex-trafficking victims under s. 48.48 (19).

SENATE BILL 46**SECTION 2**

1 **SECTION 2.** 20.455 (2) (hd) of the statutes is amended to read:

2 20.455 (2) (hd) *Internet crimes against children.* All moneys transferred under
3 2015 Wisconsin Act 369, section 12m (1) and under 2017 Wisconsin Act 59, section
4 9228 (1p) shall be credited to this appropriation account and all moneys received
5 from the prostitution crime surcharge as authorized under s. 944.35 for criminal
6 investigative operations and law enforcement relating to Internet crimes against
7 children, prosecution of Internet crimes against children, and activities of state and
8 local Internet crimes against children task forces.

9 **SECTION 3.** 48.48 (19) of the statutes is amended to read:

10 48.48 (19) To purchase or provide treatment and services for children who are
11 the victims of trafficking, as defined in s. 940.302 (1) (d), for purposes of a commercial
12 sex act, as defined in s. 940.302 (1) (a). Within the availability of funding under s.
13 20.437 (1) (e) and (hf), the department shall ensure that that treatment and those
14 services are available to children in all geographic areas of the state, including both
15 urban and rural communities.

16 **SECTION 4.** 814.75 (28) of the statutes is created to read:

17 814.75 (28) The prostitution crime surcharge under s. 944.35.

18 **SECTION 5.** 814.76 (21) of the statutes is created to read:

19 814.76 (21) The prostitution crime surcharge under s. 944.35.

20 **SECTION 6.** 944.35 of the statutes is created to read:

21 **944.35 Prostitution crime surcharge. (1)** If a court imposes a fine for a
22 violation of s. 944.31, 944.32, 944.33, or 944.34, the court shall impose under ch. 814
23 a prostitution crime surcharge of \$5,000.

24 **(2)** The clerk of the circuit court shall collect and transmit to the county
25 treasurer under s. 59.40 (2) (m) the amount of the surcharge. The county treasurer

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1 shall then pay the secretary of administration as provided in s. 59.25 (3) (f) 2. The
2 secretary of administration shall deposit all amounts received under this subsection
3 in the general fund, half of which is to be credited to the appropriation account under
4 s. 20.455 (2) (hd) and half of which is to be credited to the appropriation account
5 under s. 20.437 (1) (hf).

6 **SECTION 7.** 973.05 (2m) (fr) of the statutes is created to read:

7 973.05 **(2m)** (fr) To payment of the prostitution crime surcharge until paid in
8 full.

9 **SECTION 8. Initial applicability.**

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

12

(END)