



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1234/1
MLJ:kjf

2021 ASSEMBLY BILL 127

March 5, 2021 - Introduced by Representatives THIESFELDT, ROZAR, ANDERSON, BOWEN, BROSTOFF, CABRERA, GUNDRUM, KRUG, MOSES, MURSAU, L. MYERS, ORTIZ-VELEZ, SPREITZER, SUBECK and STUBBS, cosponsored by Senators L. TAYLOR, WANGGAARD, JACQUE, BALLWEG, BRADLEY, LARSON, RINGHAND and SMITH. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to create** 940.225 (2) (k) and 940.225 (5) (aj) of the statutes; **relating to:**
2 sexual contact by a law enforcement officer with a person in detainment or
3 custody and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, it is a Class C Felony for a law enforcement officer to have sexual contact or sexual intercourse with a person who has been detained by a law enforcement officer or who is in the custody of a law enforcement officer. For the purposes of the crime created in this bill, consent is not an issue. The bill adds the prohibited conduct to the list of activities in current law that constitute second degree sexual assault. Current law does not contain a criminal prohibition on sexual contact between a law enforcement officer and a person in his or her custody.

Under current law, a person may be required to register as a sex offender for certain crimes that are sexually motivated if the judge determines that it would be in the interest of public protection to have the person register. Under this bill, the new offense of sexual contact between a law enforcement officer and a person in his or her custody would be 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.

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

