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# THOMAS WEATHERSTON

STATE REPRESENTATIVE • 62<sup>ND</sup> ASSEMBLY DISTRICT

## Testimony before Senate Committee on Judiciary and Labor, October 24, 2013

Chairman Grothman and members of the committee, thank you for holding this hearing on SB 221.

SB 221 deals with the release and residency conditions for someone released on bail and accused of a sexual offense against a child. I've co-authored this bipartisan bill with Representative Mason, and we call this bill "Isabella's Law" because it seeks to prevent what happened to Isabella from happening to any other child.

Isabella is an eight year old girl from Racine. Earlier this year while she was walking near her home after school, she was sexually assaulted by a sixty year old man. After being arrested, he was then released on bail and returned to his home. The problem is that his home is right next door to Isabella's. She was afraid to leave the house or play in the yard because of fear that the accused would be watching her. When the prosecutor tried to modify the bail conditions and keep the accused away from the victim, the judge refused. Shortly after, the accused violated his bail and was re-arrested.

This bill will require that in cases of a sexual offense against a child, the judge *must* set certain minimum conditions. Foremost among them is the requirement that the accused cannot live in an adjacent property or within 250 feet of the victim. If the circumstances warrant the judge may increase this requirement. The accused is also restricted from contacting the victim, and avoid the victim's house and school. These are just the minimum conditions, the judge is still free to place other conditions on someone released out on bail or simply deny bail.

We are also offering an amendment to this bill which corrects issues raised about children in the same school. Concerns were raised about students who may live near each other and attend the same school and would be unable to comply with the new bail conditions. The amendment creates a "Romeo and Juliet" exception, which mirrors language elsewhere in State statutes.

The amendment provides that if the victim is at least 15 years of age when the defendant is charged and the defendant is not more than 48 months older and not yet 19 years old, then the mandatory bail conditions won't apply unless there was violence involved in the crime. This change to the bill will still protect children from adult predators, while allowing judges to craft appropriate bail conditions when both the defendant and the accused are of similar ages. This bill is not additional punishment; it is protection for children who are victims. This is a common sense provision that has gained broad bipartisan support. No one wants to see a child victim re-victimized.

While we can't go back and stop what happened to Isabella and her family, we can prevent it from ever happening again with this bill.



State of Wisconsin  
2013 - 2014 LEGISLATURE



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CMH:sac:rs

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 190**

October 23, 2013 – Offered by Representatives WEATHERSTON and MASON.

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

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 11: delete “If” and substitute “(a) Except as provided in par. (b),  
3 if”.

4 **2.** Page 2, line 14: delete “(a)” and substitute “1.”.

5 **3.** Page 2, line 16: delete “(b)” and substitute “2.”.

6 **4.** Page 2, line 19: delete “(c)” and substitute “3.”.

7 **5.** Page 2, line 22: after that line insert:

8 “(b) The requirement under par. (a) does not apply if the violation charged  
9 involves a victim who is at least 15 years of age at the time the defendant is charged,  
10 if the defendant is not more than 48 months older than the victim, if the defendant

1 has not attained the age of 19, or if the violation did not involve the use or threat of  
2 force or violence.”.

3 (END)