



2013 ASSEMBLY BILL 925

April 3, 2014 – Introduced by Representatives GENRICH, GOYKE, BARNES, BERCEAU, KAHL, MASON, OHNSTAD, PASCH, C. TAYLOR and WRIGHT, cosponsored by Senator LASSA. Referred to Committee on Education.

1 **AN ACT** *to create* 118.61 and 946.94 of the statutes; **relating to:** fraud in
2 parental choice programs and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill subjects certain acts and omissions related to a Parental Choice Program (PCP) to criminal penalties. Under the bill, intentionally making a false statement or representation in an application to participate in a PCP is a Class A misdemeanor. The bill makes concealing or failing to disclose an event with an intent to fraudulently participate in a PCP or using a payment received under a PCP for an unauthorized purpose either a Class G or Class H felony, depending on the payment a person received under the PCP. Additionally, under the bill, a statement in a written application for a PCP is considered to be an admission of the existence, correctness, or validity of the statement. Finally, this bill authorizes the Department of Justice or a district attorney to prosecute violations of criminal laws affecting a PCP, including laws affecting the health, safety, and welfare of pupils attending a private school participating in a PCP.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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1 **SECTION 1.** 118.61 of the statutes is created to read:

2 **118.61 Parental choice programs; jurisdiction of the department of**
3 **justice.** The department of justice or the district attorney may institute, manage,
4 control, and direct, in the proper county, any prosecution for violation of criminal
5 laws affecting a parental choice program under s. 118.60 or 119.23, including laws
6 relating to parental choice programs under ch. 946 and laws affecting the health,
7 safety, and welfare of pupils attending private schools under parental choice
8 programs. For this purpose the department of justice shall have and exercise all
9 powers conferred upon district attorneys in such cases. The department of justice
10 or district attorney shall notify the department of any such prosecution of a person
11 holding a license granted by the department.

12 **SECTION 2.** 946.94 of the statutes is created to read:

13 **946.94 Parental choice program fraud. (1)** In this section, “parental choice
14 program” means a parental choice program under s. 118.60 or 119.23.

15 **(2)** Whoever intentionally makes or causes to be made any false statement or
16 representation of material fact in any application to participate in a parental choice
17 program is guilty of a Class A misdemeanor.

18 **(3)** No person may do any of the following:

19 (a) Having knowledge of an event affecting the person’s eligibility to participate
20 in a parental choice program, conceal or fail to disclose that event with an intent to
21 fraudulently participate in a parental choice program.

22 (b) Receive a payment under a parental choice program and use the funding
23 for purposes that are not authorized under the parental choice program.

24 (c) Whoever violates par. (a) or (b) is subject to the following penalties:

