



## 1997 ASSEMBLY BILL 45

February 3, 1997 - Introduced by Representatives M. LEHMAN, FREESE, POWERS, HOVEN, OWENS, TURNER, DOBYNS, SCHAFER, PORTER, MUSSER, PLALE and AINSWORTH, cosponsored by Senator BUETTNER. Referred to Committee on Education.

1     **AN ACT to renumber and amend** 118.15 (5) (a); **to amend** 948.45 (1); and **to**  
2             **create** 118.15 (5) (a) 1. a. and b. and 118.15 (5) (a) 2. of the statutes; **relating**  
3             **to:** compulsory school attendance and the penalties for contributing to truancy.

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### *Analysis by the Legislative Reference Bureau*

With certain exceptions, current law requires any person having under control a child between the ages of 6 and 18 years to ensure that the child attends school regularly. A person who violates that requirement may be fined not more than \$500 or imprisoned for not more than 30 days or both.

This bill provides that for a 2nd or subsequent offense, the person may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The bill also authorizes a court, for a first or subsequent offense, to require a person to perform community service work for a public agency or a nonprofit charitable organization in lieu of the other penalties. The bill exempts any organization or agency to which the person is assigned from civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant if the agency or organization acts in good faith.

Under current law, any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy of a child 17 years of age or under is guilty of a Class C misdemeanor. This bill eliminates the requirement

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that the person know that his or her act or omission is encouraging or contributing to a child's truancy.

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

1           **SECTION 1.** 118.15 (5) (a) of the statutes is renumbered 118.15 (5) (a) 1. (intro.)  
2 and amended to read:

3           118.15 (5) (a) 1. (intro.) Except as provided under par. (b) or if a person has been  
4 found guilty of a misdemeanor under s. 948.45, whoever violates this section may be  
5 ~~fined not more than \$500 or imprisoned for not more than 30 days or both~~ penalized  
6 as follows, if evidence has been provided by the school attendance officer that the  
7 activities under s. 118.16 (5) have been completed or were not completed due to the  
8 child's absence from school as provided in s. 118.16 (5m):

9           3. In a prosecution under this paragraph, if the defendant proves that he or she  
10 is unable to comply with the law because of the disobedience of the child, the action  
11 shall be dismissed and the child shall be referred to the court assigned to exercise  
12 jurisdiction under chs. 48 and 938.

13           **SECTION 2.** 118.15 (5) (a) 1. a. and b. of the statutes are created to read:

14           118.15 (5) (a) 1. a. For the first offense by a fine of not more than \$500 or  
15 imprisonment for not more than 30 days or both.

16           b. For a 2nd or subsequent offense by a fine of not more than \$1,000 or  
17 imprisonment for not more than 90 days or both.

18           **SECTION 3.** 118.15 (5) (a) 2. of the statutes is created to read:

19           118.15 (5) (a) 2. The court may require a person who is subject to subd. 1. to  
20 perform community service work for a public agency or a nonprofit charitable  
21 organization in lieu of the penalties specified under subd. 1. Any organization or

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1 agency acting in good faith to which a defendant is assigned pursuant to an order  
2 under this subdivision has immunity from any civil liability in excess of \$25,000 for  
3 acts or omissions by or impacting on the defendant.

4 **SECTION 4.** 948.45 (1) of the statutes is amended to read:

5 948.45 (1) Except as provided in sub. (2), any person 17 years of age or older  
6 who, by any act or omission, knowingly encourages or contributes to the truancy, as  
7 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class  
8 C misdemeanor.

9 **SECTION 5. Initial applicability.**

10 (1) The treatment of section 118.15 (5) (a) of the statutes first applies to  
11 violations under section 118.15 of the statutes occurring on the effective date of this  
12 subsection, but does not preclude the counting of other violations as prior violations  
13 for sentencing a person.

14 (2) The treatment of section 948.45 (1) of the statutes first applies to violations  
15 under that section occurring on the effective date of this subsection.

16 (END)