

## 1999 ASSEMBLY BILL 144

February 25, 1999 – Introduced by Representatives HUBER, LADWIG, ZIEGELBAUER, WALKER, GOETSCH, STASKUNAS, MUSSER, TURNER, SPILLNER, KELSO, LA FAVE, ALBERS, PLOUFF, M. LEHMAN, SYKORA, LASSA, HASENOHRL, SERATTI, BOCK, J. LEHMAN, F. LASEE, BOYLE, TRAVIS and RILEY, cosponsored by Senators ROBSON, HUELSMAN, PLACHE, ROESSLER, BRESKE, DARLING, DECKER, SCHULTZ and ERPENBACH. Referred to Committee on Children and Families.

1     **AN ACT to create** 48.981 (1) (b) and 48.981 (7) (a) 8m. of the statutes; **relating**  
2           **to:** disclosure of child abuse and neglect reports for the purpose of investigating  
3           an alleged violation of a correctional community placement.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, reports and records of suspected or threatened child abuse or neglect are confidential. Current law, however, permits those reports and records to be disclosed to a law enforcement officer or agency or a district attorney for purposes of investigation or prosecution.

This bill permits reports and records of suspected or threatened child abuse or neglect to be disclosed to the department of corrections (DOC); the department of health and family services (DHFS); a county department of human services, social services, community programs or developmental disabilities services (county department); or any other agency under contract with DOC, DHFS or a county department to exercise custody or supervision over a person who has committed, or who is alleged to have committed, a violation of his or her community placement, as defined in the bill. The disclosure may be made for purposes of investigating, taking an action or making a decision relating to or reviewing an action taken or a decision made relating to a violation or an alleged violation of a condition of that community placement.

Under the bill, “community placement” means probation; parole; aftercare; conditional transfer into the community of a patient or resident who is under a mental commitment; conditional transfer, discharge or release of person who is

**ASSEMBLY BILL 144**

under a criminal commitment; supervised release of a sexually violent person; participation in the community residential confinement program, the intensive sanctions program, the corrective sanctions program, the intensive supervision program or the serious juvenile offender program; placement in a Type 2 child caring institution or a Type 2 secured correctional facility; or any other placement of an adult or juvenile offender in the community under the custody or supervision of DOC, DHFS, a county department or any other agency under contract with DOC, DHFS or a county department to exercise custody or supervision over the offender.

---

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

1           **SECTION 1.** 48.981 (1) (b) of the statutes is created to read:

2           48.981 (1) (b) “Community placement” means probation; parole; aftercare;  
3           conditional transfer into the community under s. 51.35 (1); conditional transfer or  
4           discharge under s. 51.37 (9); placement in a Type 2 child caring institution or a Type  
5           2 secured correctional facility authorized under s. 938.539 (5); conditional release  
6           under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the  
7           community residential confinement program under s. 301.046, the intensive  
8           sanctions program under s. 301.048, the corrective sanctions program under s.  
9           938.533, the intensive supervision program under s. 938.534 or the serious juvenile  
10          offender program under s. 938.538; or any other placement of an adult or juvenile  
11          offender in the community under the custody or supervision of the department of  
12          corrections, the department of health and family services, a county department  
13          under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or any other agency under contract with  
14          the department of corrections, the department of health and family services or a  
15          county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody  
16          or supervision over the offender.

17          **SECTION 2.** 48.981 (7) (a) 8m. of the statutes is created to read:

**ASSEMBLY BILL 144**

1           48.981 (7) (a) 8m. The department of corrections, the department of health and  
2 family services, a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437  
3 or any other agency under contract with the department of corrections, the  
4 department of health and family services or a county department under s. 46.215,  
5 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over a person who has  
6 committed, or who is alleged to have committed, a violation of his or her community  
7 placement for purposes of investigating, taking an action or making a decision  
8 relating to or reviewing an action taken or a decision made relating to a violation or  
9 an alleged violation of a condition of that community placement. In making its  
10 investigation, the department of corrections, department of health and family  
11 services, county department or other agency shall cooperate with the agency making  
12 the investigation under sub. (3) (c) or (d).

13           **SECTION 3. Initial applicability.**

14           (1) This act first applies to child abuse and neglect reports and records, as  
15 defined in section 48.981 (1) (f) of the statutes, that are disclosed on the effective date  
16 of this subsection.

17   **(END)**