

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/9/98**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Gregory Huber (608) 266-0654**

By/Representing: **Mark**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Child abuse and neglect reports; disclosure for purposes of investigating violation of correctional community placement

**Instructions:**

Redraft 1997 AB 580, as affected by AA1 to AB 580

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 11/9/98	chanaman 12/10/98		_____			
/1			jfrantze 12/11/98	_____	lrb_docadmin 12/11/98	lrb_docadmin 02/16/99	

FE Sent For:

*Not Needed*

<END>

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1?	malaigm	1-12-8 kmg	Jb 12/11	Jb 12/11			

FE Sent For:

<END>



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa1554/1  
GMM:jlj:ijs

**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 580**

February 17, 1998 – Offered by Representative HUBER.

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

2 ~~1.~~ Page 2, line 8: delete “the home detention program under s. 302.425,”.

3 ~~2.~~ Page 2, line 13: delete lines 13 to 15 and substitute “and family services, a  
4 county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or any other agency  
5 under contract with the department of corrections, the department of health and  
6 family services or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437  
7 to exercise custody or supervision over the offender.”.

8 ~~3.~~ Page 2, line 17: delete lines 17 to 19 and substitute:

9 “48.981 (7) (a) 8m. The department of corrections, the department of health and  
10 family services, a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437  
11 or any other agency under contract with the department of corrections, the  
12 department of health and family services or a county department under s. 46.215,

1 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over a person who has  
2 committed, or who is alleged”.

3 ~~4~~. Page 3, line 2: delete “to” and substitute “to,”.

4 ~~5~~. Page 3, line 3: after “to” insert “, a violation or”.

5 ~~6~~. Page 3, line 4: after “placement.” insert “In making its investigation, the  
6 department of corrections, department of health and social services, county  
7 department or other agency shall cooperate with the agency making the  
8 investigation under sub. (3) (c) or (d).”.

9 (END)



07-88/1

King

1999-2000

9

# 1997 ASSEMBLY BILL 580

October 29, 1997 - Introduced by Representatives HUBER, LADWIG, MURAT KAUFERT, ZIEGELBAUER, GOETSCH, PLOUFF, UNDERHEIM, LA FAVE, GARD, SPRINGER, DUFF, HASENOHRL, SYKORA, GRONEMUS, MUSSER, STASKUNAS, DOBYNS, J. LEHMAN, AINSWORTH, GUNDERSON and BRANDEMUEHL, cosponsored by Senators DECKER, PANZER, GROBSCHMIDT, HUELSMAN, ROESSLER, WEEDEN, DARLING, FARROW and A. LASEE. 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.

refer cat

community programs or developmental disabilities services

The disclosure may be made

## 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 a court, an administrative agency, for example, the department of corrections (DOC); the department of health and family services (DHFS); or the division of hearings and appeals in the department of administration; a county department of human services or social services (county department); a county sheriff; a superintendent of a house of corrections or any other agency exercising 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, for purposes of investigating, taking an action or making a decision relating to, for example imposing sanctions or revoking that community placement, or reviewing an action taken or a decision made relating to 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 under a criminal commitment, or supervised release of a sexually violent person; participation in the community residential confinement program, the intensive sanctions program, the home detention 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

under contract with Doc, DHFS or a county department to exercise

a violation or

stop

stop

under contract with DOC, DHFS or a county department to exercise

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, ~~a county sheriff, a superintendent of a house of corrections~~ or any other agency exercising custody or supervision over the offender.

~~For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.~~

**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 or 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 home detention program under s. 302.425,  
9 the corrective sanctions program under s. 938.533, the intensive supervision  
10 program under s. 938.534 or the serious juvenile offender program under s. 938.538;  
11 or any other placement of an adult or juvenile offender in the community under the  
12 custody or supervision of the department of corrections, the department of health  
13 and family services, a county department, a county sheriff, a superintendent of a

14 ~~house of corrections~~ or any other agency exercising custody or supervision over the  
15 offender.

The department of corrections, the department of health and family services

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

17 48.981 (7) (a) 8m. ~~At court, an Administrative Agency, a county department, a~~  
18 ~~county sheriff, a superintendent of a house of corrections~~ or any other agency

19 ~~exercising~~ custody or supervision over a person who has committed, or who is alleged

under contract with the department of corrections, the department of health and family services or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise

under contract with the department of corrections, the department of health and family services or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise

under s. 46.215, 46.22, 46.23, 51.42 or 51.437

*a violation or*

*or*

1 to have committed, a violation of his or her community placement for purposes of  
2 investigating, taking an action or making a decision relating to or reviewing an  
3 action taken or a decision made relating to an alleged violation of a condition of that  
4 community placement.

5 **SECTION 3. Initial applicability.**

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

9 (END)

*In making its investigation, the department of corrections,  
department of health and family services, county department  
or other agency shall cooperate with the agency  
making the investigation under sub. (3) (c) or (d).*



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/11/98

To: Representative Huber

Relating to LRB drafting number: LRB-0788

**Topic**

Child abuse and neglect reports; disclosure for purposes of investigating violation of correctional community placement

**Subject(s)**

Children - abuse and neglect

1. **JACKET** the draft for introduction Greg Huber  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738