

State of Wisconsin



2005 Assembly Bill 213

Date of enactment: **February 16, 2006**

Date of publication*: **March 2, 2006**

2005 WISCONSIN ACT 113

AN ACT *to amend* 48.13 (3), 48.13 (3m) and 48.981 (3) (a) 3.; and *to create* 48.02 (1) (g) of the statutes; **relating to:** defining the manufacturing of methamphetamine in the presence of a child as child abuse, requiring the reporting and investigation of such child abuse, and granting the court assigned to exercise jurisdiction under the Children's Code child in need of protection or services jurisdiction over a child who is present during the manufacturing of methamphetamine.

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

SECTION 1. 48.02 (1) (g) of the statutes is created to read:

48.02 (1) (g) Manufacturing methamphetamine in violation of s. 961.41 (1) (e) under any of the following circumstances:

1. With a child physically present during the manufacture.
2. In a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home.
3. Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.

SECTION 2. 48.13 (3) of the statutes is amended to read:

48.13 (3) Who has been the victim of abuse, as defined in s. 48.02 (1) (a), (b), (c), (d), (e) ~~or~~ (f), or (g), including injury that is self-inflicted or inflicted by another;

SECTION 3. 48.13 (3m) of the statutes is amended to read:

48.13 (3m) Who is at substantial risk of becoming the victim of abuse, as defined in s. 48.02 (1) (a), (b), (c), (d), (e) ~~or~~ (f), or (g), including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse;

SECTION 4. 48.981 (3) (a) 3. of the statutes is amended to read:

48.981 (3) (a) 3. A county department, the department, or a licensed child welfare agency under contract with the department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), (g) or (gm), or neglect, each county department, the department, and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 5. Initial applicability.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(1) MANUFACTURING METHAMPHETAMINE WITH CHILD PRESENT. This act first applies to abuse, as defined in sec-

tion 48.02 (1) (g) of the statutes, as created by this act, that occurs on the effective date of this subsection.
