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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 826

Relating to: prohibiting a person responsible for a child's welfare while the child is being transported in a child care vehicle from leaving the child unattended and providing penalties.

By Representatives Grigsby, Sinicki, Toles, Fields, Lothian, Krusick, Sheridan, Bies, Berceau, Ott, A. Williams, Turner, Colon, Staskunas, Hines and McCormick; cosponsored by Senators Coggs, Lassa, Taylor, Erpenbach, Plale, Hansen and Robson.

November 14, 2005 Referred to Committee on Children and Families.

November 17, 2005 **PUBLIC HEARING HELD**

Present: (7) Representatives Kestell, Vos, Albers,
Jeskewitz, Vukmir, Grigsby and Seidel.
Absent: (1) Representative Sinicki.

Appearances For

- Tamara Grigsby — Rep., 18th Assembly District
- Spencer Coggs — Sen., 6th Senate District
- Nicole Jones — Milwaukee, Wisconsin
- Alice Jones — Milwaukee, Wisconsin

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- JoAnna Richard — DWD
- Thelma Hughes — Dolton, Illinois
- Taijuana Hughes — Chicago, Illinois
- Ron Hermes — DHFS
- Julie Lassa — Senator, 24th Senate District

Registrations Against

- None.

December 8, 2005 **EXECUTIVE SESSION HELD**

Present: (6) Representatives Kestell, Albers, Jeskewitz,
Grigsby, Sinicki and Seidel.
Absent: (2) Representatives Vos and Vukmir.

Moved by Representative Sinicki, seconded by Representative
Jeskewitz that **Assembly Amendment 1** be recommended for
introduction.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz,
Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

INTRODUCTION OF ASSEMBLY AMENDMENT 1
RECOMMENDED, Ayes 6, Noes 0

Moved by Representative Albers, seconded by Representative
Sinicki that **Assembly Amendment 1** be recommended for
adoption.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz,
Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 6, Noes 0

Moved by Representative Albers, seconded by Representative
Sinicki that **Assembly Bill 826** be recommended for passage as
amended.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz,
Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 0

David Matzen
Committee Clerk

Vote Record Committee on Children and Families

Date: 12-8-05

Moved by: Sinicki Seconded by: Jeskewitz

AB 826 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt 1
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Sheryl Albers | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Leah Vukmir | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Tamara Grigsby | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Christine Sinicki | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>6</u> | <u>0</u> | <u>2</u> | <u> </u> |

Motion Carried

Motion Failed

Vote Record Committee on Children and Families

Date: 12-8-05

Moved by: Albers Seconded by: Sinicki

AB 826 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt 1
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrency

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Sheryl Albers | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Leah Vukmir | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Tamara Grigsby | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Christine Sinicki | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>6</u> | <u>0</u> | <u>2</u> | <u> </u> |

Vote Record Committee on Children and Families

Date: 12-8-05

Moved by: Albers

Seconded by: ~~Albers~~ Sinicki

AB 826 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: as amended
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Sheryl Albers | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Leah Vukmir | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Representative Tamara Grigsby | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Christine Sinicki | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>6</u> | <u>0</u> | <u>2</u> | <u> </u> |

Motion Carried Motion Failed

History of Assembly Bill 826

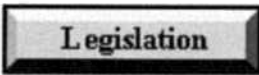
ASSEMBLY BILL 826

An Act to create 48.659 of the statutes; relating to: prohibiting a person responsible for a child's welfare while the child is being transported in a child care vehicle from leaving the child unattended and providing penalties. (FE)

2005

- 11-14. A. Introduced by Representatives Grigsby, Sinicki, Toles, Fields, Lothian, Krusick, Sheridan, Bies, Berceau, Ott, A. Williams, Turner, Colon, Staskunas, Hines and McCormick; cosponsored by Senators Coggs, Lassa, Taylor, Erpenbach, Plale, Hansen and Robson.
- 11-14. A. Read first time and referred to committee on Children and Families 615
- 11-16. A. Fiscal estimate received.
- 11-17. A. Public hearing held.
- 11-28. A. Fiscal estimate received.
- 12-08. A. Executive action taken.
- 12-08. A. Assembly substitute amendment 1 offered by committee on Children and Families 656
- 12-09. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Children and Families, Ayes 6, Noes 0 661
- 12-09. A. Report passage as amended recommended by committee on Children and Families, Ayes 6, Noes 0 661
- 12-09. A. Referred to committee on Rules 661

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2 year old
range of penalties
from misdemeanor
change to a felony
if safety
standards
allow
prosecutors
to criminally
charge anyone
provided
 12/13/2005 R not followed



Tamara GRIGSBY

State Representative
18th Assembly District

**Testimony Before the
Assembly Committee on Children and Families
November 17, 2005
Assembly Bill 826**

I want to thank Chairman Kestell for scheduling Assembly Bill 826, the "Asia Jones Bill" for a public hearing. As the co-author of this bill I greatly appreciate the willingness of the Committee to listen to the compelling testimony I am certain you will be hearing today.

As we all know from the news stories of the tragic events of last summer, two year old Asia Jones died last June after the van driver who was entrusted to deliver her safely from her home to her daycare provider failed to make sure she got off the bus after he arrived at the center. Asia was locked in the stifling van for about 8 hours on one of the hottest days of the year and she died of hyperthermia. It was every parent's worst nightmare, entrust the life of your child with someone while you go to work, and have the negligent actions of the person be the cause of the child's death.

While the daycare center's license was revoked, the District Attorney was unable to bring charges against the van driver because there were no written rules regarding drivers removing occupants from their vehicles, therefore he could not demonstrate conscious disregard. No one would be help personally responsible for the tragic death of two year old Asia Jones.

AB 826 will fill that gap in state law and creates a range of penalties similar to reckless homicide if Department of Health and Family Services administrative rules are violated, which relate to the care of a child in the custody of a day care provider. The penalties would apply to all persons responsible for a child's welfare in a day care "from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the child's welfare."

Under this bill, penalties would range from a misdemeanor to a felony depending on the severity of the action. In the case of the death of a child being transported in a day care vehicle due to negligence, a Class G Felony could be imposed which is punishable by a fine up to \$25,000 and/or a maximum of 10 years in prison.

To lose a child in this manner is incomprehensible. For the individual responsible for that death not to be held accountable is unconscionable. For this reason I ask for your support of AB 826.

I thank the committee for your time and consideration of this matter. I am happy to answer any questions Committee members may have.