

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB325)

Received: **01/12/2010**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing: **Charlie**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - com crctns
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notification and liability and definition of parental responsibility

Instructions:

See attached--engross a1259/1

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>
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FE Sent For:

<END>

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State of Wisconsin
2009 - 2010 LEGISLATURE

50236/1
LRB-2021/2
CMH:cjs:rs
Stays

SA to

2009 SENATE BILL 325

bill history

TODAY
please

September 30, 2009 - Introduced by Senators KREITLOW, LASSA and TAYLOR, cosponsored by Representatives SMITH, VOS, ROYS, SUDER, POPE-ROBERTS and BIES. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing

Gen Cat

1 AN ACT to create 301.50 of the statutes; relating to: notification to a parent
2 before chaperoning a sex offender.

substitute amendment

Analysis by the Legislative Reference Bureau

Currently, the Department of Corrections (DOC) approves individuals as chaperones for sex offenders, and DOC designs a chaperone agreement for the individual to sign. This ~~bill~~ requires the chaperone agreement to indicate that the individual has notified any other person with whom the individual has a child in common of the individual's intention to chaperone a sex offender.

in writing

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

3 SECTION 1. 301.50 of the statutes is created to read:

4 **301.50 Notification of intent to chaperone sex offenders.** The
5 department shall design a form to be signed by any individual who intends to be a
6 chaperone for sex offenders. The form must include a place for the individual's
7 signature as well as a statement that the individual has, unless sub. (1), (2), or (3)
8 applies, informed any individual with whom the individual who intends to be a

INS 1-4

13
11 (2)

INS 1-8

INS 1-7

SENATE BILL 325

SECTION 1

1 chaperone has a child in common, whether through blood, marriage, or adoption, of
 2 his or her intent to chaperone a sex offender. The individual does not have to inform
 3 an individual with whom he or she has a child in common if any of the following
 4 applies:

5 (a) ~~(1)~~ The child in common is over the age of 18.

6 (b) ~~(2)~~ The individual who intends to be a chaperone is not the child's parent or has
 7 ~~failed to assume parental responsibility.~~ INS 2-7

8 (c) ~~(3)~~ The individual who has a child in common with the individual who intends
 9 to be a chaperone is not the child's parent or has ~~failed to assume parental~~
 10 ~~responsibility.~~ INS 2-10

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to individuals who are approved to be a chaperone on
 13 the effective date of this subsection.

14 (END)

INS 2-11



SENATE AMENDMENT ,
TO 2009 SENATE BILL 325

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

2 1. Page 1, line 4: delete that line and substitute:

3 **“301.50 Notification of intent to chaperone sex offenders. (1)** In this
4 section, “substantial parental relationship” means the acceptance and exercise of
5 significant responsibility for the daily supervision, education, protection, and care
6 of the child. In evaluating whether an individual has had a substantial parental
7 relationship with the child, factors that may be considered include, but are not
8 limited to, whether the individual has expressed concern for or interest in the
9 support, care, or well-being of the child; whether the individual has neglected or
10 refused to provide care or support for the child; and whether, with respect to an
11 individual who is or may be the father of the child, the individual has expressed
12 concern for or interest in the support, care, or well-being of the mother during her
13 pregnancy.

INS 1-4

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~~(2)~~ The".

2. Page 1, line 7: delete "sub. (1), (2), or (3)" and substitute "par. (a), (b), or (c)".

3. Page 1, line 8: after "informed" insert "in writing, or has made a good faith effort to inform".

4. Page 2, line 5: delete "(1)" and substitute "(a)".

5. Page 2, line 6: delete "(2)" and substitute "(b)".

6. Page 2, line 7: delete that line and substitute "not had a substantial parental relationship with the child".

7. Page 2, line 8: delete "(3)" and substitute "(c)".

8. Page 2, line 9: delete the material beginning with "failed" and ending with "responsibility" on line 10 and substitute "not had a substantial parental relationship with the child".

9. Page 2, line 10: after that line insert:

"(3) The department is immune from any civil liability for any good faith act or omission of the department in connection with the requirements under this section".

(END)

INS 2-11

INS 1-7

INS 1-8

INS 2-7

INS 2-10