



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 423**

January 20, 2006 – Offered by COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING
AND LONG TERM CARE.

1 **AN ACT** *to amend* 48.685 (1) (c) and 50.065 (1) (e) 2.; and *to create* 948.53 of the
2 statutes; **relating to:** prohibiting a person responsible for a child’s welfare
3 while the child is being transported in a child care vehicle from leaving the child
4 unattended and providing penalties.

Analysis by the Legislative Reference Bureau

Under current Department of Health and Family Services (DHFS) and Department of Workforce Development (DWD) administrative rules, a child may not be left unattended in a vehicle that is used to transport children to or from a day care center that is licensed by DHFS, a day care provider that is certified according to standards adopted by DWD, or a day care program that is established or contracted for by a school board (child care provider).

This substitute amendment prohibits a person responsible for a child’s welfare while the child is being transported in a child care vehicle, which is defined in the substitute amendment as a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider, from leaving the child unattended at any time 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 welfare of the child. Under the substitute amendment, any person responsible for a child’s welfare while the child is being transported in a child care vehicle who leaves the child unattended in

violation of the substitute amendment may be fined not more than \$10,000 or imprisoned for not more than nine months or both or, if death is a consequence, may be fined not more than \$25,000 or imprisoned for not more than ten years or both.

In addition, a person who has been convicted of leaving a child unattended in violation of the substitute amendment: 1) may not receive kinship care payments for providing care and maintenance for a child or be employed by or reside at the home of a person receiving those payments, unless it is determined that the conviction is not likely to adversely affect the child; 2) may not be licensed to operate, be employed by, or reside at an entity that provides care for children, such as a child welfare agency, foster home, or day care center, unless the person demonstrates that he or she has been rehabilitated; and 3) if death is a consequence, may not be permitted to demonstrate that he or she has been rehabilitated for purposes of foster home licensing and may not be licensed as a teacher for six years after the date of the conviction.

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

1 **SECTION 1.** 48.685 (1) (c) of the statutes is amended to read:

2 48.685 (1) (c) “Serious crime” means a violation of s. 940.19 (3), 1999 stats., a
3 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22
4 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025,
5 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12,
6 948.13, 948.21 (1) ~~or~~, 948.30, or 948.53 or a violation of the law of any other state or
7 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
8 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (4), (5) or (6), 940.22
9 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025,
10 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12,
11 948.13, 948.21 (1) ~~or~~, 948.30, or 948.53 if committed in this state.

12 **SECTION 2.** 50.065 (1) (e) 2. of the statutes is amended to read:

13 50.065 (1) (e) 2. For the purposes of an entity that serves persons under the age
14 of 18, “serious crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,

1 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or,
2 948.30, or 948.53 or a violation of the law of any other state or United States
3 jurisdiction that would be a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,
4 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or,
5 948.30, or 948.53 if committed in this state.

6 **SECTION 3.** 948.53 of the statutes is created to read:

7 **948.53 Child unattended in child care vehicle. (1) DEFINITIONS.** In this
8 section:

9 (a) "Child care provider" means a day care center that is licensed under s. 48.65
10 (1), a day care provider that is certified under s. 48.651, or a day care program that
11 is established or contracted for under s. 120.13 (14).

12 (b) "Child care vehicle" means a vehicle that is owned or leased by a child care
13 provider or a contractor of a child care provider and that is used to transport children
14 to and from the child care provider.

15 **(2) NO CHILD LEFT UNATTENDED.** (a) No person responsible for a child's welfare
16 while the child is being transported in a child care vehicle may leave the child
17 unattended at any time from the time the child is placed in the care of that person
18 to the time the child is placed in the care of another person responsible for the child's
19 welfare.

20 (b) Any person who violates par. (a) is guilty of a Class A misdemeanor or, if
21 death is a consequence, a Class G felony.

22 (END)