



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 397**

**Assembly Amendment 1**

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### Assembly Bill 397

**2011 Assembly Bill 397** makes several changes to current law relating to reporting the death or disappearance of a child and to hiding a corpse.

The bill first requires a parent, stepparent, guardian, or legal custodian to report the death of a child under certain circumstances. These individuals must report a child's death that involves unexplained, unusual, or suspicious circumstances, that is or appears to be a homicide or suicide, that is due to poisoning, or that follows an accident. The bill penalizes failure to report a child's death immediately after discovering the death or as soon as practically possible as a Class I felony. The bill also punishes hiding or burying the corpse of a child as a Class F felony.

The bill next requires a parent, stepparent, guardian, or legal custodian to report a child as missing within a specified period of time. If the child is under 13 years of age, the report must be made within 24 hours after the child is discovered to be missing. If the child is between the ages of 13 and 16, the report must be made within 48 hours. Finally, if the child is 16 years of age or older, the report must be made within 72 hours. The bill penalizes failure to report a child as missing according to the level of harm the child suffered while he or she was missing. A simple failure to report is a Class A misdemeanor. However, if the child suffers bodily harm or substantial bodily harm while missing, a person who fails to report is guilty of a Class H felony. If the child suffers great bodily harm while missing, then a person who fails to report is guilty of a Class F felony. If the child dies as a result of an injury suffered while missing, a person who fails to report is guilty of a Class D felony.

Finally, the bill prohibits the hiding or burying of a corpse with the intent to collect benefits. Current law prohibits the hiding or burying of a corpse with the intent to conceal a crime or avoid apprehension, prosecution, or conviction, and punishes the crime as a Class G felony. The bill amends current law and provides that hiding or burying a corpse with the intent to collect benefits such as medical assistance or food stamps is also a Class G felony.

**Assembly Amendment 1**

*Assembly Amendment 1* creates a definition for the term “missing.” The bill requires a parent, stepparent, guardian, or legal custodian to report to law enforcement within a specified period of time after a child is discovered to be missing. The amendment specifies that “missing” means absent without a reasonable explanation if the absence would raise concern in a reasonable person for the child’s well-being.

**Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Criminal Justice and Corrections on February 16, 2012, and recommended for adoption on a vote of Ayes, 9; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 9; Noes, 0. On February 21, 2012, the Assembly adopted the amendment and passed the bill on a vote of Ayes, 92; Noes, 2.

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