



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0656/1  
FFK:jld

## 2017 ASSEMBLY BILL 493

September 13, 2017 - Introduced by Representatives GENRICH, HORLACHER, HEBL, ANDERSON, KOLSTE, POPE, BERCEAU, SARGENT, VRUWINK, WACHS, C. TAYLOR, BROSTOFF, CONSIDINE and SUBECK, cosponsored by Senators CARPENTER, L. TAYLOR and HANSEN. Referred to Committee on Education.

1     **AN ACT to create** 118.60 (10m), 119.23 (10m) and 946.94 of the statutes; **relating**  
2     **to:** fraud in parental choice programs and providing a criminal penalty.

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*Analysis by the Legislative Reference Bureau*

This bill subjects certain acts and omissions related to a Parental Choice Program (PCP) to criminal penalties. Under the bill, intentionally making a false statement or representation in an application to participate in a PCP is a Class A misdemeanor. The bill makes concealing or failing to disclose an event with an intent to fraudulently participate in a PCP or using a payment received under a PCP for an unauthorized purpose either a Class G or Class H felony, depending on the payment a person received under the PCP. Additionally, under the bill, a statement in a written application for a PCP is considered to be an admission of the existence, correctness, or validity of the statement. Finally, this bill authorizes the Department of Justice or a district attorney to prosecute violations of criminal laws affecting a PCP, including laws affecting the health, safety, and welfare of pupils attending a private school participating in a PCP.

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

3     **SECTION 1.** 118.60 (10m) of the statutes is created to read:  
4     118.60 (**10m**) The department of justice or the district attorney may institute,  
5     manage, control, and direct, in the proper county, any prosecution for violation of

**ASSEMBLY BILL 493****SECTION 1**

1 criminal laws affecting a parental choice program under this section, including laws  
2 relating to parental choice programs under ch. 946 and laws affecting the health,  
3 safety, and welfare of pupils attending private schools under parental choice  
4 programs. For this purpose the department of justice shall have and exercise all  
5 powers conferred upon district attorneys in such cases. The department of justice  
6 or district attorney shall notify the department of public instruction of any such  
7 prosecution of a person holding a license granted by the department of public  
8 instruction.

9 **SECTION 2.** 119.23 (10m) of the statutes is created to read:

10 119.23 **(10m)** The department of justice or the district attorney may institute,  
11 manage, control, and direct, in the proper county, any prosecution for violation of  
12 criminal laws affecting a parental choice program under this section, including laws  
13 relating to parental choice programs under ch. 946 and laws affecting the health,  
14 safety, and welfare of pupils attending private schools under parental choice  
15 programs. For this purpose the department of justice shall have and exercise all  
16 powers conferred upon district attorneys in such cases. The department of justice  
17 or district attorney shall notify the department of public instruction of any such  
18 prosecution of a person holding a license granted by the department of public  
19 instruction.

20 **SECTION 3.** 946.94 of the statutes is created to read:

21 **946.94 Parental choice program fraud. (1)** In this section, “parental choice  
22 program” means a parental choice program under s. 118.60 or 119.23.

23 **(2)** Whoever intentionally makes or causes to be made any false statement or  
24 representation of material fact in any application to participate in a parental choice  
25 program is guilty of a Class A misdemeanor.

