



## 1997 ASSEMBLY BILL 580

October 29, 1997 – Introduced by Representatives HUBER, LADWIG, MURAT, KAUFERT, ZIEGELBAUER, GOETSCH, PLOUFF, UNDERHEIM, LA FAVE, GARD, SPRINGER, DUFF, HASENOHRL, SYKORA, GRONEMUS, MUSSER, STASKUNAS, DOBYNS, J. LEHMAN, AINSWORTH, GUNDERSON and BRANDEMUEHL, cosponsored by Senators DECKER, PANZER, GROBSCHMIDT, HUELSMAN, ROESSLER, WEEDEN, DARLING, FARROW and A. LASEE. Referred to Committee on Children and Families.

- 1     **AN ACT to create** 48.981 (1) (b) and 48.981 (7) (a) 8m. of the statutes; **relating**  
2           **to:** disclosure of child abuse and neglect reports for the purpose of investigating  
3           an alleged violation of a correctional community placement.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, reports and records of suspected or threatened child abuse or neglect are confidential. Current law, however, permits those reports and records to be disclosed to a law enforcement officer or agency or a district attorney for purposes of investigation or prosecution.

This bill permits reports and records of suspected or threatened child abuse or neglect to be disclosed to a court, an administrative agency, for example, the department of corrections (DOC), the department of health and family services (DHFS) or the division of hearings and appeals in the department of administration, a county department of human services or social services (county department), a county sheriff, a superintendent of a house of corrections or any other agency exercising custody or supervision over a person who has committed, or who is alleged to have committed, a violation of his or her community placement, as defined in the bill, for purposes of investigating, taking an action or making a decision relating to, for example imposing sanctions or revoking that community placement, or reviewing an action taken or a decision made relating to an alleged violation of a condition of that community placement.

Under the bill, “community placement” means probation, parole, aftercare, conditional transfer into the community of a patient or resident who is under a mental commitment, conditional transfer, discharge or release of person who is under a criminal commitment, or supervised release of a sexually violent person; participation in the community residential confinement program, the intensive sanctions program, the home detention program, the corrective sanctions program, the intensive supervision program or the serious juvenile offender program; placement in a Type 2 child caring institution or a Type 2 secured correctional

facility; or any other placement of an adult or juvenile offender in the community under the custody or supervision of DOC, DHFS, a county department, a county sheriff, a superintendent of a house of corrections or any other agency exercising custody or supervision over the offender.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 48.981 (1) (b) of the statutes is created to read:

2           48.981 (1) (b) "Community placement" means probation, parole, aftercare,  
3 conditional transfer into the community under s. 51.35 (1), conditional transfer or  
4 discharge under s. 51.37 (9), placement in a Type 2 child caring institution or a Type  
5 2 secured correctional facility authorized under s. 938.539 (5), conditional release  
6 under s. 971.17 or supervised release under s. 980.06 or 980.08; participation in the  
7 community residential confinement program under s. 301.046, the intensive  
8 sanctions program under s. 301.048, the home detention program under s. 302.425,  
9 the corrective sanctions program under s. 938.533, the intensive supervision  
10 program under s. 938.534 or the serious juvenile offender program under s. 938.538;  
11 or any other placement of an adult or juvenile offender in the community under the  
12 custody or supervision of the department of corrections, the department of health  
13 and family services, a county department, a county sheriff, a superintendent of a  
14 house of corrections or any other agency exercising custody or supervision over the  
15 offender.

16           **SECTION 2.** 48.981 (7) (a) 8m. of the statutes is created to read:

17           48.981 (7) (a) 8m. A court, an administrative agency, a county department, a  
18 county sheriff, a superintendent of a house of corrections or any other agency  
19 exercising custody or supervision over a person who has committed, or who is alleged

1 to have committed, a violation of his or her community placement for purposes of  
2 investigating, taking an action or making a decision relating to or reviewing an  
3 action taken or a decision made relating to an alleged violation of a condition of that  
4 community placement.

5 **SECTION 3. Initial applicability.**

6 (1) This act first applies to child abuse and neglect reports and records, as  
7 defined in section 48.981 (1) (f) of the statutes, that are disclosed on the effective date  
8 of this subsection.

9 (END)