



2009 ASSEMBLY BILL 784

March 2, 2010 - Introduced by Representatives KRUSICK, RHOADES, PARISI, BERCEAU, BLACK, MURTHA and ZIGMUNT, cosponsored by Senator A. LASEE. Referred to Committee on Children and Families.

- 1 **AN ACT** *to create* 895.44 of the statutes; **relating to:** reporting the results of a
2 religious organization's investigation of sexual contact with a child and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, members of professions who have contact with children, including those who work for nonprofit organizations, generally must report suspected child abuse or neglect to certain social services or law enforcement agencies. The social services or law enforcement agency must investigate the suspected child abuse or neglect within a specified time.

Under this bill, if after an investigation within a religious organization there is reasonable cause to believe that, before May 1, 2004, and after December 31, 1949, an official, agent, or employee of the organization had sexual contact with a person under the age of 18, the organization must submit a summary of that investigation to the Department of Children and Families (DCF). A religious organization that fails to do so is subject to a forfeiture of up to \$10,000. The bill requires DCF to make any summary of the religious organization's investigation available to the public, after deleting any information that could be used to identify any victim of the sexual contact.

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

ASSEMBLY BILL 784**SECTION 1**

1 **SECTION 1.** 895.44 of the statutes is created to read:

2 **895.44 Reports of sexual exploitation. (1) POLICY.** The legislature finds
3 that, prior to May 1, 2004, members of the clergy and religious organizations were
4 not required to report sexual abuse of children under s. 48.981. The legislature finds
5 that, based upon credible information, including the 2004 study of sexual abuse of
6 minors by Catholic priests and deacons between 1950 and 2002 prepared by the John
7 Jay College of Criminal Justice, members of the clergy sexually abused minors and,
8 in some cases, this abuse was not reported to a law enforcement agency or a child
9 protective services agency. Because sexual abuse of a minor is a criminal offense and
10 is harmful to children, the legislature finds and determines that it is in the public
11 interest to disclose the name of any person within a religious organization who the
12 religious organization, after an investigation, had reasonable cause to believe
13 committed the offense of sexual contact with a child and whose offense was not
14 reported to a law enforcement agency or to a child protective services agency.

15 **(2) DEFINITIONS.** In this section:

16 (a) “Department” means the department of children and families.

17 (b) “Religious organization” has the meaning given in s. 895.442 (1) (b).

18 (c) “Sexual contact” has the meaning given in s. 940.225 (5) (b).

19 **(3) REPORT OF INVESTIGATION.** If, as the result of an investigation within a
20 religious organization, there is reasonable cause to believe that, before May 1, 2004,
21 and after December 31, 1949, an official, agent, or employee of the religious
22 organization had sexual contact with a person who was under the age of 18, the
23 religious organization shall submit a summary of the investigation, including the
24 name of, and other identifying information regarding, any person who had the sexual
25 contact, but not the name of the person who was under the age of 18, to the

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1 department within 30 days after the investigation is completed or within 30 days
2 after the effective date of this subsection [LRB inserts date], whichever is later.

3 (4) RELEASE OF REPORT. The department shall make any summary it receives
4 under sub. (3) available to the public after deleting any information that could be
5 used to identify any victim of the sexual contact.

6 (5) PENALTY. Any religious organization that violates sub. (3) shall be subject
7 to a forfeiture of not more than \$10,000 for each violation.

8 (END)