



2019 ASSEMBLY BILL 386

August 28, 2019 - Introduced by Representatives B. MEYERS, SNYDER, DOYLE, KOLSTE, NOVAK and ANDERSON, cosponsored by Senators BEWLEY and STROEBEL. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber and amend* 48.415 (8); and *to create* 48.415 (8) (a) 4. and
2 48.415 (8) (b) of the statutes; **relating to:** attempted homicide of a parent as
3 a ground for involuntary termination of parental rights and evidence necessary
4 to support homicide or attempted homicide of a parent as a ground for
5 involuntary termination of parental rights.

Analysis by the Legislative Reference Bureau

This bill adds attempted homicide of a child's parent as a ground for involuntarily terminating a person's parental rights to the child and allows the ground of homicide or attempted homicide of a parent to be based on evidence produced at a fact-finding hearing, not only a judgment of conviction.

Under current law, in a proceeding for involuntary termination of parental rights (TPR), the court assigned to exercise jurisdiction under the Children's Code must determine whether grounds exist for TPR. One of the grounds for TPR under current law is that the person whose parental rights are sought to be terminated has been convicted of first-degree or second-degree intentional homicide, first-degree reckless homicide, or solicitation to commit first-degree intentional homicide and the child's parent was the victim or intended victim. This bill adds attempted first-degree or second-degree intentional homicide of a parent to this ground. The bill also adds that, with respect to first-degree or second-degree intentional homicide, reckless homicide, or attempted homicide of a parent, the evidence necessary to prove the ground includes evidence produced at the TPR fact-finding

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hearing that the person committed or attempted homicide of the parent as an alternative to a judgment of conviction.

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

1 **SECTION 1.** 48.415 (8) of the statutes is renumbered 48.415 (8) (intro.) and
2 amended to read:

3 48.415 (8) ~~HOMICIDE, ATTEMPTED HOMICIDE,~~ OR SOLICITATION TO COMMIT HOMICIDE
4 OF PARENT. (intro.) Homicide, attempted homicide, or solicitation to commit homicide
5 of a parent, which shall be established by proving that all of the following:

6 (a) That a parent of the child has been a victim of first-degree any of the
7 following:

8 1. First-degree intentional homicide in violation of s. 940.01, ~~first-degree,~~

9 2. First-degree reckless homicide in violation of s. 940.02 ~~or 2nd-degree,~~

10 3. Second-degree intentional homicide in violation of s. 940.05 ~~or a crime under~~
11 ~~federal law or the law of any other state that is comparable to any of those crimes,~~
12 ~~or has been the intended victim of a,~~

13 5. A solicitation to commit first-degree intentional homicide in violation of s.
14 939.30 or a,

15 6. A crime under federal law or the law of any other state that is comparable
16 to that a crime, and that under subs. 1. to 5.

17 (c) If a parent has been a victim of a crime described under par. (a) 5. or a
18 comparable crime under federal law or the law of any other state, the person whose
19 parental rights are sought to be terminated has been convicted of that ~~intentional~~
20 ~~or reckless homicide, solicitation or comparable crime under federal law or the law~~
21 ~~of any other state as evidenced by a final judgment of conviction.~~

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1 **SECTION 2.** 48.415 (8) (a) 4. of the statutes is created to read:

2 48.415 **(8)** (a) 4. An attempt to commit first-degree intentional homicide or
3 2nd-degree intentional homicide in violation of s. 939.32.

4 **SECTION 3.** 48.415 (8) (b) of the statutes is created to read:

5 48.415 **(8)** (b) If the parent has been a victim of a crime described under par.
6 (a) 1., 2., 3., or 4. or a comparable crime under federal law or the law of any other state,
7 the person whose parental rights are sought to be terminated has committed that
8 intentional, reckless, or attempted homicide or comparable crime as evidenced by a
9 final judgment of conviction or other evidence produced at a fact-finding hearing
10 under s. 48.424 indicating that the person committed or attempted homicide of a
11 parent as described in this subsection.

12

(END)