

No. 834, A.]

[Published October 23, 1959.

CHAPTER 548

AN ACT to amend 40.77 (3) and 40.78 (1) of the statutes, relating to truancy.

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

SECTION 1. 40.77 (3) of the statutes is amended to read:

40.77 (3) Whoever violates this section *or files a false statement under s. 40.78 (1)* shall be fined not less than \$5 nor more than \$50, or imprisoned in the county jail not more than 3 months, or both. In a prosecution under this section, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, it shall be a good defense and such child shall be proceeded against as delinquent in the manner and in the courts specified in ch. 48.

SECTION 2. 40.78 (1) of the statutes is amended to read:

40.78 (1) Truancy consists of any absence *of one or more days* from school during which the teacher or principal has not been notified \* \* \* *in writing* of the legal cause of such absence by the parent or guardian of the absent pupil *or intermittent attendance carried on for the purpose of defeating the purpose of s. 40.77 (1)*. *The legal causes for absence are only those that are designated in s. 40.77 (1) (b) and (c)*. In case of illness for more than 3 days, or upon request of the truant officer, a statement from the local health officer or nurse or attending physician shall be submitted.

Approved October 20, 1959.