



1995 ASSEMBLY BILL 188

March 13, 1995 - Introduced by Representatives RILEY, REYNOLDS, SCHNEIDERS, WASSERMAN, WILDER and WOOD, cosponsored by Senators ZIEN and DECKER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 939.45 (5) (a) 3. and 948.01 (3) of the statutes; **relating to:**
2 crimes against children and persons responsible for a child.

Analysis by the Legislative Reference Bureau

Under current law relating to crimes against children, if a person meets the criteria for being a person responsible for a child, the person is required to take action in certain situations to prevent the child from being sexually assaulted, physically abused or mentally harmed. The person is subject to penalties for knowingly failing to take that action. Also, a person responsible for a child is subject to higher penalties than an ordinary person would be for physically abusing or sexually exploiting the child. Current law makes parents, guardians, foster parents and certain others subject to coverage as persons responsible for a child. This bill expands the coverage to also include stepparents.

Under current law, a parent or guardian who is alleged to have harmed a child has a defense to criminal liability if the parent or guardian shows that his or her action involved the reasonable discipline of a child. This bill provides a stepparent with the same defense.

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

3 **SECTION 1.** 939.45 (5) (a) 3. of the statutes is amended to read:
4 939.45 (5) (a) 3. "Person responsible for the child's welfare" includes the child's
5 parent, stepparent or guardian; an employe of a public or private residential home,
6 institution or agency in which the child resides or is confined or that provides services

1 to the child; or any other person legally responsible for the child's welfare in a
2 residential setting.

3 **SECTION 2.** 948.01 (3) of the statutes is amended to read:

4 948.01 (3) "Person responsible for the child's welfare" includes the child's
5 parent; ~~stepparent~~; guardian; foster parent; treatment foster parent; an employe of
6 a public or private residential home, institution or agency; other person legally
7 responsible for the child's welfare in a residential setting; or a person employed by
8 one legally responsible for the child's welfare to exercise temporary control or care
9 for the child.

10 **SECTION 3. Initial applicability.**

11 (1) This act first applies to offenses committed on the effective date of this
12 subsection.

13 (END)