

State of Wisconsin



1997 Assembly Bill 876

Date of enactment: **June 12, 1998**
Date of publication*: **June 25, 1998**

1997 WISCONSIN ACT 280

AN ACT *to repeal* 20.435 (3) (c); *to amend* 50.04 (5) (a) 5. a. and b.; and *to create* 20.435 (3) (c) of the statutes; relating to: a statutory rape prosecution pilot program, nursing home forfeitures and making an appropriation.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

					1997-98	1998-99
20.435	Health and family services, department of					
(3)	CHILDREN AND FAMILY SERVICES					
(c)	Statutory rape prosecution pilot program	GPR	C		-0-	183,700

SECTION 2. 20.435 (3) (c) of the statutes is created to read:

20.435 (3) (c) *Statutory rape prosecution pilot program.* As a continuing appropriation, the amounts in the schedule for the statutory rape prosecution pilot program under 1997 Wisconsin Act (this act), section 5 (1).

SECTION 3. 20.435 (3) (c) of the statutes, as created by 1997 Wisconsin Act (this act), is repealed.

SECTION 3s. 50.04 (5) (a) 5. a. and b. of the statutes, as affected by 1997 Wisconsin Act (Assembly Bill 768), are amended to read:

50.04 (5) (a) 5. a. A nursing home that violates a statute or rule resulting in a class "A" violation and that has received a notice of violation for a class "A" violation within the previous 3-year period involving the same situation shall be subject to a forfeiture 3 times the amount authorized for a class "A" violation.

b. Except as provided in subd. 5. a., a nursing home that violates a statute or rule resulting in a class "A" or class "B" violation and that has received a notice of a class "A" or class "B" violation of the same statute or rule within the previous 3-year period may be subject to a forfeiture 3 times the amount authorized for a the most recent class "B" of violation involved.

SECTION 4. Nonstatutory provisions; administration.

(1) STATUTORY RAPE PROSECUTOR POSITION. The authorized FTE positions for the department of administration for district attorneys under sections 978.03 and 978.04 of the statutes are increased by 1.0 PR project position, to be funded from the appropriation under section 20.475 (1) (k) of the statutes, for the purpose of providing one assistant district attorney for the county that is selected to administer the statutory rape prosecution

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

pilot program under SECTION 5 (1) of this act, for the period beginning on July 1, 1998, and ending on June 30, 2000.

SECTION 5. Nonstatutory provisions; health and family services.

(1) STATUTORY RAPE PROSECUTION PILOT PROGRAM. From the appropriation under section 20.435 (3) (c) of the statutes, as created by this act, the department of health and family services, in accordance with its request-for-proposals procedures, shall distribute \$39,300 in fiscal year 1998–99 and \$53,500 in fiscal year 1999–2000 to a county that the department selects to administer the pilot program under this subsection. The county that is selected to administer the pilot program under this subsection may, with the approval of the department of health and family services, permit other counties to participate in the pilot program. The county that is selected to administer the pilot program under this subsection shall be assigned the assistant district attorney project position authorized under SECTION 4 (1) of this act, and shall use the moneys distributed under this subsection to hire an investigator to assist that assistant district attorney in developing new methods for investigating, prosecuting and increasing the number of convictions for violations of sections 948.02 (1) and (2) and 948.09 of the statutes, except that the county may not use or permit any other county participating in the pilot program to use any moneys distributed under this subsection to investigate or prosecute an alleged violation of section 948.02 (1) or (2)

or 948.09 if the person accused of the alleged violation was, at the time of the alleged violation, under 18 years of age unless the accused was, at the time of the alleged violation, more than 4 years older than the alleged victim.. This subsection does not apply after June 30, 2000.

(2) RECONCILIATION PROVISION. The treatment of section 50.04 (5) (a) 5. a. and b. of the statutes by this act is void unless the treatment of section 50.04 (5) (a) 5. a. and b. of the statutes by 1997 Assembly Bill 768, as shown by assembly substitute amendment 1, is enacted into law in exactly the same form as it appears in 1997 Assembly Bill 768, as shown by assembly substitute amendment 1.

SECTION 6. Appropriation changes; health and family services.

(1) There is transferred from the appropriation to the department of health and family services under section 20.435 (3) (c) of the statutes, as created by this act, to the appropriation to the department of administration under section 20.475 (1) (k) of the statutes, as affected by the acts of 1997, \$90,900 in fiscal year 1998–99 for the purpose of funding the 1.0 PR assistant district attorney project position authorized under SECTION 4 (1) of this act.

SECTION 7. Effective dates; health and family services. This act takes effect on July 1, 1998, or the day after publication, whichever is later, except as follows:

(1) STATUTORY RAPE PROSECUTION PILOT PROGRAM. The repeal of section 20.435 (3) (c) of the statutes takes effect on July 1, 2000.
