

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 108**

March 16, 1999 – Offered by COMMITTEE ON FAMILY LAW.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 7: delete “the granting of visitation” and substitute “a parent
3 or other person who intentionally kills a parent of a child from having visitation
4 with”.

5 **2.** Page 1, line 8: delete that line and substitute “placement”.

6 **3.** Page 1, line 9: delete “parent”.

7 **4.** Page 5, line 10: after that line insert:

8 “1m. Except as provided in subd. 2., if a parent who is granted visitation rights
9 with a child under par. (a) is convicted under s. 940.01 of the first-degree intentional
10 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child’s
11 other parent, and the conviction has not been reversed, set aside or vacated, the court
12 shall issue an order prohibiting the parent from having visitation with the child on
13 petition of the child, the guardian or legal custodian of the child, a person or agency

1 bound by the dispositional order or the district attorney or corporation counsel of the
2 county in which the dispositional order was entered, or on the court’s own motion,
3 and on notice to the parent.”.

4 **5.** Page 5, line 11: delete “Subdivision 1. does” and substitute “Subdivisions 1.
5 and 1m. do”.

6 **6.** Page 5, line 19: after that line insert:

7 “(am) Except as provided in par (b), if a parent in whose home a child is placed
8 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.
9 940.05 of the 2nd-degree intentional homicide, of the child’s other parent, and the
10 conviction has not been reversed, set aside or vacated, the court shall change the
11 child’s placement to a placement out of the home of the parent on petition of the child,
12 the guardian or legal custodian of the child, a person or agency bound by the
13 dispositional order or the district attorney or corporation counsel of the county in
14 which the dispositional order was entered, or on the court’s own motion, and on notice
15 to the parent.”.

16 **7.** Page 5, line 20: delete “Paragraph (a) does” and substitute “Paragraphs (a)
17 and (am) do”.

18 **8.** Page 7, line 9: after that line insert:

19 “1m. Except as provided in subd. 2., if a birth parent who is granted visitation
20 rights with a child under par. (a) is convicted under s. 940.01 of the first-degree
21 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
22 the child’s other birth parent, and the conviction has not been reversed, set aside or
23 vacated, the court shall issue an order prohibiting the birth parent from having
24 visitation with the child on petition of the child, the guardian or legal custodian of

1 the child, or the district attorney or corporation counsel of the county in which the
2 dispositional order was entered, or on the court’s own motion, and on notice to the
3 birth parent.”.

4 **9.** Page 7, line 10: delete “Subdivision 1. does” and substitute “Subdivisions
5 1. and 1m. do”.

6 **10.** Page 8, line 3: after that line insert:

7 “(am) Except as provided in par. (b), if a relative who is granted visitation rights
8 with a child under sub. (1) is convicted under s. 940.01 of the first-degree intentional
9 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of
10 the child, and the conviction has not been reversed, set aside or vacated, the court
11 shall issue an order prohibiting the relative from having visitation with the child on
12 petition of the child or the parent, guardian or legal custodian of the child, or on the
13 court’s own motion, and on notice to the relative.”.

14 **11.** Page 8, line 4: delete “Paragraph (a) does” and substitute “Paragraphs (a)
15 and (am) do”.

16 **12.** Page 8, line 21: after that line insert:

17 “**SECTION 16m.** 767.245 (6) of the statutes is created to read:

18 767.245 **(6)** (a) If a person granted visitation rights with a child under this
19 section is convicted under s. 940.01 of the first-degree intentional homicide, or under
20 s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the
21 conviction has not been reversed, set aside or vacated, the court shall modify the
22 visitation order by denying visitation with the child upon petition, motion or order
23 to show cause by a parent or guardian of the child, or upon the court’s own motion,
24 and upon notice to the person granted visitation rights.

1 (b) Paragraph (a) does not apply if the court determines that the child desires
2 to have visitation with the person and is sufficiently mature to make such a decision
3 and that the visitation would be in the best interests of the child.”.

4 **13.** Page 10, line 17: after that line insert:

5 “SECTION 20m. 880.155 (4m) of the statutes is created to read:

6 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges
7 with respect to a child under this section is convicted under s. 940.01 of the
8 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
9 homicide, of a parent of the child, and the conviction has not been reversed, set aside
10 or vacated, the court shall modify the visitation order by denying visitation with the
11 child upon petition, motion or order to show cause by a person having custody of the
12 child, or upon the court’s own motion, and upon notice to the grandparent or
13 stepparent granted visitation privileges.

14 (b) Paragraph (a) does not apply if the court determines that the child desires
15 to have visitation with the grandparent or stepparent and is sufficiently mature to
16 make such a decision and that the visitation would be in the best interests of the
17 child.”.

18 **14.** Page 13, line 3: after that line insert:

19 “1m. Except as provided in subd. 2., if a parent who is granted visitation rights
20 with a juvenile under par. (a) is convicted under s. 940.01 of the first-degree
21 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
22 the juvenile’s other parent, and the conviction has not been reversed, set aside or
23 vacated, the court shall issue an order prohibiting the parent from having visitation
24 with the juvenile on petition of the juvenile, the guardian or legal custodian of the

1 juvenile, a person or agency bound by the dispositional order or the district attorney
2 or corporation counsel of the county in which the dispositional order was entered, or
3 on the court’s own motion, and on notice to the parent.”.

4 **15.** Page 13, line 4: delete “Subdivision 1. does” and substitute “Subdivisions
5 1. and 1m. do”.

6 **16.** Page 13, line 12: after that line insert:

7 “(am) Except as provided in par (b), if a parent in whose home a juvenile is
8 placed is convicted under s. 940.01 of the first-degree intentional homicide, or under
9 s. 940.05 of the 2nd-degree intentional homicide, of the juvenile’s other parent, and
10 the conviction has not been reversed, set aside or vacated, the court shall change the
11 juvenile’s placement to a placement out of the home of the parent on petition of the
12 juvenile, the guardian or legal custodian of the juvenile, a person or agency bound
13 by the dispositional order or the district attorney or corporation counsel of the county
14 in which the dispositional order was entered, or on the court’s own motion, and on
15 notice to the parent.”.

16 **17.** Page 13, line 13: delete “Paragraph (a) does” and substitute “Paragraphs
17 (a) and (am) do”.

18 **18.** Page 13, line 17: delete lines 17 to 24 and substitute:

19 “(1) This act first applies to orders for visitation or physical placement, and to
20 orders modifying or revising visitation or physical placement orders, that are
21 granted on the effective date of this subsection; to petitions to restrain and enjoin
22 visitation and contact with a child that are filed on the effective date of this
23 subsection; and to orders of the juvenile court placing a child in or removing a child
24 from the home of a parent, guardian or relative or granting or prohibiting parental

