

1999 ASSEMBLY BILL 913

March 21, 2000 – Introduced by Representatives KRUSICK, ALBERS, HASENOHRL, J. LEHMAN, MUSSER, PLALE, PLOUFF, SPILLNER, STONE and SYKORA, cosponsored by Senator LAZICH, by request of Coalition of Wisconsin Aging Groups, American Association of Retired Persons and State Board of Aging and Long Term Care. Referred to Committee on Assembly Organization.

1 **AN ACT to amend** 48.685 (1) (c) and 50.065 (1) (e) 1. of the statutes; **relating to:**
 2 prohibiting a person who has been convicted of mayhem or certain serious
 3 crimes against property from being licensed to operate, employed or contracted
 4 by or permitted to reside at an entity that provides direct care or treatment
 5 services to clients.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and human services may not license, certify, issue a certificate of approval to or register a person to operate a child welfare agency, foster home, treatment foster home, group home, shelter care facility, day care center or any other facility, organization or service, such as a hospital, a personal care worker agency or a supportive home care agency, that provides direct care or treatment services to clients (entity) or to operate a temporary employment agency that provides caregivers to an entity if the person has been convicted of a serious crime, as defined under current law, or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the person shows that he or she has been rehabilitated. Similarly, an entity may not employ or contract with a caregiver or permit a nonclient to reside at the entity if the caregiver or nonclient resident has been convicted of a serious crime or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the caregiver or onclient resident shows that he or she has been rehabilitated.

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For purposes of those prohibitions, “serious crime” is defined under current law to include certain crimes against life or bodily security and certain crimes against children. Specifically, under current law, a person may not operate an entity, be employed or contracted with by an entity or be permitted to reside at an entity if the person has been convicted of first-degree intentional or reckless homicide, felony murder, second-degree intentional homicide, assisting suicide, felony battery, sexual exploitation by a therapist, felony sexual assault, abuse of a vulnerable adult, abuse of a resident of a penal facility, abuse or neglect of a patient or resident, sexual assault of a child, repeated sexual assault of a child, intentional physical abuse of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, soliciting a child for prostitution, exposing a child to harmful materials, possession of child pornography, working with children as a child sex offender, neglect of a child resulting in the child’s death or abduction of a child or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

This bill adds mayhem and certain crimes against property to that definition of “serous crime”. Specifically, under the bill, a person may not operate an entity, be employed or contracted with by an entity or be permitted to reside at an entity if the person has been convicted of mayhem, burglary, theft, misappropriation of personal identifying information, robbery, forgery, insurance fraud or retail theft or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.685 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:
3 48.685 (1) (c) “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
4 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.21, 940.22 (2) or (3), 940.225 (1), (2)
5 or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.38, 943.395,
6 943.50, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08,
7 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of
8 any other state or United States jurisdiction that would be a violation of s. 940.01,

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1 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.21, 940.22 (2) or (3),
2 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32,
3 943.38, 943.395, 943.50, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
4 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if
5 committed in this state.

6 **SECTION 2.** 50.065 (1) (e) 1. of the statutes, as affected by 1999 Wisconsin Act
7 9, is amended to read:

8 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
9 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.21, 940.22 (2) or (3), 940.225 (1), (2)
10 or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.38, 943.395,
11 943.50, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the law of any other state
12 or United States jurisdiction that would be a violation of s. 940.01, 940.02, 940.03,
13 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.21, 940.22 (2) or (3), 940.225 (1), (2)
14 or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.38, 943.395,
15 943.50, 948.02 (1), 948.025 or 948.03 (2) (a) if committed in this state.

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(END)