

1999 DRAFTING REQUEST

Bill

Received: **02/22/1999**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Deb**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - crimes agnst kids**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Child abuse

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	olsenje 04/21/1999	wjackson 04/23/1999	mclark 04/28/1999	_____	lrb_docadmin 04/29/1999		
/1	olsenje 07/19/1999	wjackson 07/19/1999	jfrantze 07/19/1999	_____	lrb_docadmin 07/19/1999	lrb_docadmin 08/02/1999	

FE Sent For:

N/A

<END>

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/P1	olsenje 04/21/99	wjackson 04/23/99	mclark 04/28/99	_____	lrb_docadmin 04/29/99		

FE Sent For:

1 7/19 WLJ
 7/19
 7/19
 <END>

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/?	olsenje	/pl 4/23 WLJ	4/27 mrc	mrc/c# 4/28			

FE Sent For:

<END>

Submit "P" Drafts

JEO

2395

Memorandum

To: Jefren Olsen
Legislative Reference Bureau

From: Deb Sybell
Senator Burke's Office

Date: 02/11/99

Re: Drafting Request – Domestic Abuse form of Child Abuse

Domestic Violence – Form of Child Abuse

Make domestic abuse, committed in the presence of children, child abuse. “In the presence of a child” means in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic abuse. Class D felony (?). Perpetrators can be prosecuted for both child abuse and the domestic abuse offense.

Please call to discuss prior to drafting. 266-8535.

Thanks for your assistance.

Act: ~~968.075~~ → 968.075 (1)(a) [nb: narrow.]

Follow... 944.15

Req. Knowledge

E felony

Victim can't be charged (should be
clean given
968.075)

any minor child, not necessarily victims
or § 215

D-N: 968.075 (1)(a) 4. → attempt?

presence → redundant w/ observable faultless
knowledge + actuality
cf. SI 1535

Victim as (17 year old
or (6 year old))

Multiple charges

76-5-109.1. Commission of domestic violence in the presence of a child.

(1) As used in this section:

(a) "Domestic violence" means the same as that term is defined in Section **77-36-1**.

(b) "In the presence of a child" means:

(i) in the physical presence of a child; or

(ii) having knowledge that a child is present and may see or hear an act of domestic violence.

(2) A person is guilty of child abuse if he:

(a) commits or attempts to commit criminal homicide, as defined in Section **76-5-201**, against a cohabitant in the presence of a child; or

(b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon, as defined in Section **76-1-601**, or other means or force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child; or

(c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child after having committed:

(i) a violation of Subsection (2)(a) or (b) on one or more prior occasions; or

(ii) an act of domestic violence in the presence of a child, not amounting to a violation of Subsection (2)(a) or (b), on one or more prior occasions.

(3) (a) A person who violates Subsection (2)(a) or (b) is guilty of a third degree felony.

(b) A person who violates Subsection (2)(c) is guilty of a class A misdemeanor.

Amended by Chapter 81, 1998 General Session

Download Code Section [Zipped](#) WP 6.1 [76_05019.ZIP](#) 2,712 Bytes

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Last revised: Tuesday, January 12, 1999

77-36-1. Definitions.

As used in this chapter:

(1) "Cohabitant" has the same meaning as in Section **30-6-1**.

(2) "Domestic violence" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another:

(a) aggravated assault, as described in Section **76-5-103**;

(b) assault, as described in Section **76-5-102**;

(c) criminal homicide, as described in Section **76-5-201**;

(d) harassment, as described in Section **76-5-106**;

(e) telephone harassment, as described in Section **76-9-201**;

(f) kidnaping, child kidnaping, or aggravated kidnaping, as described in Sections **76-5-301**, **76-5-301.1**, and **76-5-302**;

(g) mayhem, as described in Section **76-5-105**;

(h) sexual offenses, as described in Title 76, Chapter 5, Part 4, and Title 76, Chapter 5a;

(i) stalking, as described in Section **76-5-106.5**;

(j) unlawful detention, as described in Section **76-5-304**;

(k) violation of a protective order or ex parte protective order, as described in Section **76-5-108**;

(l) any offense against property described in Title 76, Chapter 6, Part 1, 2, or 3;

(m) possession of a deadly weapon with intent to assault, as described in Section **76-10-507**; or

(n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Section **76-10-508**.

(3) "Victim" means a cohabitant who has been subjected to domestic violence.

Amended by Chapter 79, 1996 General Session

Download Code Section Zipped WP 6.1 77_2C002.ZIP 2,742 Bytes

[\[Back to the Chapter Level\]](#)[\[Back to the Title Level\]](#)[\[Back to Utah Code\]](#)[\[Back to the Legislative Home Page\]](#)

Last revised: Tuesday, January 12, 1999

30-6-1. Definitions.

As used in this chapter:

(1) "Abuse" means attempting to cause, or intentionally or knowingly causing to an adult or minor physical harm or intentionally placing another in fear of imminent physical harm.

(2) "Cohabitant" means an emancipated person pursuant to Section **15-2-1** or a person who is 16 years of age or older who:

- (a) is or was a spouse of the other party;
- (b) is or was living as if a spouse of the other party;
- (c) is related by blood or marriage to the other party;
- (d) has one or more children in common with the other party; or
- (e) resides or has resided in the same residence as the other party.

(3) Notwithstanding Subsection (2), "cohabitant" does not include:

- (a) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- (b) the relationship between natural, adoptive, step, or foster siblings who are under 18 years of age.

(4) "Court clerk" means a district court clerk or juvenile court clerk.

(5) "Department" means the Department of Human Services.

(6) "Domestic violence" means the same as that term is defined in Section **77-36-1**.

(7) "Ex parte protective order" means an order issued without notice to the defendant in accordance with this chapter.

(8) "Foreign protective order" means a protective order issued by another state, territory, or possession of the United States, tribal lands of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be given full faith and credit in Utah, if the protective order is similar to a protective order issued in compliance with Title 30, Chapter 6, Cohabitant Abuse Act, or Title 77, Chapter 36, Cohabitant Abuse Procedures Act, and includes the following requirements:

- (a) the requirements of due process were met by the issuing court, including subject matter and personal jurisdiction;

- (b) the respondent received reasonable notice; and

- (c) the respondent had an opportunity for a hearing regarding the protective order.

(9) "Law enforcement unit" or "law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.

(10) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer Classifications.

(11) "Protective order" means a restraining order issued pursuant to this chapter subsequent to a hearing on the petition, of which the petitioner has given notice in accordance with this chapter.

Amended by Chapter 282, 1998 General Session

Download Code Section [Zipped WP 6.1 30_07002.ZIP](#) 3,201 Bytes

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Last revised: Wednesday, December 30, 1998

30-6-4.8. Electronic monitoring of domestic violence offenders.

(1) Whenever the court issues an order for protection under this chapter, it may order the respondent to participate in, and pay the costs of, an electronic monitoring program as described in this section.

(2) Whenever a respondent is found to have violated an order of protection issued under this chapter the court shall, in addition to penalties otherwise provided by law, order the respondent to participate in an electronic monitoring program as described in this section until further order of the court.

(3) The electronic monitoring program shall:

(a) alert the protected party and the appropriate law enforcement unit when the respondent is on or near the protected premises;

(b) require the respondent to wear an electronic monitoring device at all times; and

(c) require that a device be placed in the home of the respondent, so that his compliance with the court's order may be monitored.

(4) When a court orders a respondent to participate in an electronic monitoring program under this section it shall:

(a) place the respondent under the supervision of the Department of Corrections for the purposes of monitoring;

(b) order the Department of Corrections to place an electronic monitoring device on the respondent and install electronic monitoring equipment on the premises of the protected location and in the residence of the respondent within 24 hours; and

(c) order the respondent to pay the costs associated with the program to the Department of Corrections or the program provider.

(5) The Department of Corrections may provide the electronic monitoring program described in this section either directly or by contract with a private provider.

Enacted by Chapter 252, 1995 General Session

Download Code Section [Zipped WP 6.1 30_07012.ZIP](#) 2,603 Bytes

[\[Back to the Chapter Level\]](#)[\[Back to the Title Level\]](#)[\[Back to Utah Code\]](#)[\[Back to the Legislative Home Page\]](#)

Last revised: Wednesday, December 30, 1998



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2305/P1

JEO:.....
Wlj

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

AN ACT, ^{gen. cat.} relating to: committing domestic abuse in the presence of a child and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from causing bodily harm or mental harm to a child. This bill prohibits a person from committing an act of domestic abuse in a place where or in a manner in which the act is observable by or in the presence of a child. To be subject to the penalty provided by the bill the person must know or have reason to know that the act of domestic abuse is observable by or in the presence of a child. The acts of domestic abuse covered by the bill include intentional infliction of physical pain, physical injury or illness, intentional impairment of physical condition or sexual assault against a spouse or former spouse, an adult with whom the person resides or formerly resided or an adult with whom the person has a child in common. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999.

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

3

SECTION 1. 948.045 of the statutes is created to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2305/P1dn

JEO: /: /: /: /: /:
WJ

This preliminary draft is based on instructions from Susan Goodwin at DOJ. You should have her review the draft (along with this drafter's note) to make sure that it is accomplishing what you intend to accomplish. When reviewing the draft, note the following:

1. The definition of "domestic abuse" in proposed s. 948.045 (1) is virtually identical to the one contained in s. 968.075 (1) (a), stats. This has the following consequences:

a) The language refers to acts ⁱⁿ engaged in by an *adult* against *another adult*; thus, the definition will not cover acts committed by someone who is under the age of 17, nor will it cover acts committed by an adult against, say, a 17-year-old girlfriend. Is that your intent? Note that if we eliminate the requirement that the victim be another adult, that will open up the possibility that a minor victim could also be the child in whose presence the act is committed; if it is not your intent to allow such a scenario, we might have to include additional language to require that the victim and the child be different persons. (Compare s. 944.15 (1), stats., which requires the presence of persons "other than the person with whom [the defendant] is having sexual intercourse.")

b) Proposed s. 948.045 (1) (c) ^{causes} refers to a violation ^{to be} of s. 940.225 (1), (2) or (3), stats. This language ~~makes~~ the sexual assault offenses ~~into~~ included offenses of proposed s. 948.045 under s. 939.66 (1), stats. This means that a person could be convicted of a violation of proposed s. 948.045 or of a violation of s. 940.225 (1), (2) or (3), stats., but not both. Given the higher penalties for violations of s. 940.225 (1), (2) or (3), stats., would it make sense to eliminate proposed s. 948.045 (1) (c) and instead provide a penalty enhancer for domestic abuse-related sexual assaults committed in the presence of a child? (I don't think that any battery offense under s. 940.19, stats., will be considered an included offense of proposed s. 948.045 because proposed s. 948.045 (1) (a) and (b) require proof of only bodily harm, as opposed to substantial or great bodily harm, and do not require proof of lack of consent by the victim.)

c) Like s. 968.075 (1) (a) 4., stats., proposed s. 948.045 (1) (d) refers to an act causing the other person to fear imminent engagement in any of the other conduct described. Given the different context in which this language is being used, should proposed s. 948.045 (1) (d) refer instead to an attempt to commit the other conduct described?

2. Proposed s. 948.045 (2) is adapted from s. 944.15, stats. However, this draft explicitly provides that the act of domestic abuse must actually be observed by a child

or be committed in the presence of a child *and* that the defendant must have known or had reason to know that the conduct was being observed by a child or committed in the presence of a child. Is that your intent? (These two separate elements are only implicit in s. 944.15, stats.; see Wis. JI-Criminal 1535 n. 2.)

3. Like s. 944.15 (1), stats., proposed s. 948.045 (2) refers to acts committed in a child's presence or that are "observable" by a child. Should the draft also cover acts that are audible to a child? Compare Utah Code Section 76-5-109.1 (1) (b) (ii) (defining "in the presence of a child" to include "having knowledge that a child is present and may see or hear an act of domestic violence").

4. The current crime that is most analogous to proposed s. 948.045 appears to be s. 948.04, stats. (causing mental harm to a child). This crime is subject to a longer statute of limitations (see s. 939.74 (2) (cm), stats.), is a basis for compensation under ch. 949 (see s. 949.03 (1) (b), stats.) and is a "serious crime" that may allow for revocation of conditions of release under ch. 968 (see s. 969.08 (10) (b), stats.). Do you want similar treatment of proposed s. 948.045?

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2305/P1dn
JEO:wlj:mrc

April 28, 1999

This preliminary draft is based on instructions from Susan Goodwin at DOJ. You should have her review the draft (along with this drafter's note) to make sure that it is accomplishing what you intend to accomplish. When reviewing the draft, note the following:

1. The definition of "domestic abuse" in proposed s. 948.045 (1) is virtually identical to the one contained in s. 968.075 (1) (a), stats. This has the following consequences:

a) The language refers to acts engaged in by an *adult* against *another adult*; thus, the definition will not cover acts committed by someone who is under the age of 17, nor will it cover acts committed by an adult against, say, a 17-year-old girlfriend. Is that your intent? Note that if we eliminate the requirement that the victim be another adult, that will open up the possibility that a minor victim could also be the child in whose presence the act is committed; if it is not your intent to allow such a scenario, we might have to include additional language to require that the victim and the child be different persons. (Compare to s. 944.15 (1), stats., which requires the presence of persons "other than the person with whom [the defendant] is having sexual intercourse.")

b) Proposed s. 948.045 (1) (c) refers to a violation of s. 940.225 (1), (2) or (3), stats. This language causes the sexual assault offenses to be included offenses of proposed s. 948.045 under s. 939.66 (1), stats. This means that a person could be convicted of a violation of proposed s. 948.045 or of a violation of s. 940.225 (1), (2) or (3), stats., but not both. Given the higher penalties for violations of s. 940.225 (1), (2) or (3), stats., would it make sense to eliminate proposed s. 948.045 (1) (c) and instead provide a penalty enhancer for domestic abuse-related sexual assaults committed in the presence of a child? (I don't think that any battery offense under s. 940.19, stats., will be considered an included offense of proposed s. 948.045 because proposed s. 948.045 (1) (a) and (b) require proof of only bodily harm, as opposed to substantial or great bodily harm, and do not require proof of lack of consent by the victim.)

c) Like s. 968.075 (1) (a) 4., stats., proposed s. 948.045 (1) (d) refers to an act causing the other person to fear imminent engagement in any of the other conduct described. Given the different context in which this language is being used, should proposed s. 948.045 (1) (d) refer instead to an attempt to commit the other conduct described?

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Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

Olsen, Jefren

From: Sybell, Debra
Sent: Friday, May 07, 1999 11:53 AM
To: Olsen, Jefren
Subject: FW: AG domestic violence/child abuse LRB draft 2305/P1dn

-----Original Message-----

From: Richard, JoAnna M. [<mailto:RichardJM@DOJ.STATE.WI.US>] <<mailto:RichardJM@DOJ.STATE.WI.US>>
Sent: Friday, May 07, 1999 10:26 AM
To: Sybell, Debra
Subject: FW: AG domestic violence/child abuse LRB draft 2305/P1dn

Deb,

Here are the attorneys' notes. Let me know if you need anything else.

JoAnna

> -----Original Message-----

> **From:** Tinker, Steve E.
> **Sent:** Friday, May 07, 1999 6:55 AM
> **To:** Goodwin, Susan M.; Burke, Mary E.; Frank, Matt J.; Kocol, Kitty M.;
> Hanrahan, William E.
> **Cc:** Richard, JoAnna M.; Wells, Linda K.
> **Subject:** RE: AG domestic violence/child abuse LRB draft 2305/P1dn

>
> Bill and I have had an opportunity to review the drafter's notes. I will
> respond for both of us because Bill is out of the office.
> These comments refer to the drafter's numbered notes:
> 1.a) We believe the intent was for this to be adult on adult offense and
> would leave the definition the way it is.
> 1.b) We disagree with the notes. The sexual offenses would not be
> lesser included. There are separate and different elements for each of
> the crimes. As a result, we don't need a penalty enhancer. I believe we
> decided to avoid enhancers.
> 1.c) We think the draft should stay as it is. We don't believe we need
> an attempt. Often times these situations may be charged as disorderly
> conducts and there is no attempted DC.

>
> 2. We believe the drafter properly stated our intent.

>
> 3. The "see and hear" suggestion is a good one.

>
> 4. We don't believe that we need a longer statute of limitations given
> the nature of the cases. It may make sense to include the crime with the
> victim compensation provisions. We would defer to Kitty on that. We
> don't believe that it needs to be denominated a "serious crime" so that
> conditions of release can be revoked. This would seem to be heavy handed
> and few prosecutors are using this provision. If there is a continuing
> problem, the prosecutor can use the existing bail condition structure.

>
>

Olsen, Jefren

From: Sybell, Debra
Sent: Monday, May 10, 1999 3:34 PM
To: Olsen, Jefren
Subject: FW: Our proposed domestic violence bill for DV in the Presence of Children, 948.045(1)

Here is some more feedback from the AG's office. Call with any questions or feel free to contact JoAnna Richard with the AG's office at 267-1932.

Deb
Senator Brian Burke's Office
(608) 266-8535

-----Original Message-----

From: Richard, JoAnna M. [<mailto:RichardJM@DOJ.STATE.WI.US>] <<mailto:RichardJM@DOJ.STATE.WI.US>>
Sent: Monday, May 10, 1999 1:48 PM
To: Sybell, Debra
Subject: FW: Our proposed domestic violence bill for DV in the Presence of Children, 948.045(1)

Deb,

Here are some more suggestions from Kitty Kocol from our Crime Victims Divisions. She makes some good points especially about the mother not being put in a squeeze.

Let me know if Jeffren needs any other direction.

Thanks,

Jo

> -----Original Message-----

> **From:** Kocol, Kitty M.
> **Sent:** Friday, May 07, 1999 5:18 PM
> **To:** Goodwin, Susan M.; Richard, JoAnna M.
> **Cc:** Tinker, Steve E.; Hanrahan, William E.
> **Subject:** Our proposed domestic violence bill for DV in the Presence
> of Children, 948.045(1)

>

> Greetings:

> My thoughts on the draft are as follows:

> A) I agree with everything Steve Tinker and Bill Hanrahan said in Steve's
> e-mail.

> B) There are still some problems, three that I see.

> 1. We still have not addressed the "failure to protect" issue which
> puts battered women in the position of being charged with failing to
> protect their children from harm, or sets them up to be coerced by
> misguided DAs who will threaten to use their rights to their children
> against them if they don't cooperate in prosecution. This bill actually
> increases this problem for battered women and it is a real-world problem.
> Steve Tinker says Bill Hanrahan is working on a fix. We need one.

> 2. There are children this bill does not appear to cover. If the
> boyfriend (or grandmother or girlfriend or exboyfriend or whomever), who
> does not or has not lived with the victim (or had children in common) --
> commits a battery, it is probably not going to be charged as domestic
> abuse (more likely disorderly conduct or battery). Any children witnesses
> or hearing the violence do not appear to be covered. This could be a lot
> of kids because families and household often do not fit the traditional
> model anymore. The relationship between the adults should not be the
> issue; we need to make sure all child victims are covered.

> 3. The child needs to be the clear victim of this crime so we can to

-
- > add it as a compensable crimes in the 949.03(1)(b) statute. The ability
 - > for the children to receive counseling by qualifying for Crime Victim
 - > Compensation is POWERFUL material for gaining support for the bill among
 - > service providers and is a strong distinction from AB169.
 - >
 - > Please keep me posted on this as it rolls along. Let me know how I can
 - > help. Thanks.

7114

Per Susan Godwin @ DOJ

- add to ch. 949

- add see ~~§~~ ^{of} § §

No other changes.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2305/11

JEO:wli:mrc

Soon
7/12

D. Note

R.M.R.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

1 AN ACT *to amend* 971.37 (1m) (a) 3. and 973.055 (1) (b); and *to create* 948.045
2 of the statutes; **relating to:** committing domestic abuse in the presence of a
3 child and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from causing bodily harm or mental harm to a child. This bill prohibits a person from committing an act of domestic abuse in a place where or in a manner in which the act is observable by or in the presence of a child. To be subject to the penalty provided by the bill the person must know or have reason to know that the act of domestic abuse is observable by or in the presence of a child. The acts of domestic abuse covered by the bill include intentional infliction of physical pain, physical injury or illness, intentional impairment of physical condition or sexual assault against a spouse or former spouse, an adult with whom the person resides or formerly resided or an adult with whom the person has a child in common. A person who violates the prohibition created in the bill may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999.

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

1 **SECTION 1.** 948.045 of the statutes is created to read:

2 **948.045 Committing domestic abuse in the presence of a child.** (1) In
3 this section, “domestic abuse” means any of the following acts engaged in by an adult
4 person against his or her spouse or former spouse, against an adult with whom the
5 person resides or formerly resided or against an adult with whom the person has a
6 child in common:

7 (a) Intentional infliction of physical pain, physical injury or illness.

8 (b) Intentional impairment of physical condition.

9 (c) A violation of s. 940.225 (1), (2) or (3).

10 (d) A physical act that may cause the other person reasonably to fear imminent
11 engagement in the conduct described under par. (a), (b) or (c).

12 (2) A person is guilty of a Class E felony if he or she commits an act of domestic
13 abuse in a place where or in a manner in which the act is observable by ^{or audible to a child} or ⁱⁿ the
14 presence of a child and he or she knows or has reason to know that the act is
15 observable by ^{or} ⁱⁿ the presence of a child.

16 **SECTION 2.** 971.37 (1m) (a) 3. of the statutes is amended to read:

17 971.37 (1m) (a) 3. A person accused of or charged with a violation of s. 813.12
18 (8) (a) or 948.045 (2).

19 **SECTION 3.** 973.055 (1) (b) of the statutes is amended to read:

20 973.055 (1) (b) The court convicts a person under s. 813.12 (8) (a) or 948.045
21 (2) or a conforming municipal ordinance conforming to s. 813.12 (8) (a) or 948.045 (2).

22

(END)

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Section #. 949.03 (1) (b)¹ of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), (1m) or (1r), 943.32, 948.02, 948.025, 948.03, 948.04, ^{948.045,} 948.07, 948.095, 948.20, 948.30 or 948.51.

History: 1975 c. 224 s. 145za; 1975 c. 344; 1977 c. 173, 239; 1979 c. 118; 1983 a. 199, 356, 538; 1985 a. 275; 1985 a. 293 s. 3; 1985 a. 306 s. 5; 1987 a. 90, 332, 380, 399, 403; 1989 a. 105, 140, 359; 1993 a. 92, 227; 1995 a. 153, 374, 456; 1997 a. 35, 143, 258.

LRTB-2305/12a
JEO : WLj :

D-Note

This redraft incorporates changes re-
quested by Susan Goodwin at DOJ.

JEO

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2305/1dn
JEO:wlj:jf

July 19, 1999

This redraft incorporates changes requested by Susan Goodwin at DOJ.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/29/99

To: Senator Burke

Relating to LRB drafting number: LRB-2305

Topic

Child abuse

Subject(s)

Criminal Law - crimes agnst kids

1. **JACKET** the draft for introduction

Sen Burke

in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906