

BILL HISTORY FOR ASSEMBLY BILL 100 (LRB -1795)

An Act to create 118.31 (7) of the statutes; relating to: criminal liability of school personnel for corporal punishment.

1999

02-09. A. Introduced by Representatives **Grothman, Albers, Ainsworth, Brandemuehl, Goetsch, Gundrum, Handrick, Hoven, Kaufert, Ladwig, F. Lasee, J. Lehman, M. Lehman, Musser, Nass, Olsen, Ott, Pettis, Plale, Porter, Reynolds, Seratti, Stone, Suder, Underheim, Vrakas and Wasserman**; cosponsored by Senators **Welch, Clausing, Fitzgerald, Robson and Schultz**.

02-09. A. Read first time and referred to committee on Education Reform	61
02-24. A. Public hearing held.	
03-24. A. Executive action taken.	
05-26. A. Report passage recommended by committee on Education Reform, Ayes 8, Noes 0	209
05-26. A. Referred to committee on Rules	209
05-26. A. Placed on calendar 6-1-1999 by committee on Rules.	
06-01. A. Read a second time	213
06-01. A. Ordered to a third reading	213
06-01. A. Rules suspended	213
06-01. A. Read a third time and passed, Ayes 97, Noes 0	213
06-01. A. Ordered immediately messaged	214
06-03. S. Received from Assembly	165
06-03. S. Read first time and referred to committee on Education	166
09-15. S. Public hearing held.	
09-15. S. Executive action taken.	
09-21. S. Report concurrence recommended by committee on Education, Ayes 11, Noes 0	264
09-21. S. Available for scheduling.	

2000

03-14. S. Read a second time	500
03-14. S. Ordered to a third reading	500
03-14. S. Rules suspended	500
03-14. S. Read a third time and concurred in	500
03-14. S. Ordered immediately messaged	502
03-15. A. Received from Senate concurred in.	

**1999
ENROLLED BILL**

99en AB-100

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

99-179511

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Criminal liability of

School personnel for corporal
punishment

3/15/00
Date

[Signature]
Enrolling Drafter

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1999 ASSEMBLY BILL 100

February 9, 1999 – Introduced by Representatives GROTHMAN, ALBERS, AINSWORTH, BRANDEMUEHL, GOETSCH, GUNDRUM, HANDRICK, HOVEN, KAUFERT, LADWIG, F. LASEE, J. LEHMAN, M. LEHMAN, MUSSER, NASS, OLSEN, OTT, PETTIS, PLALE, PORTER, REYNOLDS, SERATTI, STONE, SUDER, UNDERHEIM, VRAKAS and WASSERMAN, cosponsored by Senators WELCH, CLAUSING, FITZGERALD, ROBSON and SCHULTZ. Referred to Committee on Education Reform.

- 1 **AN ACT to create** 118.31 (7) of the statutes; **relating to:** criminal liability of
2 school personnel for corporal punishment.

Analysis by the Legislative Reference Bureau

Current law prohibits an official, employe or agent of a school board from subjecting a pupil enrolled in the school district to corporal punishment. An official, agent or employe may use reasonable and necessary force, however, to quell a disturbance, to obtain possession of a weapon, in self-defense, to protect property, to remove a disruptive pupil from the premises, to prevent a pupil from inflicting harm on himself or herself or to protect the safety of others. The use of incidental, minor or reasonable physical contact designed to maintain order and control is also allowed.

Prior to September 1, 1988, when the law prohibiting corporal punishment became effective, the common law in this state recognized a teacher's authority to use reasonable corporal punishment as a disciplinary measure in the absence of a school board policy or rule to the contrary. If the teacher's conduct was reasonable, it was privileged; i.e., it was a defense to prosecution for any crime based on the conduct.

This bill provides that the enactment of the law on corporal punishment did not abrogate or restrict any statutory or common law defense to prosecution for any crime.

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

