

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:

