

1999 DRAFTING REQUEST

Bill

Received: **01/14/99**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **Scott**

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

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous
Education - miscellaneous**

Extra Copies: **JEO
MJL**

Topic:

Criminal liability for corporal punishment

Instructions:

97 AB 922

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>
/?	grantpr 01/14/99	ygeller 01/14/99		_____			
/1			jfrantze 01/15/99	_____	lrb_docadmin 01/15/99	lrb_docadmin 01/20/99	

FE Sent For:

Not Needed

<END>

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1/2	grantpr	1/14 jlg	1/15	1/15			

FE Sent For:

<END>

LRB-1795/1
PG jlg

~~1997 ASSEMBLY BILL 922~~

March 17, 1998 - Introduced by Representatives GROTHMAN, REYNOLDS, ALBERS, BAUMGART, DUFF, GARD, GOETSCH, GREEN, GRONEMUS, HAHN, HANDRICK, HARS DORF, HASENOHRL, HOVEN, JESKEWITZ, KELSO, KLUSMAN, KREUSER, LADWIG, LAZICH, J. LEHMAN, M. LEHMAN, LORGE, OLSEN, OTT, OTTE, OURADA, OWENS, PLATE, PLOUFF, PORTER, ROBSON, RYBA, SERATTI, SPILLNER, STEINBRINK, UNDERHEIM, VANDER LOOP, ZUKOWSKI and JENSEN, cosponsored by Senators FITZGERALD, FARROW, C. POTTER, ROESSLER and ZIEN. Referred to Committee on Education

Regen

1 AN ACT to create Π 8.31 (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:

**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: 1/15/99

To: Representative Grothman

Relating to LRB drafting number: LRB-1795

Topic

Criminal liability for corporal punishment

Subject(s)

Criminal Law - miscellaneous, Education - miscellaneous

1. **JACKET** the draft for introduction _____

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.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362