

Memo

To: Members of the Senate Education Committee

From: Representative Glenn Grothman

RE: Assembly Bill 100

The purpose of AB100 is to clean up inadvertent problems, which remain from the passage in 1988 of the law prohibiting corporal punishment. Prior to that time, any reasonable conduct was privileged which is to say, you could not bring criminal charges against the educators if conduct was reasonable. After passage of 118.31 a reasonable reaction, which did not fall under one of seven statutory exemptions, could result in a felony charge for battery to a child. For example, if a child swore at a teacher and the teacher grabbed the child, but there was no threat of harm to others an unreasonable DA could bring charges. While as a practical matter, no sensible jury would convict on a felony charge the threat of a conviction has caused teachers to plea bargain to lesser charges and to pay customary but unreasonable attorney fees.

I should point out that this does not exempt educators from criminal charges if their conduct is unreasonable. For example, if they would unnecessary hit or harm a student they would be charged with a crime just as anyone else.