

2001 DRAFTING REQUEST

Bill

Received: **11/30/2000**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing: **kevin moore**

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF,GMM**

Pre Topic:

No specific pre topic given

Topic:

Unattended children in motor vehicles

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>
/1	phurley 12/18/2000	jdye 12/26/2000	pgreensl 12/28/2000	_____	lrb_docadmin 12/28/2000		S&L
/2	phurley 01/05/2001	jdye 01/05/2001	pgreensl 01/07/2001	_____	lrb_docadmin 01/08/2001	lrb_docadmin	S&L 03/20/2001

FE Sent For:

<END>

04-03-01
"12"
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12/15 jld

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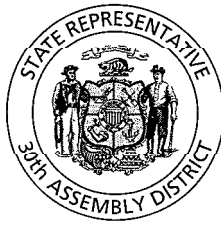
See Attached

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1?	phurley	1/12/26 jld	phs ps	12/28 DG/KCM			

FE Sent For:

<END>



Kitty Rhoades

State Representative

To: ~~Gordon Malaise~~ *Gordon*
Legislative reference Bureau

From: ~~Kevin Moore~~ *Kevin*
Office of Rep. Kitty Rhoades

Date: November 28, 2000

RE: Bill drafting request on children left unsupervised in a motor vehicle

Gordon,

Per our conversation, please find enclosed a copy of the Florida statutes relating to leaving a child unattended in a motor vehicle.

Rep. Rhoades would like a draft as similar to the Florida statute as applicable. Should you have any questions, please feel free to contact me at 266-1526.

Thank you in advance for your help.

318.6135 Leaving children unattended or unsupervised in motor vehicle; penalty; authority of law enforcement officer.—

(1) No parent, legal guardian, or other person responsible for a child younger than 6 years of age shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes; however, no such person shall leave a child unattended for any period of time if the motor of the vehicle is running or the health of the child is in danger.

(2) Any person who violates the provisions of subsection (1) is guilty of a noncriminal traffic infraction, punishable by a fine of:

(a) Not more than \$100; or

(b) Not less than \$50 and not more than \$500 if the motor of the vehicle was running or the health of the child was in danger at the time of the violation.

(3) Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may use whatever means are reasonably necessary to protect the minor child and to remove the child from the vehicle.

(4) If the child is removed from the immediate area notification should be placed on the vehicle.

(5) The child shall be remanded to the custody of the Department of Children and Family Services pursuant to chapter 99, unless the law enforcement officer is able to locate the parents or legal guardian or other person responsible for the child.

History.—s. 1, ch. 95-229; s. 4, ch. 87-225; s. 330, ch. 95-148; s. 87, ch. 99-8; s. 241, ch. 99-248.

officer * may take into custody under s. 48.19 (1)(d)5.
(shall)



Jld

2001 BILL

Submitted
12-18-00

Gen

1
2

AN ACT ...; relating to: leaving an unattended child in a motor vehicle and providing penalties ^{penalties} ~~a penalty~~ ✓

or unsupervised

Analysis by the Legislative Reference Bureau

This bill prohibits leaving a child under the age of six [✓] unattended or unsupervised in a motor vehicle for more than 15 minutes or, if the vehicle's engine is running or the child's health is endangered, for any period of time. The bill allows a child who is left unattended in a vehicle to be taken into protective physical custody.

The bill provides the following penalties: a forfeiture of not less than \$50 nor more than \$100 if the vehicle's engine is not running and the child's health is not endangered and a forfeiture of not less than \$50 nor more than \$500 if the vehicle's engine is running or the child's health is endangered.

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

3 SECTION 1. 346.55 (5) [✓] of the statutes is created to read:

4 346.55 (5) (a) No person may leave a child under 6 years of age unattended or
5 unsupervised in a motor vehicle for longer than 15 [✓] minutes.

or unsupervised

BILL**SECTION 1**

1 (b) No person may leave a child under 6 years of age unattended or
2 unsupervised in a motor vehicle for any period of time if the engine of the vehicle is
3 running or if the health of the child is in danger.✓

4 (c) A child who is left unattended or unsupervised in a motor vehicle in violation
5 of this subsection✓ is deemed to be in immediate danger from his or her surroundings
6 and may be taken into custody under s. 48.19 (1) (d) 5.✓ The person taking the child
7 into custody shall place a written notification that the child has been taken into
8 protective custody on the motor vehicle, and shall immediately attempt to notify the
9 parent, guardian₃ or legal custodian of the child as provided in s. 48.19 (2).✓

10 **SECTION 2.** 346.56 (2m)✓ of the statutes is created to read:

11 346.56 (2m) (a) Any person violating s. 346.55 (5) (a)✓ may be required to forfeit
12 not less than \$50 nor more than \$100.✓

13 (b) Any person violating s. 346.55 (5) (b)✓ may be required to forfeit not less than
14 \$50 nor more than \$500.✓

15 (END)

1253

1-4-01 Kevin Moore @ Kitty Rhoads

- penalty: \$50-500 for both
offenses

- send email + send hard copy to Kevin



redraft
already
for

2001 BILL

D-note
submitted
1-5-01

Regen

1 AN ACT to create 346.55 (5) and 346.56 (2m) of the statutes; relating to: leaving
2 an unattended or unsupervised child in a motor vehicle and providing
3 penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits leaving a child under the age of six unattended or unsupervised in a motor vehicle for more than 15 minutes or, if the vehicle's engine is running or the child's health is endangered, for any period of time. The bill allows a child who is left unattended or unsupervised in a vehicle to be taken into protective physical custody.

The bill provides the following penalties: a forfeiture of not less than \$50 nor more than \$100 if the vehicle's engine is not running and the child's health is not endangered; and a forfeiture of not less than \$50 nor more than \$500 if the vehicle's engine is running or the child's health is endangered.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

A person who violates the prohibition created in the bill is subject to a forfeiture of not less than \$50 nor more than \$500.

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

4 SECTION 1. 346.55 (5) of the statutes is created to read:

BILL

1 346.55 **(5)** (a) No person may leave a child under 6 years of age unattended or
 2 unattended in a motor vehicle for longer than 15 minutes.

3 (b) No person may leave a child under 6 years of age unattended or
 4 unattended in a motor vehicle for any period of time if the engine of the vehicle is
 5 running or if the health of the child is in danger.

6 (c) A child who is left unattended or unsupervised in a motor vehicle in violation
 7 of this subsection is deemed to be in immediate danger from his or her surroundings
 8 and may be taken into custody under s. 48.19 (1) (d) 5. The person taking the child
 9 into custody shall place a written notification that the child has been taken into
 10 protective custody on the motor vehicle, and shall immediately attempt to notify the
 11 parent, guardian, or legal custodian of the child as provided in s. 48.19 (2).

12 **SECTION 2.** 346.56 (2m) of the statutes is created to read:

13 346.56 **(2m)** (a) ~~Any person violating s. 346.55 (5) (a) may be required to forfeit~~
 14 ~~not less than \$50 nor more than \$100.~~

15 ~~(b)~~ <sup>NO
Φ</sup> (b) Any person violating s. 346.55 (5) (b) may be required to forfeit not less than
 16 \$50 nor more than \$500.

(END)

1253/2 D-note
P.H.: jld

D-note

Kevin Moore:

This bill is identical to
LRB-1253/1 except that the
penalty has been changed to a
forfeiture of not less than \$50 nor
more than \$500 for any violation.

PVM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1253/2dn
PJH:jld:pg

January 5, 2001

Kevin Moore:

This bill is identical to LRB-1253/1 except that the penalty has been changed to a forfeiture of not less than \$50 nor more than \$500 for any violation.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 8, 2001

MEMORANDUM

To: Representative Rhoades

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-1253 Unattended children in motor vehicles

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

April 11, 2001

MEMORANDUM

To: Representative Rhoades

From: Peggy J. Hurley, Legislative Attorney, (608) 266-8906

Subject: Technical Memorandum to **2001 AB-279** (LRB-1253/2)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date: April 11, 2001

To: Peggy Hurley
Legislative Reference Bureau

From: Jim Thiel, Office of General Counsel

Subject: **TECHNICAL MEMORANDUM**
AB 279 / LRB 1253/2

The language of 2001 AB 279 relating to prohibiting leaving children under the age of 6 years old unattended in motor vehicles, is not clear on what is meant by taking the child into *custody*. The reference in AB 279 to s.48.19(1)(d)5, Wis.Stats., cites when a "law enforcement officer" may take a child into *custody*. However, in the same paragraph of AB 279, reference to s.48.19(2), Wis.Stats., cites what steps are to be taken to notify the parent/guardian/legal custodian when a "person" takes a child into *physical custody*.

The intent AB 279 is not clear as to whether only a law enforcement officer may take a child into custody when the conditions of AB 279 are met, or if any citizen may take a child into custody when she/he also feels the child is endangered in a motor vehicle.

AB 279 makes references to both "custody" and "physical custody". "Custody" is not defined in Chapter 48; "physical custody" is defined in s.48.02(14), but that definition does not appear to comply with AB 279. S.48.19(3), Wis. Stats., states that "Taking into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful.", yet this statute also seems unclear in relation to AB 279.

Prepared by: Lorelee Brumund / State Patrol