

2001 DRAFTING REQUEST

Bill

Received: 09/07/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Dean Kaufert (608) 266-5719

By/Representing: Ed Eberle

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Children - miscellaneous
Criminal Law - crimes agnst kids

Extra Copies: MGD
GMM

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Penalty for harboring a child runaway

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	rryan 09/28/2001	rschluet 10/03/2001	pgreensl 10/04/2001	_____	lrb_docadmin 10/04/2001		
/2	rryan 12/04/2001	chanaman 12/17/2001 chanaman 01/07/2002	pgreensl 01/07/2002	_____ _____ _____	lrb_docadmin 01/07/2002	lrb_docadminS&L 01/28/2002	

FE Sent For:

Latino

<END>

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1/2	rryan	rs & js 9-28-01	10/4 pg	10/4 pg/RS			
FE Sent For:		1/2 rs & js 1/7/01	1/7 pg	<END> 1/7 pg/JF			



State Representative Dean R. Kaufert

MEMORANDUM

TO: Gordon Malaise, Senior Attorney

FROM: Representative Dean Kaufert

DATE: September 7, 2001

Re: Drafting request relating to: penalty for harboring runaways

Attached you will find a copy of a letter sent to our office by detective Mike Blank of the Neenah Police Department. I am requesting your help on drafting legislation that will address the particular issue mentioned in the letter of adults harboring runaways in my district.

Please feel free to call Ed Eberle or me in my office with any questions or concerns. You can reach me at 266-5719. Thank you.



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-751-4677 Fax: 920-751-4920

e-mail: police@ci.neenah.wi.us

08-17-01

To: Dean Kaufert

From: Det. Mike Blank
Neenah Police Department

Ref. Harboring runaways

There is a residence in the City of Neenah that we have had problems with for the past 5 years with runaways constantly going to the same house. The people in the house have been the same people for the whole period of time. The children that reside there invite the runaways to the house.

Even though the children invite the runaways to the residence, there are times when the adult in control of the residence knows that the children are runaways. The adult knows this because the child may tell her or the Police are there the day before looking for a child and have identified the child as a runaway. They then request her to call if the child shows up.

Many of the runaways do not stay overnight, but during the course of the day they are at the residence. I don't have exact numbers, but I would bet that 70-75% of the runaways that have a City of Neenah address goes through this residence. That is in addition to runaways from other jurisdictions.

The problem is that there is no clear-cut charge for the adult at the problem residence, even though I have statements from runaways that were at the residence and told the

adult that they were a runaway. We have talked to our District Attorney Office and they have nothing that gets right to the issue to make a charge stick.

Thank you for your time and consideration. If you have any questions, feel free to contact me at (920)751-4687.

cs & js

In 9/28/01

2001 BILL

D-Note

Gen Cat.

1 AN ACT relating to: harboring a child runaway without the consent of the
2 child's parent or guardian and providing a penalty.

Analysis by the Legislative Reference Bureau

her

Under current law a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or parent or guardian consent to the provision of housing or services. If the parent or guardian does not consent, the foster home, group home, or shelter must within 12 hours of the child's arrival notify the county department that is responsible for providing child welfare services of the child's presence. A hearing is held to determine whether the child must be returned to the parent or guardian or permitted to stay at the foster home, group home, or shelter for up to 20 days. A child runaway may not remain at a foster home, group home, or shelter for longer than 20 days unless the state files a petition alleging that the child or juvenile is in need of protection or services. Current law does not provide for a person who is not licensed as a foster parent or as a group home or shelter service provider to house a child runaway.

This bill imposes criminal penalties on any person who provides housing or services to a child runaway in the person's home, if the person knows or should know that the child's parent or guardian does not consent to the provision of housing or services and if the person does not within 12 hours of the child's arrival notify the police or the county department that is responsible for providing child welfare services of the child's presence. The penalty for this crime of harboring a child

bill makes

BILL

runaway^{is} a Class C misdemeanor for which a person may be jailed for not more than 30 days or fined not more than \$500 or both.

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

1 **SECTION 1.** 948.47[✓] of the statutes is created to read:

2 **948.47 Harboring a runaway child.** (1) In this section:

3 (a) "Appropriate county department" means a county department under s.
4 46.22[✓] or 46.23[✓], or in the case of a county having a population of 500,000 or more, the
5 department of health and family services.

6 (b) "Child runaway" means a child who is absent from the residence of his or
7 her parent or guardian without the consent of the parent or guardian.

8 (2) Whoever houses or provides services to a child runaway in the person's
9 home, if the person knows or should know that the child's parent or guardian does
10 not consent to the provision of housing or services, and if the person does not notify
11 the police or the appropriate county department of the child's presence within 12
12 hours of the child's arrival in the home, is guilty of a Class C misdemeanor.

13

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3742/1dn

RLR:.....

rs [cjs]

Representative Kaufert:

Please review the scope of the crime proposed by this bill. Under the bill, a person commits a crime if he or she provides a seventeen-year-old a meal in the person's home even though the person knows that the teenager's parents have not consented to the teenager's absence from home nor to the teenager's receipt of a meal. The bill could instead criminalize only the provision of housing, as opposed to criminalizing provision of all types of services. I did not limit the crime to provision of housing, because the letter from Detective Blank of the Neenah Police Department indicates that children do not always stay overnight at the particular residence that is the subject of his letter.

~~I assigned a Class C misdemeanor as the penalty for harboring a child runaway~~
because the crime is similar to contributing to truancy (s. 948.45, stats.), which is a Class C misdemeanor.

made the crime of

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

a class C
misdemeanor

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3742/1dn
RLR:rs&cjs:pg

October 4, 2001

Representative Kaufert:

Please review the scope of the crime proposed by this bill. Under the bill, a person commits a crime if he or she provides a seventeen-year-old a meal in the person's home even though the person knows that the teenager's parents have not consented to the teenager's absence from home or to the teenager's receipt of a meal. The bill could instead criminalize only the provision of housing, as opposed to criminalizing provision of all types of services. I did not limit the crime to provision of housing, because the letter from Detective Blank of the Ncnah Police Department indicates that children do not always stay overnight at the particular residence that is the subject of his letter.

I made the crime of harboring a child runaway a Class C misdemeanor, because the crime is similar to contributing to truancy (s. 948.45, stats.), which is a Class C misdemeanor.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us



State Representative Dean R. Kaufert

MEMORANDUM

TO: Robin Ryan, Legislative Attorney

FROM: Representative Dean Kaufert

DATE: November 12, 2001

Re: Drafting request relating to: penalty for harboring runaways

Please take a look at the proposed language changes by Detective Mike Blank of the Neenah Police Department. This wording may address the problem of making the bill too broad. Please let me know your thoughts.

You can contact Ed Eberle or me in my office at 266-5719. Thank you.

948.47 Harboring a runaway. (1) In this section:

- (a) "Appropriate county department" means a county department under s. 46.22 or 46.23, or in the case of a county having a population of 5000,000 or more, the department of health and family services.
- (b) "Child runaway" means a child who is absent from the residence of his or her parent or guardian without the consent of the parent or guardian.

(2) Whoever houses or provides anything that will provide resources which may encourage a runaway to stay from his residence, to a child runaway in the persons home, and if the person knows or should of known that the child is a runaway, and does not notify the police or the appropriate county department of the child's presence immediately of the child's arrival in the home, is guilty of a Class C misdemeanor.

still too broad, what encourages a runaway to stay away from home?

phone call to Ed Eberle 12/3/01:
ok to narrow ^{scope} by adding "lack of intent to go home" to definition of "child runaway" rather than this approach.

BILL

C misdemeanor for which a person may be jailed for not more than 30 days or fined not more than \$500 or both.

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

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SECTION 1. 948.47 of the statutes is created to read:

948.47 Harboring a runaway child. (1) In this section:

(a) "Appropriate county department" means a county department under s. 46.22 or 46.23, or in the case of a county having a population of 500,000 or more, the department of health and family services.

(b) "Child runaway" means a child who is absent from the residence of his or her parent or guardian without the consent of the parent or guardian.

(2) Whoever houses or provides services to a child runaway in the person's home, if the person knows or should know that the child's parent or guardian does not consent to the provision of housing or services, and if the person does not notify the police or the appropriate county department of the child's presence within 12 hours of the child's arrival in the home, is guilty of a Class C misdemeanor.

(END)

In 12/4/01

lep
RMR

2001 BILL

Gen

in the home or shelter
within 12 hours of
the child's arrival
at the home or
shelter. After
such notification,

1 AN ACT to create 948.47 of the statutes, relating to: harboring a child runaway
2 without the consent of the child's parent or guardian and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or her parent or guardian consent to the provision of housing or services. If the parent or guardian does not consent, the foster home, group home, or shelter must ~~within 12 hours of the child's arrival~~ notify the ~~county department that is~~ responsible for providing child welfare services of the child's presence. ~~A~~ hearing is held to determine whether the child must be returned to the parent or guardian or permitted to stay at the foster home, group home, or shelter for up to 20 days. A child runaway may not remain at a foster home, group home, or shelter for longer than 20 days unless the state files a petition alleging that the child or juvenile is in need of protection or services. Current law does not provide for a person who is not licensed as a foster parent or as a group home or shelter service provider to house a child runaway.

Insert 11

This bill imposes criminal penalties on any person who provides housing or services to a child runaway in the person's home, if the person knows or should know that the child's parent or guardian does not consent to the provision of housing or services and if the person does not within 12 hours of the child's arrival notify the police or the county department that is responsible for providing child welfare services of the child's presence. The bill makes harboring a child runaway a Class

agency

BILL

Insert 2

FE/SL → C misdemeanor for which a person may be jailed for not more than 30 days or fined not more than \$500 or both.

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

1 SECTION 1. 948.47 of the statutes is created to read:

2 **948.47 Harboring a runaway child.** (1) In this section:

3 (a) "Appropriate county department" means a county department under s.
4 46.22 or 46.23, or in the case of a county having a population of 500,000 or more, the
5 department of health and family services.

6 (b) "Child runaway" means a child who is absent from the ^{home}residence of his or
7 her parent or guardian without the consent of the parent or guardian.

~~8 (2) Whoever houses or provides services to a child runaway in the person's
9 home, if the person knows or should know that the child's parent or guardian does
10 not consent to the provision of housing or services, and if the person does not notify
11 the police or the appropriate county department of the child's presence within 12
12 hours of the child's arrival in the home, is guilty of a Class C misdemeanor.~~

Insert 2-B →
13

(END)

and who does not intend to return to that home

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3742/2ins
RLR:.....

1

Insert 1:

¶ This bill imposes criminal penalties on any person who receives a child runaway into his or her home, if the person knows or reasonably should know that the child is a child runaway and the person fails to notify the police or child welfare agency of the child's presence in his or her home immediately after the child arrives in the home or after the person discovers that the child is a child runaway, whichever is later. The bill defines a "child runaway" as a child who is absent from the home of his or her parent or guardian without the consent of the parent or guardian and who does not intend to return to that home.

Insert 2:

no 9 ¶ Under the bill, the crime of harboring a runaway is not applicable to a foster home, group home, or shelter that is authorized to receive child runaways.

2

Insert 2-12:

4 ~~¶~~ Whoever receives a child runaway into his or her home, if the person knows
5 or reasonably should know that the child is a child runaway and fails to notify the
6 police or the appropriate county department of the child's presence immediately after
7 the child arrives in the home or immediately after the person discovers that the child
8 is a child runaway, whichever is later, is guilty of a Class C misdemeanor.

9 ~~¶~~ This section does not apply to a person who operates a runaway home under
10 s. 48.227.

STET: leave
as originally
typed

Emery, Lynn

From: Ryan, Robin
Sent: Monday, January 28, 2002 3:48 PM
To: Emery, Lynn; Basford, Sarah
Subject: FW: jacketing

Since Mike isn't here I am forwarding the following jacketing request. Thanks

-----Original Message-----

From: Ryan, Robin
Sent: January 28, 2002 3:46 PM
To: Barman, Mike
Subject: jacketing

Rep. Kaufert would like LRB-3742/2 jacketed. thanks