

2001 DRAFTING REQUEST

Bill

Received: **10/25/2000**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Memo**

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

Drafter: **malaigm**

May Contact:

Addl. Drafters:

Subject: **Children - day care
Children - out-of-home placement
Health - facility licensure**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Caregiver background checks; expanded list of serious crimes

Instructions:

See Attached--redraft 99-3956/1

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>
/?	malaigm 10/25/2000	jdyer 11/03/2000		_____			S&L
/1			rschluet 11/03/2000	_____	lrb_docadmin 11/03/2000	lrb_docadmin 03/12/2002	

FE Sent For: **01/10/2001.**

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1/?	malaigm	11/13/00 jld	9 11-2-00	 11-2-00			

FE Sent For:

<END>

WISCONSIN STATE ASSEMBLY



PEGGY KRUSICK
STATE REPRESENTATIVE

TO: GORDON MALAISE, SENIOR ATTORNEY
FROM: Peggy Krusick
DATE: October 19, 2000
SUBJECT: Caregiver criminal background checks bill

Please redraft LRB-3956/1 for the 2001-2002 session. A copy of the former preliminary bill draft is attached. Please note the word "serious" is spelled incorrectly in the first line of the third paragraph of the LRB Analysis.

Please contact me if you have any questions. Thank you for your help.

1999 BILL**Expanded Serious Crimes List for
Caregiver Criminal Background Checks Law
Bill Draft**

by
Peggy Krusick
266-1733

1 **AN ACT to amend** 48.685 (1) (c) and 50.065 (1) (e) 1. of the statutes; relating to:
2 prohibiting a person who has been convicted of certain serious crimes against
3 property from being licensed to operate, hired or contracted by or permitted to
4 reside at an entity that provides direct care or treatment services to clients.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and human services may not license, certify, issue a certificate of approval to or register a person to operate a child welfare agency, foster home, treatment foster home, group home, shelter care facility, day care center or any other facility, organization or service, such as a hospital, a personal care worker agency or a supportive home care agency, that provides direct care or treatment services to clients (entity) or to operate a temporary employment agency that provides caregivers to an entity if the person has been convicted of a serious crime, as defined under current law, or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the person shows that he or she has been rehabilitated. Similarly, an entity may not hire or contract with a caregiver or permit a nonclient to reside at the entity if the caregiver or nonclient resident has been convicted of a serious crime or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the caregiver or onclient resident shows that he or she has been rehabilitated.

BILL

For purposes of those prohibitions, "serious crime" is defined under current law to include certain crimes against life or bodily security and certain crimes against children. Specifically, under current law, a person may not operate an entity, be hired or contracted with by an entity or be permitted to reside at an entity if the person has been convicted of first-degree intentional or reckless homicide, felony murder, second-degree intentional homicide, assisting suicide, felony battery, sexual exploitation by a therapist, felony sexual assault, abuse of a vulnerable adult, abuse of a resident of a penal facility, abuse or neglect of a patient or resident, sexual assault of a child, repeated sexual assault of a child, intentional physical abuse of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, soliciting a child for prostitution, exposing a child to harmful materials, possession of child pornography, working with children as a child sex offender, neglect of a child resulting in the child's death or abduction of a child or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

This bill adds certain crimes against property to that definition of "serious crime". Specifically, under the bill, a person may not operate an entity, be hired or contracted with by an entity or be permitted to reside at an entity if the person has been convicted of burglary, theft, misappropriation of personal identifying information, robbery or retail theft or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

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

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

1 SECTION 1. 48.685 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,

2 is amended to read:

3 48.685 (1) (c) "Serious crime" means a violation of s. 940.01, 940.02, 940.03,
4 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
5 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.50, 948.02 (1) or
6 (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or
7 (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state
8 or United States jurisdiction that would be a violation of s. 940.01, 940.02, 940.03.

BILL

1 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
2 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.50, 948.02 (1) or
3 (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or
4 (am). 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

5 SECTION 2. 50.065 (1) (e) 1. of the statutes, as affected by 1999 Wisconsin Act
6 9, is amended to read:

7 50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.01, 940.02, 940.03,
8 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
9 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.50, 948.02 (1),
10 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States
11 jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12,
12 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2),
13 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.50, 948.02 (1), 948.025 or
14 948.03 (2) (a) if committed in this state.

15 (END)

2001-2002

1999-2000 LEGISLATURE

-0786/1
LRB-3056/2
GMM:fg:jf
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Jld

~~1999 ASSEMBLY BILL 913~~

March 21, 2000 - Introduced by Representatives KRUSICK, ALBERS, HASENOHRL, J. LEHMAN, MUSSER, PLALE, FLOUFF, SPILLNER, STONE and SYKORA, cosponsored by Senator LAZICH, by request of Coalition of Wisconsin Aging Groups, American Association of Retired Persons and State Board of Aging and Long Term Care. Referred to Committee on Assembly Organization.

Regen

1 AN ACT to amend 48.685 (1) (c) and 50.065 (1) (e) 1. of the statutes; relating to:
2 prohibiting a person who has been convicted of ~~mayhem~~ or certain serious
3 crimes against property from being licensed to operate, employed or contracted
4 by) or permitted to reside at an entity that provides direct care or treatment
5 services to clients.

with

Analysis by the Legislative Reference Bureau

Under current law, the department of health and human services may not license, certify, issue a certificate of approval to or register a person to operate a child welfare agency, foster home, treatment foster home, group home, shelter care facility, day care center or any other facility, organization or service, such as a hospital, a personal care worker agency or a supportive home care agency, that provides direct care or treatment services to clients (entity) or to operate a temporary employment agency that provides caregivers to an entity if the person has been convicted of a serious crime, as defined under current law, or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the person shows that he or she has been rehabilitated. Similarly, an entity may not employ or contract with a caregiver or permit a nonclient to reside at the entity if the caregiver or nonclient resident has been convicted of a serious crime or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, unless the caregiver or ~~onclient~~ resident shows that he or she has been rehabilitated.

nonclient

ASSEMBLY BILL 913

For purposes of those prohibitions, "serious crime" is defined under current law to include certain crimes against life or bodily security and certain crimes against children. Specifically, under current law, a person may not operate an entity, be employed or contracted with by an entity, or be permitted to reside at an entity if the person has been convicted of first-degree intentional or reckless homicide, felony murder, second-degree intentional homicide, assisting suicide, felony battery, sexual exploitation by a therapist, felony sexual assault, abuse of a vulnerable adult, abuse of a resident of a penal facility, abuse or neglect of a patient or resident, sexual assault of a child, repeated sexual assault of a child, intentional physical abuse of a child, sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, soliciting a child for prostitution, exposing a child to harmful materials, possession of child pornography, working with children as a child sex offender, neglect of a child resulting in the child's death or abduction of a child or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

serious

This bill adds ~~mayhem and~~ certain crimes against property to that definition of "serious crime". Specifically, under the bill, a person may not operate an entity, be employed or contracted with by an entity, or be permitted to reside at an entity if the person has been convicted of ~~mayhem~~, burglary, theft, misappropriation of personal identifying information, robbery, ~~forgery, insurance fraud~~ or retail theft or, in the case of a day care center, has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing one of those crimes, unless the person shows that he or she has been rehabilitated.

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

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

SECTION 1. 48.685 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

48.685 (1) (c) "Serious crime" means a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), ~~940.21~~ 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, ~~943.38~~, ~~943.395~~, 943.50, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.01,

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ASSEMBLY BILL 913

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PWF

940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), ~~940.21~~ 940.22 (2) or (3),
940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32,
~~943.38, 943.39~~, 943.50, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055,
948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if
committed in this state.

SECTION 2. 50.065 (1) (e) 1. of the statutes, ^X as affected by 1999 Wisconsin Act
is amended to read:

50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.01, 940.02, 940.03,
940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), ~~940.21~~ 940.22 (2) or (3), 940.225 (1), (2)
or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.38, 943.39,
943.50, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the law of any other state
or United States jurisdiction that would be a violation of s. 940.01, 940.02, 940.03,
940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), ~~940.21~~ 940.22 (2) or (3), 940.225 (1), (2)
or (3), 940.285 (2), 940.29, 940.295, 943.10, 943.20, 943.201, 943.32, 943.38, 943.39,
943.50, 948.02 (1), 948.025 or 948.03 (2) (a) if committed in this state.

(END)

Barman, Mike

From: Rep.Krusick
Sent: Tuesday, March 12, 2002 11:49 AM
To: LRB.Legal
Subject: Jacket LRB-0786/1 & LRB-2730/1

Please jacket LRB-0786/1 and LRB-2730/1 for introduction in the Assembly. Thanks.

Peggy Krusick
128 North

