

### 2003 DRAFTING REQUEST

#### Bill

Received: 09/16/2002

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters: mlief  
gmalaise

Subject: Courts - immunity liability  
Children - abuse and neglect

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.state.wi.us

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Clergy abuse; reporting of child abuse

---

#### 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>
/?							
/P1	rnelson2 10/15/2002	kgilfoy 10/15/2002		_____			S&L
/1			jfrantze 10/15/2002	_____	sbasford 10/15/2002		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 10/18/2002 gmalaise 10/22/2002 rnelson2 10/24/2002	kgilfoy 10/23/2002	rschluet 10/23/2002	_____	lkunkel 10/23/2002		S&L
/3	mlief 11/05/2002	kgilfoy 11/14/2002	rschluet 11/14/2002	_____	lemery 11/14/2002		S&L
/4	rnelson2 06/09/2003	csicilia 06/09/2003	rschluet 06/09/2003	_____	mbarman 06/09/2003	mbarman 06/26/2003	

FE Sent For:

*Att Intro*

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/16/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **mlief  
gmalaise**

Subject: **Courts - immunity liability  
Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Clergy abuse; reporting of child abuse

**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>
/?							
/P1	rnelson2 10/15/2002	kgilfoy 10/15/2002		_____			S&L
/1			jfrantze 10/15/2002	_____	sbasford 10/15/2002		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 10/18/2002 gmalaise 10/22/2002 rnelson2 10/24/2002	kgilfoy 10/23/2002	rschluet 10/23/2002	_____ _____ _____ _____	lkunkel 10/23/2002		S&L
/3	mlief 11/05/2002	kgilfoy 11/14/2002	rschluet 11/14/2002	_____ _____	lemery 11/14/2002		S&L
/4	rnelson2 06/09/2003	csicilia 06/09/2003	rschluet 06/09/2003	_____ _____	mbarman 06/09/2003		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/16/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **mlief  
gmalaise**

Subject: **Courts - immunity liability  
Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Clergy abuse; reporting of child abuse

---

**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>
/?							
/P1	rnelson2 10/15/2002	kgilfoy 10/15/2002					S&L
/1			jfrantze 10/15/2002		sbasford 10/15/2002		S&L

*[Handwritten signature]*  
6-9-02

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 10/18/2002 gmalaise 10/22/2002 rnelson2 10/24/2002	kgilfoy 10/23/2002	rschluet 10/23/2002	_____	lkunkel 10/23/2002		S&L
/3	mlief 11/05/2002	kgilfoy 11/14/2002	rschluet 11/14/2002	_____	lemery 11/14/2002		

FE Sent For:

14 q's  $\frac{6/9}{83}$

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 09/16/2002

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - immunity liability  
Children - abuse and neglect

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Clergy abuse; reporting of child abuse

---

**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>
/?							
/P1	rnelson2 10/15/2002	kgilfoy 10/15/2002		_____			S&L
/1		13-11/14 Kmg					
			jfrantze 10/15/2002	_____	sbasford 10/15/2002		S&L

*[Handwritten signature]*  
11-14-02

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 10/18/2002 gmalaise 10/22/2002	kgilfoy 10/23/2002	rschluet 10/23/2002	_____ _____ _____	lkunkel 10/23/2002		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/16/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability  
Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Clergy abuse; reporting of child abuse

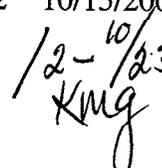
---

**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>
/?							
/P1	rnelson2 10/15/2002	kgilfoy 10/15/2002					S&L
/1		1/2 - 10/23 	jfrantze 10/15/2002	10.23.02	sbasford 10/15/2002		

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters: mllef  
gmalaise

Subject: Courts - immunity liability  
Children - abuse and neglect

Extra Copies: Peter Dykman

Submit via email: YES

Requester's email: Rep.Krusick@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Clergy abuse; reporting of child abuse

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>
FE Sent For:		1-2/15 King	LC conclusion th 9-17-02 J 10/15	Self 10/15 <ENDS>			

**Nelson, Robert P.**

---

**From:** Sappenfield, Anne

7-9485

**Sent:** Tuesday, September 10, 2002 4:16 PM

**To:** Nelson, Robert P.

**Subject:** Clergy abuse draft

Hi Bob!

Here is my part of the clergy abuse draft. I'm sure you'll love it.

Please draft it for Rep. Krusick and Sen. Darling.

The legislators want to change s. 893.587 so that the statute of limitations is age 40 or 5 years after the discovery date, whichever is later. Also, you will quickly notice that I didn't put in any initial applicability provisions. You're so good at drafting those. I didn't want to interfere. Actually, I think I've reached my statute of limitations on thinking about statutes of limitations!!!

Please let me know if you have any questions. I'll talk to you later!!

**Anne**

09/10/2002

1        **AN ACT** to amend 48.981 (2) (a), 893.587 and 939.74 (2) (c); and to create 48.981 (1)  
2                    (cx), 48.981 (2) (a) 12m., 48.981 (2g) and 905.06 (4) of the statutes; relating to: the  
3                    reporting of child abuse or neglect.

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

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** Under current law, certain individuals (e.g., health care professionals and school teachers) having reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or having reason to believe that a child seen in the course of their professional duties has been threatened with abuse or neglect and that abuse or neglect will occur must make a child abuse or neglect report to the county child welfare agency or law enforcement. This bill draft requires a member of the clergy to report suspected child abuse or neglect as provided under current law. In addition, under the bill draft, persons required to report suspected child abuse or neglect, including members of the clergy, who receive information in the course of professional or official duties that gives the person reasonable cause to believe that a child has been abused or neglected or reason to believe that a child will be threatened with abuse or neglect and that abuse or neglect of the child will occur or who reasonably believe abuse or neglect of a child has occurred must make a report.

The bill draft creates an exception to the child abuse and neglect reporting requirement for members of the clergy for information obtained through confidential abortion counseling (for purposes of seeking a judicial bypass to parental consent requirements) or through communications made in private to the member of the clergy for which there is a duty or traditional expectation of confidentiality.

The bill draft also creates an exception to the general rule that confidential communications with a member of the clergy are privileged (i.e., a person or a member of the clergy may refuse to disclose such communications in a legal proceeding). Under the bill draft, information that a member of the clergy is required to report as suspected or threatened child abuse or neglect is not privileged.

The bill draft modifies the statute of limitations for civil actions for injury caused by sexual assault of a child or incest so that such an action must be commenced before the injured party is 40 years of age instead of within 5 years of the date the plaintiff discovers or should have discovered the injury. The bill draft also modifies the statute of limitations for certain crimes against children so that a prosecution for a violation of sexual assault of a child, physical abuse of a child causing great bodily harm, sexual exploitation of a child, incest, child enticement, or soliciting a child for prostitution must be commenced before the victim reaches 40 years of age, instead of 31 years of age.

1           **SECTION 1.** 48.981 (1) (cx) of the statutes is created to read:

2           48.981 (1) (cx) "Member of the clergy" has the meaning given in s. 765.002 (1).

3           **SECTION 2.** 48.981 (2) (a) of the statutes is amended to read:

4           48.981 (2) (a) [, group home, as described in s. 48.625 (1m,] Any of the following  
5 persons who has reasonable cause to suspect that a child seen by the person in the course of  
6 professional duties has been abused or neglected or; who has reason to believe that a child seen  
7 by the person in the course of professional duties has been threatened with abuse or neglect  
8 and that abuse or neglect of the child will occur; who receives information in the course of his  
9 or her professional or official duties that gives the person reasonable cause to believe that a  
10 child has been abused or neglected or reasonable cause to believe that a child has been  
11 threatened with abuse or neglect and that abuse or neglect of the child will occur; or who  
12 reasonably believes abuse or neglect of a child has occurred shall, except as provided under  
13 ~~sub.~~ subs. (2g) and (2m), report as provided in sub. (3):

14           **SECTION 3.** 48.981 (2) (a) 12m. of the statutes is created to read:

15           48.981 (2) (a) 12m. A member of the clergy.

16           **SECTION 4.** 48.981 (2g) of the statutes is created to read:

17           48.981 (2g) **EXCEPTION TO REPORTING REQUIREMENT FOR MEMBERS OF THE CLERGY.**

18           Notwithstanding sub. (2) (a) and (c), a member of the clergy is not required to report as

1 suspected or threatened abuse or neglect information that the member of the clergy obtains  
2 through abortion counseling under s. 48.375 (7) (bm) or through confidential communications  
3 made in private to the member of the clergy who, in the course of the discipline, practice, or  
4 traditional observance of his or her church, denomination, or organization, is authorized or  
5 accustomed to hearing such communications, and, under the discipline, tenets or traditions of  
6 his or her church, denomination, or organization has a duty or traditional expectation to keep  
7 those communications secret.

8 **SECTION 5.** 893.587 of the statutes is amended to read:

9 **893.587 Sexual assault of a child; limitation.** An action to recover damages for injury  
10 caused by an act that would constitute a violation of s. 948.02, 948.025, 948.06, or 948.095  
11 shall be commenced ~~within 5 years after the plaintiff discovers the fact and the probable cause,~~  
12 ~~or with the exercise of reasonable diligence should have discovered the fact and the probable~~  
13 ~~cause, of the injury, whichever occurs first. This section does not shorten the period to~~  
14 ~~commence an action provided under s. 893.16 (1) before the injured party is 40 years of age~~  
15 ~~or be barred.~~

16 **SECTION 6.** 905.06 (4) of the statutes is created to read:

17 **905.06 (4) EXCEPTIONS.** There is no privilege under this section concerning information  
18 that a member of the clergy is required to report as suspected or threatened child abuse or  
19 neglect under s. 48.981 (2) (a) or (c).

20 **SECTION 7.** 939.74 (2) (c) of the statutes is amended to read:

21 **939.74 (2) (c)** A prosecution for violation of s: 948.02, 948.025, 948.03 (2) (a), 948.05,  
22 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced before the victim  
23 reaches the age of ~~31~~ 40 years or be barred, except as provided in sub. (2d) (c).



Talk to GMM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to create* 893.585 (3), 893.586 and 895.71 of the statutes; **relating to:**  
2 actions related to sexual exploitation brought against members of the clergy  
3 and religious organizations.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

---

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

4 SECTION 1. 893.585 (3) of the statutes is created to read:  
5 893.585 (3) This section does not apply to damages incurred under s. 895.71.

6 SECTION 2. 893.586 of the statutes is created to read:  
7 893.586 **Sexual exploitation by a member of the clergy.** Notwithstanding  
8 ss. 893.54 and 893.587, an injured party must commence an action under s. 895.71  
9 for damages before he or she is 40 years of age or be barred.

10 SECTION 3. 895.71 of the statutes is created to read:

893.587 is in cest

893.57 is intentional tort

~~(A) Sexual intercourse has the meaning given in s. 940.225 (5) (c).~~  
-2-  
has the meaning

1 **895.71 Sexual exploitation by a member of the clergy. (1) DEFINITIONS.**

2 In this section:

3 (a) "Member of the clergy" has the meaning given in s. 765.002 (1).

4 (b) "Religious organization" means an association, conference, congregation,  
5 convention, committee, or other entity that is organized and operated for a religious  
6 purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d)  
7 and any subunit of such an association, conference, congregation, convention,  
8 committee, or entity that is organized and operated for a religious purpose.

9 (c) "Sexual contact" has the meaning given in s. 940.225 (5) (b). *or sexual intercourse*

10 (2) CAUSE OF ACTION. (a) Any person who suffers, directly or indirectly, a  
11 physical, mental, or emotional injury caused by sexual contact that occurs while the  
12 person is under the age of 18 ~~and~~ with a member of the clergy may bring an action  
13 against the member of the clergy for all damages caused by that sexual contact.

14 (b) Any person who may bring an action under par. (a) may bring an action  
15 against the religious organization to which the member of the clergy belongs for all  
16 damages caused by that sexual contact if another employee or member of the clergy  
17 of that religious organization knew *or should have known* that the member of the clergy had sexual contact  
18 with another person under the age of 18 *and failed to take immediate and appropriate corrective action*

19 (c) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1) and 815.05 (1g) (a), in  
20 an action brought under this section, the plaintiff may substitute his or her initials,  
21 or fictitious initials, and his or her age and county of residence for his or her name  
22 and address on the summons and complaint. The plaintiff's attorney shall supply  
23 the court the name and other necessary identifying information of the plaintiff. The  
24 court shall maintain the name and other identifying information, and supply the

*Distinguish Clauder - Clauder was an adult*

*Everyone knows it is wrong to do it w/ minor is negligence per se if knew or should have known & did nothing*

1 information to other parties to the action, in a manner that reasonably protects the  
2 information from being disclosed to the public.

3 (d) Upon motion by the plaintiff, and for good cause shown, or upon its own  
4 motion, the court may make any order that justice requires to protect:

5 1. A plaintiff who is using initials in an action under this section from  
6 annoyance, embarrassment, oppression, or undue burden that would arise if any  
7 information identifying the plaintiff were made public.

8 2. A plaintiff in an action under this section from unreasonably long, repetitive,  
9 or burdensome physical or mental examinations.

10 3. The confidentiality of information which under law is confidential, until the  
11 information is provided in open court in an action under this section.

12 (3) CONSENT. Consent is not an issue in an action under this section.

13 (4) PUNITIVE DAMAGES. A court or jury may award punitive damages to a person  
14 bringing an action under this section.

15 (5) CALCULATION OF STATUTE OF LIMITATIONS. An action under this section is  
16 subject to s. 893.586.

17 (6) SILENCE AGREEMENTS. Any contract or agreement concerning the settlement  
18 of any claim under this section that limits or eliminates the right of the injured  
19 person to disclose the sexual contact described under sub. (2) to an employee or  
20 another member of the clergy of the religious organization to which the member of  
21 the clergy under sub. (2) belongs, <sup>or to a therapist, as defined in</sup> or to a district attorney, is void.

22 (END)

-therapist

- disclosure under 48.981 (child abuse reporting law)

benefits to the husbands of employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which male employees receive maternity benefits while female employees receive no such benefits.

It shall not be a defense under this section in a charge of sex discrimination to allege that the cost of the benefits is greater with respect to one sex than the other.

It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex, or differentiates in benefits on the basis of sex. A statement of the General Counsel of September 13, 1968, proposing a phasing out of differential treatment regarding optional retirement for certain incumbent employees has been hereby withdrawn.

Employment policies relating to pregnancy and childbirth.

Written or unwritten employment policies or practices which exclude employment applicants or employees on the basis of pregnancy, childbirth, or related medical conditions is a violation of title VII.

Benefits caused or contributed to by pregnancy, childbirth, or related conditions, for all job-related purposes shall be treated the same as benefits caused or contributed to by other conditions, under any health, life, disability insurance or sick leave plan in connection with written or unwritten employment policies and practices including such as the computation and duration of leave, the accrual of such benefits and other benefits and the statement, and payment of health or disability insurance, leave plan, formal or informal, shall be applied to disability caused by pregnancy, childbirth or related conditions on the same terms and conditions as are applied to other conditions, except where the benefits could be endan-

gered if the fetus were carried to term or where medical complications have arisen from an abortion, are not required to be paid by an employer; nothing herein, however, precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

(c) Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates the Act if it has a disparate impact on employees of one sex and is not justified by business necessity.

(d)(1) Any fringe benefit program, fund, or insurance program which is in effect on October 31, 1978, which does not treat women affected by pregnancy, childbirth, or related medical conditions the same as other persons not so affected but similar in their ability or inability to work, must be in compliance with the provisions of § 1604.10(b) by April 29, 1979. In order to come into compliance with the provisions of 1604.10(b), there can be no reduction of benefits or compensation which were in effect on October 31, 1978, before October 31, 1979 or the expiration of a collective bargaining agreement in effect on October 31, 1978, whichever is later.

(2) Any fringe benefit program implemented after October 31, 1978, must comply with the provisions of § 1604.10(b) upon implementation.

[44 FR 23805, Apr. 20, 1979]

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of section 703 of title VII.<sup>1</sup> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such

<sup>1</sup>The principles involved here continue to apply to race, color, religion or national origin.

conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

Supervisors

Fellow employees

Non employees

**2003 BILL**

Today, by 2:45

1 AN ACT *to repeal* 48.981 (2) (b); *to amend* 48.981 (2) (a) (intro.), 48.981 (2) (c),  
2 48.981 (2m) (title), 893.587 and 939.74 (2) (c); and *to create* 48.981 (1) (cx),  
3 48.981 (2) (a) 12m., 48.981 (2) (a) 17m., 48.981 (2g), 893.585 (3), 893.586, 895.71  
4 and 905.06 (4) of the statutes; **relating to:** the reporting of child abuse or  
5 neglect, and actions related to sexual exploitation brought against members of  
6 the clergy and religious organizations.

---

***Analysis by the Legislative Reference Bureau***

Under current law, any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by, resulting from, or arising out of sexual contact with a therapist who is rendering or has rendered to that person psychotherapy, counseling, or other assessment or treatment of a mental or emotional illness, symptom, or condition has a civil cause of action against the therapist for all damages resulting from, arising out of, or caused by that sexual contact, including punitive damages. This bill permits any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by sexual contact with a member of the clergy that occurs while the person is under the age of 18 to bring an action against the member of the clergy for all damages caused by that sexual contact, including punitive damages. The bill also permits the person to bring an action against the religious organization to which the member of the clergy belongs for all damages caused by the sexual contact, including punitive damages, if another employee or

**BILL**

member of the clergy of that religious organization knew or should have known that the member of the clergy had sexual contact with another person under the age of 18 and failed to take immediate corrective action. Under the bill, an injured party must commence the action before he or she reaches 40 years of age or be barred.

Under current law, a civil action to recover damages for an injury caused by sexual assault of a child, repeated sexual assault of a child, incest with a child, or sexual assault of a student by an instructional staff person must be commenced within five years after the plaintiff discovers or should have discovered the injury. This bill requires such an action to be commenced before the injured party reaches the age of 40 years or be barred. Under current law, a criminal prosecution for sexual assault of a child, repeated sexual assault of a child, physical abuse of a child, sexual exploitation of a child, incest with a child, child enticement, soliciting a child for prostitution, or sexual assault of a student by an instructional staff person must be commenced before the victim reaches the age of 31 years or be barred. This bill requires such a prosecution to be commenced before the victim reaches the age of 40 or be barred.

Under current law, persons in certain professions, for example, school teachers and health care professionals, who have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or who have reason to believe that a child seen in the course of their professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur must report that suspected or threatened abuse to the county department of human services or social services or, in Milwaukee County, to the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS or to the sheriff or city, village, or town police department (mandatory reporters). This bill eliminates the requirement that the child must have been seen in the course of professional duties, thereby requiring a mandatory reporter who has reasonable cause to suspect that *any* child has been abused or neglected or who has reason to believe that *any* child has been threatened with abuse or neglect and that abuse or neglect of the child will occur to report that suspected or threatened abuse or neglect.

Finally, the bill adds members of the clergy to the list of mandatory reporters, but provides an exception for information obtained through abortion counseling provided for purposes of obtaining a judicial waiver of parental consent for an abortion or for information obtained through a confidential communication made in private to the member of the clergy for which, under the discipline, tenets, or traditions of the church, denomination, or organization, there is a duty or traditional expectation of confidentiality.

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:***

**BILL**

1           **SECTION 1.** 48.981 (1) (cx) of the statutes is created to read:

2           48.981 (1) (cx) “Member of the clergy” has the meaning given in s. 765.002 (1).

3           **SECTION 2.** 48.981 (2) (a) (intro.) of the statutes is amended to read:

4           48.981 (2) (a) (intro.), ~~group home, as described in s. 48.625 (1m,~~ Any of the  
5 following persons who has reasonable cause to suspect that a child ~~seen by the person~~  
6 ~~in the course of professional duties~~ has been abused or neglected or who has reason  
7 to believe that a child ~~seen by the person in the course of professional duties~~ has been  
8 threatened with abuse or neglect and that abuse or neglect of the child will occur  
9 shall, except as provided under ~~sub.~~ subs. (2g) and (2m), report as provided in sub.  
10 (3):

11           **SECTION 3.** 48.981 (2) (a) 12m. of the statutes is created to read:

12           48.981 (2) (a) 12m. A member of the clergy.

13           **SECTION 4.** 48.981 (2) (a) 17m. of the statutes is created to read:

14           48.981 (2) (a) 17m. A court-appointed special advocate designated under s.  
15 48.236 (1).

16           **SECTION 5.** 48.981 (2) (b) of the statutes is repealed.

17           **SECTION 6.** 48.981 (2) (c) of the statutes is amended to read:

18           48.981 (2) (c) Any person not otherwise specified in par. (a) ~~or (b)~~, including an  
19 attorney, who has reason to suspect that a child has been abused or neglected or who  
20 has reason to believe that a child has been threatened with abuse or neglect and that  
21 abuse or neglect of the child will occur may report as provided in sub. (3).

22           **SECTION 7.** 48.981 (2g) of the statutes is created to read:

23           48.981 (2g) **EXCEPTION TO REPORTING REQUIREMENT FOR MEMBERS OF THE CLERGY.**  
24 Notwithstanding sub. (2) (a), a member of the clergy is not required to report as  
25 suspected or threatened abuse or neglect information that the member of the clergy

## BILL

## SECTION 7

1 obtains through abortion counseling under s. 48.375 (7) (bm) or through confidential  
2 communications made in private to the member of the clergy who, in the course of  
3 the discipline, practice, or traditional observance of his or her church, denomination,  
4 or organization, is authorized to hear or is accustomed to hearing such  
5 communications, and who, under the discipline, tenets, or traditions of his or her  
6 church, denomination, or organization, has a duty or traditional expectation to keep  
7 those communications secret. The discipline, tenets, or traditions of the church,  
8 denomination, or organization need not be in writing.

9 **SECTION 8.** 48.981 (2m) (title) of the statutes is amended to read:

10 48.981 (2m) (title) EXCEPTION TO REPORTING REQUIREMENT FOR HEALTH CARE  
11 PROVIDERS.

12 **SECTION 9.** 893.585 (3) of the statutes is created to read:

13 893.585 (3) This section does not apply to damages incurred under s. 895.71.

14 **SECTION 10.** 893.586 of the statutes is created to read:

15 **893.586 Sexual exploitation by a member of the clergy.** Notwithstanding  
16 ss. 893.54 and 893.57, an injured party must commence an action under s. 895.71 for  
17 damages before he or she reaches the age of 40 years or be barred.

18 **SECTION 11.** 893.587 of the statutes is amended to read:

19 **893.587 Sexual assault of a child; limitation.** An action to recover damages  
20 for injury caused by an act that would constitute a violation of s. 948.02, 948.025,  
21 948.06, or 948.095 shall be commenced ~~within 5 years after the plaintiff discovers the~~  
22 ~~fact and the probable cause, or with the exercise of reasonable diligence should have~~  
23 ~~discovered the fact and the probable cause, of the injury, whichever occurs first. This~~  
24 ~~section does not shorten the period to commence an action provided under s. 893.16~~  
25 (1) before the injured party reaches the age of 40 years or be barred.

**BILL**

1           **SECTION 12.** 895.71 of the statutes is created to read:

2           **895.71 Sexual exploitation by a member of the clergy. (1) DEFINITIONS.**

3           In this section:

4           (a) “Member of the clergy” has the meaning given in s. 765.002 (1).

5           (b) “Religious organization” means an association, conference, congregation,  
6           convention, committee, or other entity that is organized and operated for a religious  
7           purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d)  
8           and any subunit of such an association, conference, congregation, convention,  
9           committee, or entity that is organized and operated for a religious purpose.

10          (c) “Sexual contact” has the meaning given in s. 940.225 (5) (b).

11          **(2) CAUSE OF ACTION.** (a) Any person who suffers, directly or indirectly, a  
12          physical, mental, or emotional injury caused by sexual contact with a member of the  
13          clergy that occurs while the person is under the age of 18 may bring an action against  
14          the member of the clergy for all damages caused by that sexual contact.

15          (b) Any person who may bring an action under par. (a) may bring an action  
16          against the religious organization to which the member of the clergy belongs for all  
17          damages caused by that sexual contact if another employee or member of the clergy  
18          of that religious organization knew or should have known that the member of the  
19          clergy had sexual contact with another person under the age of 18 and failed to take  
20          immediate corrective action.

21          (c) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1), and 815.05 (1g) (a), in  
22          an action brought under this section, the plaintiff may substitute his or her initials,  
23          or fictitious initials, and his or her age and county of residence for his or her name  
24          and address on the summons and complaint. The plaintiff’s attorney shall supply  
25          the court the name and other necessary identifying information of the plaintiff. The

**BILL****SECTION 12**

1 court shall maintain the name and other identifying information, and supply the  
2 information to other parties to the action, in a manner that reasonably protects the  
3 information from being disclosed to the public.

4 (d) Upon motion by the plaintiff, and for good cause shown, or upon its own  
5 motion, the court may make any order that justice requires to protect any of the  
6 following:

7 1. A plaintiff who is using initials in an action under this section from  
8 annoyance, embarrassment, oppression, or undue burden that would arise if any  
9 information identifying the plaintiff were made public.

10 2. A plaintiff in an action under this section from unreasonably long, repetitive,  
11 or burdensome physical or mental examinations.

12 3. The confidentiality of information which under law is confidential, until the  
13 information is provided in open court in an action under this section.

14 (3) CONSENT. Consent is not an issue in an action under this section.

15 (4) PUNITIVE DAMAGES. A court or jury may award punitive damages to a person  
16 bringing an action under this section.

17 (5) CALCULATION OF STATUTE OF LIMITATIONS. An action under this section is  
18 subject to s. 893.586.

19 (6) SILENCE AGREEMENTS. Any contract or agreement concerning the settlement  
20 of any claim under this section that limits or eliminates the right of the injured  
21 person to disclose the sexual contact described under sub. (2) to an employee or  
22 another member of the clergy of the religious organization to which the member of  
23 the clergy under sub. (2) belongs, to a therapist, as defined in s. 895.70 (1) (e), to a  
24 person listed under s. 48.981 (2) (a), or to a district attorney, is void.

25 **SECTION 13.** 905.06 (4) of the statutes is created to read:





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0041/1 2

RPN/MJL/GMM:kmg:jf

*D-Note*

**2003 BILL**

1 **AN ACT** <sup>*repeal*</sup> ~~to repeal 48.981 (2) (b); to amend 48.981 (2) (a) (intro.), 48.981 (2) (c),~~  
2 ~~48.981 (2m) (title), 893.587 and 939.74 (2) (c); and to create 48.981 (1) (cx),~~  
3 ~~48.981 (2) (a) 12m., 48.981 (2) (a) 17m., 48.981 (2g), 893.585 (3), 893.586, 895.71~~  
4 ~~and 905.06 (4)~~ of the statutes; **relating to:** the reporting of child abuse or  
5 neglect, and actions related to sexual exploitation brought against members of  
6 the clergy and religious organizations.

***Analysis by the Legislative Reference Bureau***

Under current law, any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by, resulting from, or arising out of sexual contact with a therapist who is rendering or has rendered to that person psychotherapy, counseling, or other assessment or treatment of a mental or emotional illness, symptom, or condition has a civil cause of action against the therapist for all damages resulting from, arising out of, or caused by that sexual contact, including punitive damages. This bill permits any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by sexual contact with a member of the clergy that occurs while the person is under the age of 18 to bring an action against the member of the clergy for all damages caused by that sexual contact, including punitive damages. The bill also permits the person to bring an action against the religious organization to which the member of the clergy belongs for all damages caused by the sexual contact, including punitive damages, if another employee or

(page 1 of 4)

BILL

based on observations made or information received in the course of professional duties,

member of the clergy of that religious organization knew or should have known that the member of the clergy had sexual contact with another person under the age of 18 and failed to take immediate corrective action. Under the bill, an injured party must commence the action before he or she reaches 40 years of age or be barred.

Under current law, a civil action to recover damages for an injury caused by sexual assault of a child, repeated sexual assault of a child, incest with a child, or sexual assault of a student by an instructional staff person must be commenced within five years after the plaintiff discovers or should have discovered the injury.

This bill requires such an action to be commenced before the injured party reaches the age of 40 years, or be barred. Under current law, a criminal prosecution for sexual assault of a child, repeated sexual assault of a child, physical abuse of a child, sexual exploitation of a child, incest with a child, child enticement, soliciting a child for prostitution, or sexual assault of a student by an instructional staff person must be commenced before the victim reaches the age of 31 years or be barred. This bill requires such a prosecution to be commenced before the victim reaches the age of 35 or be barred.

whichever is later

continues that limit but adds that the injured party may commence the action within that limit or until

Under current law, persons in certain professions, for example, school teachers and health care professionals, who have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or who have reason to believe that a child seen in the course of their professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur must report that suspected or threatened abuse to the county department of human services or social services or, in Milwaukee County, to the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS or to the sheriff or city, village, or town police department (mandatory reporters). This bill eliminates the requirement that the child must have been seen in the course of professional duties, thereby requiring a mandatory reporter who has reasonable cause to suspect that any child has been abused or neglected or who has reason to believe that any child has been threatened with abuse or neglect and that abuse or neglect of the child will occur to report that suspected or threatened abuse or neglect.

requires

(waiver)

a

exceptions

and

Finally, the bill adds members of the clergy to the list of mandatory reporters, but provides an exception for information obtained through abortion counseling provided for purposes of obtaining a judicial waiver of parental consent for an abortion or for information obtained through a confidential communication made in private to the member of the clergy for which, under the discipline, tenets, or traditions of the church, denomination, or organization, there is a duty or traditional expectation of confidentiality.

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:

BILL

*(here twice)*  
based on observations made or information received in the course of professional duties

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SECTION 1. 48.981 (1) ~~(cx)~~ of the statutes is created to read:

48.981 (1) (cx) "Member of the clergy" has the meaning given in s. 765.002 (1).

SECTION 2. 48.981 (2) (a) (intro.) of the statutes is amended to read:

48.981 (2) (a) (intro.) <sup>Δ</sup> ~~group home, as described in s. 48.625 (1m),~~ Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. subs. (2g) and (2m), report as provided in sub. (3):

SECTION 3. 48.981 (2) (a) 12m. of the statutes is created to read:

48.981 (2) (a) 12m. A member of the clergy.

~~SECTION 4. 48.981 (2) (a) 17m. of the statutes is created to read.~~

~~48.981 (2) (a) 17m. A court-appointed special advocate designated under s. 48.236 (1).~~

~~SECTION 5. 48.981 (2) (b) of the statutes is repealed.~~

~~SECTION 6. 48.981 (2) (c) of the statutes is amended to read:~~

~~48.981 (2) (c) Any person not otherwise specified in par. (a) or ~~(b)~~, including an attorney, who has reason to suspect that a child has been abused or neglected or who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report as provided in sub. (3).~~

SECTION 7. 48.981 (2g) of the statutes is created to read:

48.981 (2g) EXCEPTION TO REPORTING REQUIREMENT FOR MEMBERS OF THE CLERGY.

Notwithstanding sub. (2) <sup>and (b)</sup> ~~(a)~~, a member of the clergy is not required to report as suspected or threatened abuse or neglect information that the member of the clergy

Insert  
3-21

J

keep

**BILL****SECTION 7**

1 obtains through abortion counseling under s. 48.375 (7) (bm) or through confidential  
 2 communications made in private to the member of the clergy who, in the course of  
 3 the discipline, practice, or traditional observance of his or her church, denomination,  
 4 or organization, is authorized to hear or is accustomed to hearing such  
 5 communications, and who, under the discipline, tenets, or traditions of his or her  
 6 church, denomination, or organization, has a duty or traditional expectation to keep  
 7 those communications secret. The discipline, tenets, or traditions of the church,  
 8 denomination, or organization need not be in writing.

9 **SECTION 8.** 48.981 (2m) (title) of the statutes is amended to read:

10 48.981 (2m) (title) EXCEPTION TO REPORTING REQUIREMENT FOR HEALTH CARE  
 11 PROVIDERS.

12 **SECTION 9.** 893.585 (3) of the statutes is created to read:

13 893.585 (3) This section does not apply to damages incurred under s. 895.71.

14 **SECTION 10.** 893.586 of the statutes is created to read:

15 **893.586 Sexual exploitation by a member of the clergy.** Notwithstanding  
 16 ss. 893.54 and 893.57, an injured party must commence an action under s. 895.71 for  
 17 damages before he or she reaches the age of 40<sup>✓</sup> years or be barred.

18 **SECTION 11.** 893.587 of the statutes is amended to read:

19 **893.587 Sexual assault of a child; limitation.** An action to recover damages  
 20 for injury caused by an act that would constitute a violation of s. 948.02, 948.025,  
 21 948.06, or 948.095 shall be commenced ~~within 5 years after the plaintiff discovers the~~  
 22 ~~fact and the probable cause, or with the exercise of reasonable diligence should have~~  
 23 ~~discovered the fact and the probable cause, of the injury, whichever occurs first.~~ This  
 24 section does not shorten the period to commence an action provided under s. 893.16  
 25 ~~(1) before the injured party reaches the age of 40 years or bc barred.~~

*Plain text*

*✓ 26 ; whichever is later;*

**BILL**

1           **SECTION 12.** 895.71 of the statutes is created to read:

2           **895.71 Sexual exploitation by a member of the clergy. (1) DEFINITIONS.**

3           In this section:

4           (a) “Member of the clergy” has the meaning given in s. 765.002 (1).

5           (b) “Religious organization” means an association, conference, congregation,  
6           convention, committee, or other entity that is organized and operated for a religious  
7           purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d)  
8           and any subunit of such an association, conference, congregation, convention,  
9           committee, or entity that is organized and operated for a religious purpose.

10          (c) “Sexual contact” has the meaning given in s. 940.225 (5) (b).

11          (2) **CAUSE OF ACTION.** (a) Any person who suffers, directly or indirectly, a  
12          physical, mental, or emotional injury caused by sexual contact with a member of the  
13          clergy that occurs while the person is under the age of 18 may bring an action against  
14          the member of the clergy for all damages caused by that sexual contact.

15          (b) Any person who may bring an action under par. (a) may bring an action  
16          against the religious organization to which the member of the clergy belongs for all  
17          damages caused by that sexual contact if another employee or member of the clergy  
18          of that religious organization knew or should have known that the member of the  
19          clergy had sexual contact with another person under the age of 18 and failed to take  
20          immediate corrective action. *to prevent similar incidents  
from occurring in the future*

21          (c) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1), and 815.05 (1g) (a), in  
22          an action brought under this section, the plaintiff may substitute his or her initials,  
23          or fictitious initials, and his or her age and county of residence for his or her name  
24          and address on the summons and complaint. The plaintiff’s attorney shall supply  
25          the court the name and other necessary identifying information of the plaintiff. The

**BILL****SECTION 12**

1 court shall maintain the name and other identifying information, and supply the  
2 information to other parties to the action, in a manner that reasonably protects the  
3 information from being disclosed to the public.

4 (d) Upon motion by the plaintiff, and for good cause shown, or upon its own  
5 motion, the court may make any order that justice requires to protect any of the  
6 following:

7 1. A plaintiff who is using initials in an action under this section from  
8 annoyance, embarrassment, oppression, or undue burden that would arise if any  
9 information identifying the plaintiff were made public.

10 2. A plaintiff in an action under this section from unreasonably long, repetitive,  
11 or burdensome physical or mental examinations.

12 3. The confidentiality of information which under law is confidential, until the  
13 information is provided in open court in an action under this section.

14 (3) CONSENT. Consent is not an issue in an action under this section.

15 (4) PUNITIVE DAMAGES. A court or jury may award punitive damages to a person  
16 bringing an action under this section.

17 (5) CALCULATION OF STATUTE OF LIMITATIONS. An action under this section is  
18 subject to s. 893.586.

19 (6) SILENCE AGREEMENTS. Any contract or agreement concerning the settlement  
20 of any claim under this section that limits or eliminates the right of the injured  
21 person to disclose the sexual contact described under sub. (2) to an employee or  
22 another member of the clergy of the religious organization to which the member of  
23 the clergy under sub. (2) belongs, to a therapist, as defined in s. 895.70 (1) (e), to a  
24 person listed under s. 48.981 (2) (a), or to a district attorney, is void.

25 **SECTION 13.** 905.06 (4) of the statutes is created to read:

**BILL**

1           905.06 (4) EXCEPTIONS. There is no privilege under this section concerning  
2 information that a member of the clergy, as defined in s. 765.002 (1), is required to  
3 report as suspected or threatened child abuse or neglect under s. 48.981 (2) (a) <sup>or (b)</sup>

4           **SECTION 14.** 939.74 (2) (c) of the statutes is amended to read:

5           939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
6 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
7 before the victim reaches the age of 31 <sup>35</sup> ~~40~~ years or be barred, except as provided in  
8 sub. (2d) (c).

9           **SECTION 15. Initial applicability.**

10           (1) The treatment of sections 48.981 (1) (cx), (2) (a) (intro.) 12m. <sup>and</sup> ~~17m.~~ (b),  
11 ~~and~~ (2g), and (2m) (title) and 905.06 (4) of the statutes first applies to information  
12 received by a member of the clergy on the effective date of this subsection.

*and* *and* *observations made or*

13

(END)

*insert 7-12*

EW 73-21 ✓

Section #. 48.981 (2) (b) of the statutes is amended to read:

subs. (2g) and

48.981 (2) (b) A court-appointed special advocate who has reasonable cause to suspect that a child ~~seen in the course of activities under s. 48.236 (3)~~ has been abused or neglected or who has reason to believe that a child ~~seen in the course of those activities~~ has been threatened with abuse and neglect and that abuse or neglect of the child will occur shall, except as provided in ~~sub. (2m)~~, report as provided in sub. (3).

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105.

(use twice)

, based on observations made or information  
received in the course of activities under  
s. 48.236 (3),

(edit insert)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0041/2ins  
RPN/MJL/GMM:kmg:jf

- 1           insert 7-12 ✓
- 2           (2) The treatment of sections 893.587 and 939.74 (2) (c) of the statutes first ✓
- 3           applies to actions not barred on the effective date of this subsection.

D-N

This draft reflects changes  
suggested by Anne Sappentfield of  
the Legislative Council.

RPN

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0041/2dn  
RPN:kmg:rs

October 23, 2002

This draft reflects changes suggested by Anne Sappenfield of the Legislative Council.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)

**2003 DRAFTING REQUEST****Bill**Received: **09/16/2002**Received By: **rnelson2**Wanted: **As time permits**

Identical to LRB:

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

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **rnelson2**

May Contact:

Addl. Drafters: **mlief  
gmalaise**Subject: **Courts - immunity liability  
Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Clergy abuse; reporting of child abuse

---

**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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

FE Sent For:

&lt;END&gt;



2003 BILL

Today

RM run

legen

1 AN ACT to amend 48.981 (2) (a) (intro.), 48.981 (2) (b), 48.981 (2m) (title), 893.587  
 2 and 939.74 (2) (c); and to create 48.981 (1) (cx), 48.981 (2) (a) 12m., 48.981 (2g),  
 3 893.585 (3), 893.586, 895.71 and 905.06 (4) of the statutes; relating to: the  
 4 reporting of child abuse or neglect, and actions related to sexual exploitation  
 5 brought against members of the clergy and religious organizations.

**Analysis by the Legislative Reference Bureau**

Under current law, any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by, resulting from, or arising out of sexual contact with a therapist who is rendering or has rendered to that person psychotherapy, counseling, or other assessment or treatment of a mental or emotional illness, symptom, or condition has a civil cause of action against the therapist for all damages resulting from, arising out of, or caused by that sexual contact, including punitive damages. This bill permits any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by sexual contact with a member of the clergy that occurs while the person is under the age of 18 to bring an action against the member of the clergy for all damages caused by that sexual contact, including punitive damages. The bill also permits the person to bring an action against the religious organization to which the member of the clergy belongs for all damages caused by the sexual contact, including punitive damages, if another employee or member of the clergy of that religious organization knew or should have known that the member of the clergy had sexual contact with another person under the age of

previously

BILL

Expands the limit to cover the cause of action for sexual exploitation by clergy created by this bill and provides

LRB-0041/2  
RPN/MJL/GMM:kmg:rs

X 18 and failed to take immediate corrective action. ~~Under the bill, an injured party must commence the action before he or she reaches 18 years of age or be barred~~

X Under current law, a civil action to recover damages for an injury caused by sexual assault of a child, repeated sexual assault of a child, incest with a child, or sexual assault of a student by an instructional staff person must be commenced within five years after the plaintiff discovers or should have discovered the injury. This bill ~~continues that limit, but adds~~ that the injured party may commence the action within ~~that time~~ limit or until the injured party reaches the age of 26 years, whichever is later. Under current law, a criminal prosecution for sexual assault of a child, repeated sexual assault of a child, physical abuse of a child, sexual exploitation of a child, incest with a child, child enticement, soliciting a child for prostitution, or sexual assault of a student by an instructional staff person must be commenced before the victim reaches the age of 31 years or be barred. This bill requires such a prosecution to be commenced before the victim reaches the age of 35 or be barred.

the current

Under current law, persons in certain professions, for example, school teachers and health care professionals, who have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or who have reason to believe that a child seen in the course of their professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur must report that suspected or threatened abuse to the county department of human services or social services or, in Milwaukee County, to the Department of Health and Family Services (DHFS) or a licensed child welfare agency under contract with DHFS or to the sheriff or city, village, or town police department (mandatory reporters). This bill requires a mandatory reporter who, based on observations made or information received in the course of professional duties, has reasonable cause to suspect that a child has been abused or neglected or who, based on observations made or information received in the course of professional duties, has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur to report that suspected or threatened abuse or neglect.

Finally, the bill adds members of the clergy to the list of mandatory reporters, but provides exceptions for information obtained through abortion counseling provided for purposes of obtaining a judicial waiver of parental consent for an abortion and for information obtained through a confidential communication made in private to the member of the clergy for which, under the discipline, tenets, or traditions of the church, denomination, or organization, there is a duty or traditional expectation of confidentiality.

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. 48.981 (1) (cx) of the statutes is created to read:

**BILL**

1           48.981 (1) (cx) "Member of the clergy" has the meaning given in s. 765.002 (1).

2           **SECTION 2.** 48.981 (2) (a) (intro.) of the statutes is amended to read:

3           48.981 (2) (a) (intro.) ~~, group home, as described in s. 48.625 (1m),~~ Any of the  
4           following persons who, based on observations made or information received in the  
5           course of professional duties, has reasonable cause to suspect that a child ~~seen by the~~  
6           ~~person in the course of professional duties~~ has been abused or neglected or who,  
7           based on observations made or information received in the course of professional  
8           duties, has reason to believe that a child ~~seen by the person in the course of~~  
9           ~~professional duties~~ has been threatened with abuse or neglect and that abuse or  
10          neglect of the child will occur shall, except as provided under ~~sub.~~ subs. (2g) and (2m),  
11          report as provided in sub. (3):

12          **SECTION 3.** 48.981 (2) (a) 12m. of the statutes is created to read:

13          48.981 (2) (a) 12m. A member of the clergy.

14          **SECTION 4.** 48.981 (2) (b) of the statutes is amended to read:

15          48.981 (2) (b) A court-appointed special advocate who, based on observations  
16          made or information received in the course of activities under s. 48.236 (3), has  
17          reasonable cause to suspect that a child ~~seen in the course of activities under s.~~  
18          ~~48.236 (3)~~ has been abused or neglected or who, based on observations made or  
19          information received in the course of activities under s. 48.236 (3), has reason to  
20          believe that a child ~~seen in the course of these activities~~ has been threatened with  
21          abuse and neglect and that abuse or neglect of the child will occur shall, except as  
22          provided in sub. (2m), report as provided in ~~sub.~~ subs. (2g) and (3).

23          **SECTION 5.** 48.981 (2g) of the statutes is created to read:

24          48.981 (2g) EXCEPTION TO REPORTING REQUIREMENT FOR MEMBERS OF THE CLERGY.

25          Notwithstanding sub. (2) (a) and (b), a member of the clergy is not required to report

**BILL**

1 as suspected or threatened abuse or neglect information that the member of the  
2 clergy obtains through abortion counseling under s. 48.375 (7) (bm) or through  
3 confidential communications made in private to the member of the clergy who, in the  
4 course of the discipline, practice, or traditional observance of his or her church,  
5 denomination, or organization, is authorized to hear or is accustomed to hearing such  
6 communications, and who, under the discipline, tenets, or traditions of his or her  
7 church, denomination, or organization, has a duty or traditional expectation to keep  
8 those communications secret. The discipline, tenets, or traditions of the church,  
9 denomination, or organization need not be in writing.

10 **SECTION 6.** 48.981 (2m) (title) of the statutes is amended to read:

11 48.981 (2m) (title) EXCEPTION TO REPORTING REQUIREMENT FOR HEALTH CARE  
12 PROVIDERS.

13 **SECTION 7.** 893.585 (3) of the statutes is created to read:

14 893.585 (3) This section does not apply to damages incurred under s. 895.71.

15 **SECTION 8.** 893.586 of the statutes is created to read:

16 ~~893.586 Sexual exploitation by a member of the clergy. Notwithstanding~~  
17 ~~ss. 893.54 and 893.57, an injured party must commence an action under s. 895.71 for~~  
18 ~~damages before he or she reaches the age of 40 years or be barred.~~

*Amended  
Sappes Field*

19 **SECTION 9.** 893.587 of the statutes is amended to read:

20 **893.587 Sexual assault of a child; limitation.** An action to recover damages

21 for injury caused by an act that would constitute a violation of s. 948.02, 948.025,  
22 948.06, or 948.095 ~~shall be commenced within 5 years after the plaintiff discovers the~~  
*or that would create a cause of action under s. 895.71*

23 fact and the probable cause, or with the exercise of reasonable diligence should have  
24 discovered the fact and the probable cause, of the injury, whichever occurs first. This

25 ~~section does not shorten the period to commence an action provided under s. 893.16~~

**BILL**

1 (1); or before the injured party reaches the age of 26 years; whichever is later; or be  
2 barred.

3 **SECTION 10.** 895.71 of the statutes is created to read:

4 **895.71 Sexual exploitation by a member of the clergy. (1) DEFINITIONS.**

5 In this section:

6 (a) "Member of the clergy" has the meaning given in s. 765.002 (1).

7 (b) "Religious organization" means an association, conference, congregation,  
8 convention, committee, or other entity that is organized and operated for a religious  
9 purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d)  
10 and any subunit of such an association, conference, congregation, convention,  
11 committee, or entity that is organized and operated for a religious purpose.

12 (c) "Sexual contact" has the meaning given in s. 940.225 (5) (b).

13 (2) CAUSE OF ACTION. (a) Any person who suffers, directly or indirectly, a  
14 physical, mental, or emotional injury caused by sexual contact with a member of the  
15 clergy that occurs while the person is under the age of 18 may bring an action against  
16 the member of the clergy for all damages caused by that sexual contact.

17 (b) Any person who may bring an action under par. (a) may bring an action  
18 against the religious organization to which the member of the clergy belongs for all  
19 damages caused by that sexual contact if another employee or member of the clergy  
20 of that religious organization knew or should have known that the member of the  
21 clergy had sexual contact with <sup>previously</sup> another person under the age of 18 and failed to take  
22 immediate corrective action to prevent similar incidents from occurring ~~immediately~~  
23 ~~figure~~

24 (c) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1), and 815.05 (1g) (a), in  
25 an action brought under this section, the plaintiff may substitute his or her initials,

**BILL**

1 or fictitious initials, and his or her age and county of residence for his or her name  
2 and address on the summons and complaint. The plaintiff's attorney shall supply  
3 the court the name and other necessary identifying information of the plaintiff. The  
4 court shall maintain the name and other identifying information, and supply the  
5 information to other parties to the action, in a manner that reasonably protects the  
6 information from being disclosed to the public.

7 (d) Upon motion by the plaintiff, and for good cause shown, or upon its own  
8 motion, the court may make any order that justice requires to protect any of the  
9 following:

10 1. A plaintiff who is using initials in an action under this section from  
11 annoyance, embarrassment, oppression, or undue burden that would arise if any  
12 information identifying the plaintiff were made public.

13 2. A plaintiff in an action under this section from unreasonably long, repetitive,  
14 or burdensome physical or mental examinations.

15 3. The confidentiality of information which under law is confidential, until the  
16 information is provided in open court in an action under this section.

17 (3) CONSENT. Consent is not an issue in an action under this section.

18 (4) PUNITIVE DAMAGES. A court or jury may award punitive damages to a person  
19 bringing an action under this section.

20 (5) CALCULATION OF STATUTE OF LIMITATIONS. An action under this section is  
21 subject to s. 893.58~~5~~<sup>7</sup>.

22 (6) SILENCE AGREEMENTS. Any contract or agreement concerning the settlement  
23 of any claim under this section that limits or eliminates the right of the injured  
24 person to disclose the sexual contact described under sub. (2) to an employee or  
25 another member of the clergy of the religious organization to which the member of

**BILL**

1 the clergy under sub. (2) belongs, to a therapist, as defined in s. 895.70 (1) (e), to a  
2 person listed under s. 48.981 (2) (a), or to a district attorney, is void.

3 **SECTION 11.** 905.06 (4) of the statutes is created to read:

4 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning  
5 information that a member of the clergy, as defined in s. 765.002 (1), is required to  
6 report as suspected or threatened child abuse or neglect under s. 48.981 (2) (a) or (b).

7 **SECTION 12.** 939.74 (2) (c) of the statutes is amended to read:

8 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
9 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
10 before the victim reaches the age of 31 35 years or be barred, except as provided in  
11 sub. (2d) (c).

12 **SECTION 13. Initial applicability.**

13 (1) The treatment of sections 48.981 (1) (cx), (2) (a) (intro.) and 12m. and (b),  
14 (2g), and (2m) (title) and 905.06 (4) of the statutes first applies to observations made  
15 or information received by a member of the clergy on the effective date of this  
16 subsection.

17 (2) The treatment of sections 893.587 and 939.74 (2) (c) of the statutes first  
18 applies to actions not barred on the effective date of this subsection.

19 (END)

*Today 6/9*

*7/9*  
-0041/4

**2003 BILL**

*SAJ*

*Gen cat*

1 **AN ACT to amend** ~~48.981~~ (2) (c), 893.587 and 939.74 (2) (c); and **to create** 48.981  
 2 (1) (cv), 48.981 (1) (cx), 48.981 (2) (bm), 893.585 (3), 895.71 and 905.06 (4) of the  
 3 statutes; **relating to:** the reporting of child abuse or neglect, and actions  
 4 related to sexual exploitation brought against members of the clergy and  
 5 religious organizations.

***Analysis by the Legislative Reference Bureau***

Under current law, any person who suffers, directly or indirectly, a physical, mental, or emotional injury caused by, resulting from, or arising out of sexual contact with a therapist who is rendering or has rendered to that person psychotherapy, counseling, or other assessment or treatment of a mental or emotional illness, symptom, or condition has a civil cause of action against the therapist for all damages resulting from, arising out of, or caused by that sexual contact, including punitive damages. This bill permits any person who suffers an injury caused by sexual contact with a member of the clergy that occurs while the person is under the age of 18 to bring an action against the member of the clergy for all damages caused by that sexual contact. The bill also permits the person to bring an action against the religious organization that employed the member of the clergy for all damages caused by the sexual contact if the supervisor of that religious organization knew or should have known that the member of the clergy previously had sexual contact with a person under the age of 18 and failed to report that behavior and exercise ordinary care to prevent similar incidents from occurring.

**BILL**

Under current law, a civil action to recover damages for an injury caused by sexual assault of a child, repeated sexual assault of a child, incest with a child, or sexual assault of a student by an instructional staff person must be commenced within five years after the plaintiff discovers or should have discovered the injury. This bill expands the limit to cover the cause of action for sexual exploitation by a member of the clergy and provides that the injured party must commence the action before the injured party reaches the age of 35 years. Under current law, a criminal prosecution for sexual assault of a child, repeated sexual assault of a child, physical abuse of a child, sexual exploitation of a child, incest with a child, child enticement, solicitation of a child for prostitution, or sexual assault of a student by an instructional staff person must be commenced before the victim reaches the age of 31 years or be barred. This bill requires such a prosecution to be commenced before the victim reaches the age of 45.

Under current law, persons in certain professions, for example, school teachers and health care professionals, who have reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected or who have reason to believe that the child has been threatened with abuse or neglect and that abuse or neglect of the child will occur must report that suspected or threatened abuse to the appropriate county department of human services or social services or to a law enforcement agency (mandatory reporters). The bill requires members of the clergy to report sexual abuse or threatened sexual abuse of a child, but provides an exception for information obtained through a confidential communication made to a member of the clergy privately or in a confessional setting.

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.** 48.981 (1) (cv) of the statutes is created to read:

2           48.981 (1) (cv) “Member of a religious order” means an individual who has  
3 taken vows devoting himself or herself to religious or spiritual principles and who  
4 is authorized or appointed by his or her religious order or organization to provide  
5 spiritual or religious advice or service.

6           **SECTION 2.** 48.981 (1) (cx) of the statutes is created to read:

**BILL**

1           48.981 (1) (cx) “Member of the clergy” has the meaning given in s. 765.002 (1)  
2 or means a member of a religious order, and includes brothers, ministers, monks,  
3 nuns, priests, rabbis, and sisters.

4           **SECTION 3.** 48.981 (2) (bm) of the statutes is created to read:

5           48.981 (2) (bm) 1. Except as provided in subd. 3. and sub. (2m), a member of  
6 the clergy shall report as provided in sub. (3) if the member of the clergy has  
7 reasonable cause to suspect that a child seen by the member of the clergy in the  
8 course of his or her professional duties:

9           a. Has been abused, as defined in s. 48.02 (1) (b) to (f); or  
10           b. Has been threatened with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse  
11 of the child will likely occur.

12           2. Except as provided in subd. 3. and sub. (2m), a member of the clergy shall  
13 report as provided in sub. (3) if the member of the clergy has reasonable cause, based  
14 on observations made or information that he or she receives, to suspect that a  
15 member of the clergy has done any of the following:

16           a. Abused a child, as defined in s. 48.02 (1) (b) to (f).  
17           b. Threatened a child with abuse, as defined in s. 48.02 (1) (b) to (f), and abuse  
18 of the child will likely occur.

19           3. A member of the clergy is not required to report child abuse information  
20 under subd. 1. or 2. that he or she receives solely through confidential  
21 communications made to him or her privately or in a confessional setting if he or she  
22 is authorized to hear or is accustomed to hearing such communications and, under  
23 the disciplines, tenets, or traditions of his or her religion, has a duty or is expected  
24 to keep those communications secret. Those disciplines, tenets, or traditions need  
25 not be in writing.

**BILL****SECTION 4**

1           **SECTION 4.** 48.981 (2) (c) of the statutes is amended to read:

2           48.981 (2) (c) Any person not otherwise specified in par. (a) ~~or~~, (b), or (bm),  
3 including an attorney, who has reason to suspect that a child has been abused or  
4 neglected or who has reason to believe that a child has been threatened with abuse  
5 or neglect and that abuse or neglect of the child will occur may report as provided in  
6 sub. (3).

7           **SECTION 5.** 893.585 (3) of the statutes is created to read:

8           893.585 (3) This section does not apply to damages incurred under s. 895.71.

9           **SECTION 6.** 893.587 of the statutes is amended to read:

10           **893.587 Sexual assault of a child; limitation.** An action to recover damages  
11 for injury caused by an act that would constitute a violation of s. 948.02, 948.025,  
12 948.06, or 948.095 or would create a cause of action under s. 895.71 shall be  
13 commenced ~~within 5 years after the plaintiff discovers the fact and the probable~~  
14 ~~cause, or with the exercise of reasonable diligence should have discovered the fact~~  
15 ~~and the probable cause, of the injury, whichever occurs first. This section does not~~  
16 ~~shorten the period to commence an action provided under s. 893.16 (1) before the~~  
17 injured party reaches the age of 35 years or be barred.

18           **SECTION 7.** 895.71 of the statutes is created to read:

19           **895.71 Sexual exploitation by a member of the clergy. (1) DEFINITIONS.**

20           In this section:

21           (a) “Member of the clergy” has the meaning given in s. 48.981 (1) (cx).

22           (b) “Religious organization” means an association, conference, congregation,  
23 convention, committee, or other entity that is organized and operated for a religious  
24 purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d)

**BILL**

1 and any subunit of such an association, conference, congregation, convention,  
2 committee, or entity that is organized and operated for a religious purpose.

3 (c) “Sexual contact” has the meaning given in s. 940.225 (5) (b).

4 (2) CAUSE OF ACTION. (a) Any person who suffers an injury as a result of sexual  
5 contact with a member of the clergy that occurs while the person is under the age of  
6 18 may bring an action against the member of the clergy for all damages caused by  
7 that sexual contact.

8 (b) Any person who may bring an action under par. (a) may bring an action  
9 against the religious organization that employed the member of the clergy for all  
10 damages caused by that sexual contact if, at the time that the sexual contact  
11 occurred, another employee of that religious organization whose duties included  
12 supervising that member of the clergy knew or should have known that the member  
13 of the clergy previously had sexual contact with a person under the age of 18 and  
14 failed to do all of the following:

- 15 1. Report that sexual contact under s. 48.981 (3).
- 16 2. Exercise ordinary care to prevent similar incidents from occurring.

17 (c) Notwithstanding ss. 801.09 (1), 801.095, 802.04 (1), and 815.05 (1g) (a), in  
18 an action brought under this section, the plaintiff may substitute his or her initials,  
19 or fictitious initials, and his or her age and county of residence for his or her name  
20 and address on the summons and complaint. The plaintiff’s attorney shall supply  
21 the court the name and other necessary identifying information of the plaintiff. The  
22 court shall maintain the name and other identifying information, and supply the  
23 information to other parties to the action, in a manner that reasonably protects the  
24 information from being disclosed to the public.

**BILL****SECTION 7**

1 (d) Upon motion by the plaintiff, and for good cause shown, or upon its own  
2 motion, the court may make any order that justice requires to protect any of the  
3 following:

4 1. A plaintiff who is using initials in an action under this section from  
5 annoyance, embarrassment, oppression, or undue burden that would arise if any  
6 information identifying the plaintiff were made public.

7 2. A plaintiff in an action under this section from unreasonably long, repetitive,  
8 or burdensome physical or mental examinations.

9 3. The confidentiality of information which under law is confidential, until the  
10 information is provided in open court in an action under this section.

11 (3) CONSENT. Consent is not an issue in an action under this section.

12 (4) CALCULATION OF STATUTE OF LIMITATIONS. An action under this section is  
13 subject to s. 893.587.

14 (5) SILENCE AGREEMENTS. Any contract or agreement concerning the settlement  
15 of any claim under this section that limits or eliminates the right of the injured  
16 person to disclose the sexual contact described under sub. (2) to another member of  
17 the religious organization to which the member of the clergy under sub. (2) belongs,  
18 to a therapist, as defined in s. 895.70 (1) (e), to a person listed under s. 48.981 (2) (a),  
19 or to a district attorney, is void.

20 SECTION 8. 905.06 (4) of the statutes is created to read:

21 905.06 (4) EXCEPTIONS. There is no privilege under this section concerning  
22 observations or information that a member of the clergy, as defined in s. 49.981 (1)  
23 (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2)  
24 (bm).

25 SECTION 9. 939.74 (2) (c) of the statutes is amended to read:

**BILL**

1           939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
2           948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
3           before the victim reaches the age of ~~31~~ 45 years or be barred, except as provided in  
4           sub. (2d) (c).

**SECTION 10. Initial applicability.**

5           (1) The treatment of sections 48.981 (1) (cv) and (cx) and (2) (bm) and 905.06  
6           (4) of the statutes first applies to observations made or information received by a  
7           member of the clergy on the effective date of this subsection.  
8           (2) The treatment of sections 893.587 and 939.74 (2) (c) of the statutes first

9           applies to actions not barred on the effective date of this subsection.  
10           (2) The treatment of sections 893.587 and 939.74 (2) (c) of the statutes first  
11           applies to actions not barred on the effective date of this subsection.

(END)

**Mentkowski, Annie**

---

**From:** Moran, Christian  
**Sent:** Wednesday, June 25, 2003 12:00 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-0041/4 Topic: Clergy abuse; reporting of child abuse

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-0041/4 Topic: Clergy abuse; reporting of child abuse