

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 213**

1 **AN ACT** *to amend* 48.13 (3), 48.13 (3m) and 48.981 (3) (a) 3.; and *to create* 48.02
2 (1) (g) of the statutes; **relating to:** defining the manufacturing of
3 methamphetamine in the presence of a child as child abuse, requiring the
4 reporting and investigation of such child abuse, and granting the court
5 assigned to exercise jurisdiction under the Children’s Code child in need of
6 protection or services jurisdiction over a child who is present during the
7 manufacturing of methamphetamine.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 48.02 (1) (g) of the statutes is created to read:
9 48.02 (1) (g) Manufacturing methamphetamine in violation of s. 961.41 (1) (e)
10 under any of the following circumstances:

- 1 1. With a child physically present during the manufacture.
- 2 2. In a child's home, on the premises of a child's home, or in a motor vehicle
- 3 located on the premises of a child's home.
- 4 3. Under any other circumstances in which a reasonable person should have
- 5 known that the manufacture would be seen, smelled, or heard by a child.

6 **SECTION 2.** 48.13 (3) of the statutes is amended to read:

7 48.13 **(3)** Who has been the victim of abuse, as defined in s. 48.02 (1) (a), (b),
8 (c), (d), (e) ~~or~~ (f), or (g), including injury that is self-inflicted or inflicted by another;

9 **SECTION 3.** 48.13 (3m) of the statutes is amended to read:

10 48.13 **(3m)** Who is at substantial risk of becoming the victim of abuse, as
11 defined in s. 48.02 (1) (a), (b), (c), (d), (e) ~~or~~ (f), or (g), including injury that is
12 self-inflicted or inflicted by another, based on reliable and credible information that
13 another child in the home has been the victim of such abuse;

14 **SECTION 4.** 48.981 (3) (a) 3. of the statutes is amended to read:

15 48.981 **(3)** (a) 3. A county department, the department, or a licensed child
16 welfare agency under contract with the department shall within 12 hours, exclusive
17 of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all
18 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported
19 to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am),
20 (g), or (gm), or neglect, each county department, the department, and a licensed child
21 welfare agency under contract with the department shall adopt a written policy
22 specifying the kinds of reports it will routinely report to local law enforcement
23 authorities.

24 **SECTION 5. Initial applicability.**

