



## 2005 ASSEMBLY BILL 1027

February 16, 2006 – Introduced by Representatives WIECKERT, VAN ROY, MURSAU, MUSSER, LOEFFELHOLZ, GUNDERSON, ALBERS, BIES, LEHMAN, JESKEWITZ, ZEPNICK, KRAWCZYK, OTT and HINES, cosponsored by Senators KEDZIE, RISSER, ERPENBACH and WIRCH. Referred to Committee on Criminal Justice and Homeland Security.

1     **AN ACT to amend** 343.12 (7) (c) 9., 940.285 (title), 940.285 (1) (dm), 940.285 (2)  
2           (a) 1., 940.285 (2) (a) 2. and 940.285 (2) (a) 3.; and **to create** 940.285 (1) (f) of  
3           the statutes; **relating to:** mistreatment of a child with a mental illness or a  
4           developmental disability and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits subjecting a vulnerable adult to maltreatment. A vulnerable adult is defined as a person who is 18 or older, who has a developmental disability, infirmities of aging, a mental illness, or a similar incapacity, and who is: 1) substantially mentally incapable of providing for his or her needs; or 2) unable to report cruel maltreatment without assistance. Penalties for subjecting a vulnerable adult to maltreatment depend on whether the conduct was intentional, reckless, or negligent and on the extent of the harm, if any, suffered by the victim.

This bill prohibits subjecting a vulnerable child to maltreatment, with penalties being the same as those that apply to maltreatment of a vulnerable adult. The bill defines a vulnerable child as a person who is under 18, who has a developmental disability, a mental illness, or a similar incapacity, and who is: 1) substantially mentally incapable of providing for his or her needs; or 2) unable to report cruel maltreatment without assistance.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1           **SECTION 1.** 343.12 (7) (c) 9. of the statutes, as created by 2003 Wisconsin Act  
2 280, is amended to read:

3           343.12 (7) (c) 9. Abuse of a vulnerable adult or a vulnerable child under  
4 circumstances constituting a felony under s. 940.285 (2).

5           **SECTION 2.** 940.285 (title) of the statutes is amended to read:

6           **940.285 (title) Abuse of a vulnerable adults adult or vulnerable child.**

7           **SECTION 3.** 940.285 (1) (dm) of the statutes is amended to read:

8           940.285 (1) (dm) “Recklessly” means conduct that creates a situation of  
9 unreasonable risk of harm and demonstrates a conscious disregard for the safety of  
10 the vulnerable adult or vulnerable child.

11           **SECTION 4.** 940.285 (1) (f) of the statutes is created to read:

12           940.285 (1) (f) “Vulnerable child” means any person who is under 18 years of  
13 age and who has a developmental disability, a mental illness, or an incapacity  
14 specified in s. 55.01 (5) and who is:

15           1. Substantially mentally incapable of providing for his or her needs for food,  
16 shelter, clothing, or personal or health care; or

17           2. Unable to report cruel maltreatment without assistance.

18           **SECTION 5.** 940.285 (2) (a) 1. of the statutes is amended to read:

19           940.285 (2) (a) 1. Intentionally subjects a vulnerable adult or a vulnerable child  
20 to maltreatment.

21           **SECTION 6.** 940.285 (2) (a) 2. of the statutes is amended to read:

