

2009 DRAFTING REQUEST

Bill

Received: 12/16/2009

Received By: gmalaise

Wanted: 12/18/2009

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - day care

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child care; bar for persons convicted of drug-related offenses

Instructions:

1. Provide for permanent bar for person convicted of drug-related offense if he or she has ever been convicted of another crime. 2. Provide for 10-year bar for person convicted of drug-related offense if he or she has never been convicted of another crime

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>
/?	gmalaise 12/17/2009	wjackson 12/18/2009		_____			S&L
/1			phenry 12/18/2009	_____	sbasford 12/18/2009	cduerst 01/07/2010	

FE Sent For: at intro

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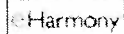
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/?	gmalaise	/1 WLj 12/18	12/18 ph	12/18 KM/B			

FE Sent For:

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CASHING IN ON KIDS | A JOURNAL SENTINEL WATCHDOG UPDATE

Leaders vow more child-care oversight

Officials will focus on safety at centers

By Raquel Rutledge of the Journal Sentinel

Posted: Dec. 14, 2009

Cashing in on Kids



Ongoing Journal Sentinel investigation details how parents and child-care providers work in cahoots to easily scam the \$350 million Wisconsin Shares program. **Read the series and ongoing coverage**

Local and state politicians said Monday that more still needs to be done to ensure the safety of children in day care centers, after the latest Journal Sentinel investigation published Sunday that found some child-care providers tied to dangerous drug dealers.

Willie Hines, president of the Milwaukee Common Council, said that for too long, local leaders have been left out while state and county regulators oversee the troubled Wisconsin Shares program. The \$350 million-a-year taxpayer-financed program provides child-care subsidies for low-income working families.

"The City of Milwaukee cannot afford to sit on the sidelines while there is extensive corruption, including drug dealing operations fronting as child care centers, as a Milwaukee Journal Sentinel investigation illustrated over the weekend," Hines wrote in a prepared statement which he plans to release Tuesday. "We must be at the table as State and County leaders seek solutions, sharing our expertise to make the program as responsible as possible."

Hines said he plans to introduce legislation at the next full council meeting that would give the city a stronger voice in regulating child-care

centers.

He did not specify exactly how the city would be involved. In an interview, Hines said he had met with Reggie Bicha, the secretary of the state Department of Children and Families, as well as administrators of various city departments and is working on a plan.

The city's role could include more stringent zoning and special-use rules or taking into consideration the concentration of child-care centers in neighborhoods as it does with liquor licenses, he said. In addition, the city is talking with regulators in Madison, which has an accreditation program that promotes higher-quality centers.

To date, the city has done little in the way of regulating child-care centers. The council passed an ordinance forbidding new child-care centers within 300 feet of taverns, liquor stores and other places that sell alcohol. But nothing is in place to stop a new liquor store from locating next to a child-care center, for example.

"We just want to make sure that we're playing an active role," Hines said.

Meanwhile, state Rep. Mark Gundrum (R-New Berlin) plans to resurrect one bill and introduce another that, if approved, would make it more difficult for convicted criminals to get into the child-care profession and would require regulators to report suspected drug activity to law enforcement. Gundrum introduced legislation in recent months that would require criminals convicted of some serious crimes to wait 10 years after serving their sentences before being eligible to become child-care providers. The legislature passed a version that cut the time to five years. Gundrum said he once again will push for the 10 years.

In addition, he plans to introduce a bill that would require state and county child-care regulators to report any suspected drug activity to law enforcement. The legislature passed a bill in recent months that requires government workers to report suspected fraud. This takes it a step further, Gundrum said.

The Journal Sentinel found child-care inspectors don't always follow through on complaints of drug activity in day care centers. In one case, an inspector wrote in a report that she was unable to respond because the person who complained was anonymous, and she couldn't contact them to tell them to call police and that her department doesn't investigate drug usage.

"Everybody else on the planet would call police," Gundrum said.

Gundrum said he hopes to present his bills before the end of the year.

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4014/1

GMM.../.....

WJ

In 12/17
Wanted for 12/18

Gen Cat

1 AN ACT ...; relating to: prohibiting a person who has been convicted or
2 adjudicated delinquent for committing a drug-related felony or who is the
3 subject of a pending criminal charge or delinquency petition for committing a
4 drug-related felony from showing that he or she has been rehabilitated for
5 purposes of being licensed, certified, or contracted with to provide child care, of
6 being employed or contracted as a caregiver of a child care provider, or of being
7 permitted to reside at a premises where child care is provided.

Analysis by the Legislative Reference Bureau

* Under current law, the Department of Children and Families (DCF) may not
* license a person to operate a day care center; DCF in a county having a population
of 500,000 or more, a county department of human services or social services, or an
agency contracted by DCF to certify day care providers for purposes of
reimbursement under the Wisconsin Works Program may not certify a day care
provider for those purposes; and a school board may not contract with a person to
provide a day care program (collectively, "child care provider") if a background
investigation indicates that the person has been convicted or adjudicated delinquent
on or after his or her 12th birthday for committing a serious crime, including a
drug-related felony, or is the subject of a pending criminal charge or delinquency
petition alleging that the person has committed a serious crime, including a
drug-related felony, on or after his or her 12th birthday unless the person shows that
he or she has been rehabilitated.

Similarly, a child care provider may not employ or contract with a caregiver or permit a nonclient resident to reside at a premises where child care is provided if a background investigation indicates that the caregiver or nonclient resident has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, including a drug-related felony, or is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime, including a drug-related felony, on or after his or her 12th birthday unless the caregiver or nonclient resident shows that he or she has been rehabilitated.

Current law, however, prohibits any person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a drug-related felony from showing that he or she has been rehabilitated if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections (DOC), less than five years before the date of the background investigation.

This bill prohibits a person from showing that he or she has been rehabilitated if a background investigation indicates that the person has been convicted or adjudicated delinquent on or after his or her 12th birthday, ^{for committing} or is the subject of a pending criminal charge or delinquency petition alleging that the person has committed on or after his or her 12th birthday, any of the following:

1. A drug-related felony, if the person has ever been convicted or adjudicated delinquent for committing any other crime.
2. A drug-related felony, if the person has never been convicted or adjudicated delinquent for committing any other crime and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by DOC, less than ten years before the date of the background investigation.

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 (5) (br) 5g. of the statutes is created to read:

2 48.685 (5) (br) 5g. An offense under ch. 961 that is a felony, if the person has
3 ever been convicted or adjudicated delinquent for committing any other crime.

4 **SECTION 2.** 48.685 (5) (br) 5m. of the statutes is created to read:

5 48.685 (5) (br) 5m. An offense under ch. 961 that is a felony, if the person has
6 never been convicted or adjudicated delinquent for committing any other crime and

1 the person completed his or her sentence, including any probation, parole, or
2 extended supervision, or was discharged by the department of corrections, less than
3 10 years before the date of the investigation under sub. (2) (am) or (b) 1.✓

Insert
3-5
6

SECTION 3. 48.685 (5) (br) 6. of the statutes, as created by 2009 Wisconsin Act
76, is amended to read:

SECTION 4. Initial applicability.

7 (1) **RETROACTIVE APPLICATION.** This act first applies to a decision to deny,
8 suspend, revoke, rescind, or refuse to renew a license under section 48.65✓ of the
9 statutes, a certification under section 48.651✓ of the statutes, or a contract under
10 section 120.13 (14)✓ of the statutes, or to refuse to pay a child care provider under
11 section 49.133✓ or 49.155 (7)✓ of the statutes, made on the effective date of this
12 subsection, notwithstanding that the conviction, adjudication, or charge on which
13 the decision is based was obtained or filed before the effective date of this subsection.✓

SECTION 5. Effective date.

15 (1) This act takes effect on the first day of the 3rd✓ month beginning after
16 publication.

17 (END)

Insert 3-5

480 695 (5) (b.c)

(B)

or



6. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23 (1g), a violation of s. 948.51 (2) that is a felony under s. 948.51 (3) (b) or (c), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6., or 7., or (f), (2j) (d), or (3m), ~~or an offense under ch. 961 that is a felony~~, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2) (am) or (b) 1.

*
*

(end ms-y)

Duerst, Christina

From: Knudson, Steve

Sent: Thursday, January 07, 2010 10:19 AM

To: LRB.Legal

Subject: Draft Review: LRB 09-4014/1 Topic: Child care; bar for persons convicted of drug-related offenses

Please Jacket LRB 09-4014/1 for the ASSEMBLY.