








State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/06/2012 (Per: PJK & GMM)

Compile Draft – Appendix C **... Part 01 of 01**

- A  The 2011 drafting file for LRB-0558
- B  The 2011 drafting file for LRB-0559
- C  The 2011 drafting file for LRB-0560
- D  The 2011 drafting file for LRB-0563
- E  The 2011 drafting file for LRB-0569

2011 LRB-0560 has been copied/added to the drafting file for

2011 LRB-0568

2011 DRAFTING REQUEST

Bill

Received: 11/19/2010

Received By: pkahler

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: pkahler

Subject: Dom. Rel. - paternity

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Anne.Sappenfield@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Length of prison term stated in paternity summons

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>
/?	pkahler 11/19/2010	jdye 11/22/2010		_____			
/P1			phenry 11/23/2010	_____	lparisi 11/23/2010		
/1	pkahler 01/12/2012	jdye 01/13/2012	phenry 01/13/2012	_____	sbasford 01/13/2012		

FE Sent For:

2011 DRAFTING REQUEST

Bill

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Extra Copies:

Submit via email: YES

Requester's email: Laura.Rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given


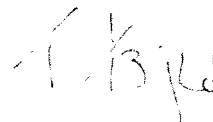
Topic:

Length of prison term stated in paternity summons

Instructions:

See attached

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/?	pkahler 11/19/2010	jdye 11/22/2010		_____	_____	_____	_____
/P1			phery 11/23/2010	_____	lparisi 11/23/2010	_____	_____

FE Sent For:

<END>

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??	pkahler	P1 11/22 jld	11/23 pk	11/23			

FE Sent For:

<END>

Jim Doyle
Governor

Reggie Bicha
Secretary



State of Wisconsin
Department of Children and Families

201 East Washington Avenue, Room G200
P.O. Box 8918
Madison, WI 53708-8918

Telephone: 608-267-3905
Fax: 608-268-6838
dcf.wisconsin.gov

CORRESPONDENCE/Memorandum _____ State of Wisconsin

Date: October 29, 2010
To: Director Terry Anderson
Legislative Council
From: Secretary Reggie Bicha *RBicha*
Department of Children and Families
Subject: Department of Children and Families Law Revision Proposals

The Department of Children and Families is seeking a number of technical amendments through the law revision process. Below are the proposals listed by program area and unless otherwise stated the proposal has not been introduced in previous sessions and have no fiscal effect.

Child Support:

Technical amendments to Chapter 767 intended to address minor corrections needed following the recodification of that Chapter in 2005 Wisconsin Act 443.

Requests 1 through 5 were included as a part of 2007 SB 362. However, that legislation was not acted upon prior to the end of the legislative session. None of the following proposals will have a fiscal effect.

5. Paternity Summons/Notice to Parties

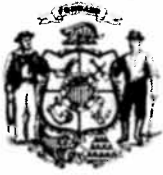
Specific Statutory Change

Amend Wis. Stat. § 767.813(5)(a)4 to change the period of imprisonment to 3 years and 6 months.

Legislative Council
Page 3
October 29, 2010

Administrative or Substantive Problem with Current Law and Need for the Change

Wis. Stat. § 767.813 provides that a summons in a paternity action must inform the parties that interference with the custody of a child is punishable by a fine of up to \$10,000 and imprisonment for up to 5 years, citing s.948.31. However, the period of imprisonment for Class F felonies under Wis. Stat. § 948.31 is 3 years and 6 months.



State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-0560
PJK:.....

Handwritten initials: jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten: (2-11-12)

Handwritten: ✓

1) AN ACT relating to: prison term length stated in a paternity action summons
2 (suggested as remedial legislation by the Department of Children and
3 Families).

Handwritten: new act → maximum ✓

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Analysis by the Legislative Reference Bureau

Under current law, the summons in a paternity action provides notice that interfering with the custody of a child, which is a Class I felony, is punishable by imprisonment for up to five years. A Class I felony actually is punishable under current law by imprisonment for up to three years and six months. This bill corrects the length of time for imprisonment for interfering with the custody of a child that is stated in a paternity action summons.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

Handwritten: ✓ the form for Maximum

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

4

(END)

Handwritten box: INSERT PREF ✓

SENATE BILL 362

1 ~~SECTION 9.~~ 767.61 (7) of the statutes is created to read:

2 767.61 (7) REVISION PROHIBITED. A court may not revise or modify a judgment
3 or order with respect to final division of property.

4 **SECTION 10.** 767.813 (5) (a) 4. of the statutes is amended to read:

5 767.813 (5) (a) 4. You are also notified that interference with the custody of a
6 child is punishable by a fine of up to \$10,000[✓] and imprisonment for up to 5[✓] 3[✓] years
7 and 6[✓] months. Section 948.31, stats.

8 ~~SECTION 11.~~ 767.865 (1) (a) of the statutes is amended to read:

9 767.865 (1) (a) The personal representative or, if there is no personal
10 representative, a guardian ad litem in accordance with par. (b) may appear for a
11 deceased respondent whenever an appearance by the respondent is required. The
12 summons and petition shall be served on the personal representative of and or
13 guardian ad litem for the deceased respondent under s. 767.813 (3).

14 **SECTION 12. Initial applicability.**

15 (1) SOCIAL SECURITY NUMBERS IN PATERNITY ACTIONS. The treatment of section
16 767.215 (5) (am) of the statutes first applies to paternity actions that are commenced
17 on the effective date of this subsection.

18 (END) ✓

DO NOT Delete

2008 →

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

0560/p1
LRB-05587ins
PJK:.....

INSERT PREF

LRS -
use
note: LRC
component

↑
insert
not
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LAW REVISION COMMITTEE PREFATORY NOTE: ~~(This bill is introduced by the Law Revision Committee under s. 13.83(1)(c) 4 and 5, stats. as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92(2) of stats.)~~ This bill is a remedial legislation proposal, requested by the ~~(?)~~ and introduced by the Law Revision Committee under s. 13.83(1)(c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Department of
Children and
Families

(end ins)

Kahler, Pam

From: Malaise, Gordon
Sent: Tuesday, November 16, 2010 5:41 PM
To: Kahler, Pam
Cc: Rose, Laura
Subject: FW: Department of Children and Families Law Revision Proposals
Attachments: law revision-1 pdf

Pam:

Here are DCF's remedial legislation proposals. The proposals relating to child support and W-2 look like yours. The child welfare proposals are mine.

Gordon

From: Rose, Laura
Sent: Tuesday, November 16, 2010 3:17 PM
To: Malaise, Gordon
Subject: FW: Department of Children and Families Law Revision Proposals

Hi, Gordon,

Attached are the Law Revision remedial legislation proposals from DCF for the upcoming legislative session. I reviewed them, and I think they are okay. Please let me know if you have any questions.

Thanks very much,

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

laura.rose@legis.wisconsin.gov

11/17/2010

From: DCF Secretary Reggie Bicha [mailto:DCFSecretaryReggieBicha@wisconsin.gov]
Sent: Friday, October 29, 2010 3:20 PM
To: Anderson, Terry C.
Cc: Rose, Laura
Subject: Department of Children and Families Law Revision Proposals

I am attaching the Department of Children and Families Law Revision Proposals Thank you.

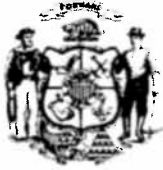
Sincerely,

Reggie Bicha
Secretary

11/17/2010

560

Changes the form for a summons in a paternity action to correctly reflect that interfering with the custody of a child may be punished by imprisonment not to exceed 3 years and 6 months instead of 5 years.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0560-~~11~~
PJK:jld:ph

pmw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/1-12
(2-1-12)

2011 BILL

4

Regen

1 **AN ACT to amend** 767.813 (5) (a) 4. of the statutes; **relating to:** maximum prison
2 term length stated in the form for a paternity action summons (suggested as
3 remedial legislation by the Department of Children and Families).

Analysis by the Legislative Reference Bureau

Under current law, the form for a summons in a paternity action provides notice that interfering with the custody of a child, which is a Class I felony, is punishable by imprisonment for up to five years. A Class I felony actually is punishable under current law by imprisonment for up to three years and six months. This bill corrects the maximum length of time for imprisonment for interfering with the custody of a child that is stated in the form for a paternity action summons.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0560/1ins
PJK:.....

INSERT 2-4

NOTE: Changes the form for a summons in a paternity action to correctly reflect that interfering with the custody of a child may be punished by imprisonment not to exceed 3 years and 6 months instead of 5 years. ✓

(END OF INSERT 2-4)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0560/1
PJK:jld:ph

2011 BILL

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BILL

1 **SECTION 1.** 767.813 (5) (a) 4. of the statutes is amended to read:

2 767.813 **(5)** (a) 4. You are also notified that interference with the custody of a
3 child is punishable by a fine of up to \$10,000 and imprisonment for up to 5 3 years
4 and 6 months. Section 948.31, stats.

NOTE: Changes the form for a summons in a paternity action to correctly reflect
that interfering with the custody of a child may be punished by imprisonment not to
exceed 3 years and 6 months instead of 5 years.

5

(END)