

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB481)

Received: 2/18/2014 Received By: tdodge  
 Wanted: As time permits Same as LRB:  
 For: Fred Risser (608) 266-1627 By/Representing: Cassie Jurenci  
 May Contact: Drafter: tdodge  
 Subject: Mental Health - miscellaneous Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Sen.Risser@legis.wisconsin.gov  
 Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibiting sexual orientation change efforts on minors

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>
/?	tdodge 2/19/2014	evinz 2/19/2014		_____			
/1			jfrantze 2/19/2014	_____	lparisi 2/19/2014	lparisi 2/19/2014	

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB481)**

Received: 2/18/2014 Received By: tdodge  
 Wanted: As time permits Same as LRB:  
 For: Fred Risser (608) 266-1627 By/Representing: Cassie Jurenci  
 May Contact: Drafter: tdodge  
 Subject: Mental Health - miscellaneous Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Sen.Risser@legis.wisconsin.gov  
 Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

**Pre Topic:**

No specific pre topic given

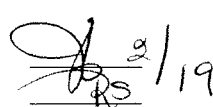
**Topic:**

Prohibiting sexual orientation change efforts on minors ✓

**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>
/?	tdodge	11 eev 2/19/14	11 eev 2/19/14	 2/19			

FE Sent For:

<END>

**Dodge, Tamara**

---

**From:** Duchek, Michael  
**Sent:** Tuesday, February 18, 2014 11:47 AM  
**To:** Hanaman, Cathlene; Dodge, Tamara  
**Subject:** FW: SB 481 Substitute Amendment Request

If I'm not mistaken, without criminal penalties, we wouldn't put this in chapter 948. Then where to put it? Since it affects mainly credential holders, I could put it in 440. Or perhaps somewhere in chapter 51? Any thoughts?

-Mike

---

**From:** Jurenci, Cassie  
**Sent:** Tuesday, February 18, 2014 11:43 AM  
**To:** Duchek, Michael  
**Subject:** RE: SB 481 Substitute Amendment Request

The Senator has decided not to include any penalties in the bill.

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate  
130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627

---

**From:** Duchek, Michael  
**Sent:** Tuesday, February 18, 2014 11:42 AM  
**To:** Jurenci, Cassie  
**Cc:** Hanaman, Cathlene  
**Subject:** RE: SB 481 Substitute Amendment Request

Cassie,

If you eliminate the criminal penalties, then what do you want the penalty or consequences of violating it to be?

-Mike

---

**From:** Jurenci, Cassie  
**Sent:** Tuesday, February 18, 2014 11:39 AM  
**To:** Duchek, Michael  
**Subject:** SB 481 Substitute Amendment Request

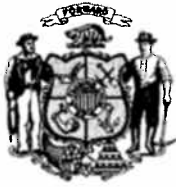
Hi Mike,

I hope your week is going well. By the end of the week, can we get a substitute amendment to SB 481 which would eliminate the criminal penalties in the bill?

Thanks!

*Cassie Jurenci*  
Office of Senator Fred Risser  
Wisconsin State Senate

130 South, State Capitol  
E-mail: [cassie.jurenci@legis.wi.gov](mailto:cassie.jurenci@legis.wi.gov)  
Office: 608.266.1627



In: 2/19 Due Thurs 2/20

State of Wisconsin  
2013 - 2014 LEGISLATURE

TJD



S03241

LRB-2999/1

CMH&MED:eev:jm

RMNR

SSA to SB 481

## 2013 SENATE BILL 481

January 9, 2014 - Introduced by Senators RISSER, CARPENTER and T. CULLEN, cosponsored by Representatives SARGENT, POPE, BERCEAU and OHNSTAD. Referred to Committee on Health and Human Services.

regen cat

- 1 AN ACT to create 948.045 of the statutes; relating to: prohibiting sexual
- 2 orientation change efforts on minors and providing a penalty.

use 2Y

### Substitute amendment Analysis by the Legislative Reference Bureau

This bill prohibits a mental health provider, as defined in the bill, from engaging in any practice that seeks to change a child's sexual orientation, including an effort to change behaviors, gender identity, or gender expression or an effort to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The prohibition created in the bill does not apply to counseling for an individual seeking to transition from one gender to another or to psychotherapy that provides acceptance, support, or understanding of a client or the facilitation of a client's coping, social support, and identity exploration and development and that does not seek to change sexual orientation. A mental health provider who violates the prohibition is guilty of a Class A misdemeanor.

A mental health provider is not prohibited from providing counseling under the substitute amendment.

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.

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

- 3 SECTION 1. 948.045 of the statutes is created to read:

51.50 ✓

SENATE BILL 481

SECTION 1

e 51.50 (B)

1 **948.045** Sexual orientation change efforts. (1) DEFINITIONS. In this  
2 section, "mental health provider" means a physician; a psychologist licensed under  
3 ch. 455; a social worker licensed or certified under s. 457.08; a marriage and family  
4 therapist licensed under s. 457.10; a professional counselor licensed under s. 457.12;  
5 and any other person who performs counseling as part of his or her professional  
6 training for any of the professions specified in this subsection.

7 **(2) PROHIBITION.** (a) A mental health provider ~~that~~ <sup>may not</sup> engages in a practice that  
8 seeks to change a child's sexual orientation, including an effort to change behaviors,  
9 gender identity, or gender expression or an effort to eliminate or reduce sexual or  
10 romantic attractions or feelings toward individuals of the same sex, is guilty of a

11 **Class A misdemeanor.**

12 (b) Paragraph (a) does not ~~apply to~~ <sup>prohibit a mental health provider</sup> any of the following: <sup>from providing</sup>

13 1. Counseling for an individual seeking to transition from one gender to  
14 another.

15 2. Psychotherapy that provides acceptance, support, or understanding of a  
16 client or the facilitation of a client's coping, social support, and identity exploration  
17 and development, including sexual orientation-neutral interventions to prevent or  
18 address unlawful conduct or unsafe sexual practices, and that does not seek to  
19 change sexual orientation.

20 (END)

EXCEPTIONS