
















State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

Date Transfer Requested: 10/01/2013 (Per: EHS)

Appendix I

- Appendix A1**  The drafting file for LRB 13-0480 (used to create 13-3303)
- Appendix A2**  The drafting file for LRB 11-0558 (used to create 13-0480)
- Appendix B1**  The drafting file for LRB 13-0481 (used to create 13-3303)
- Appendix B2**  The drafting file for LRB 11-0559 (used to create 13-0481)
- Appendix C1**  The drafting file for LRB 13-0482 (used to create 13-3303)
- Appendix C2**  The drafting file for LRB 11-0560 (used to create 13-0482)
- Appendix D1**  The drafting file for LRB 13-0483 (used to create 13-3303)
- Appendix D2**  The drafting file for LRB 11-0563 (used to create 13-0483)
- Appendix E**  The drafting file for LRB 13-0484 (used to create 13-3303)
- Appendix F**  The drafting file for LRB 13-0486 (used to create 13-3303)
- Appendix G**  The drafting file for LRB 13-0487 (used to create 13-3303)
- Appendix H**  The drafting file for LRB 13-0488 (used to create 13-3303)
- Appendix I**  The drafting file for LRB 13-0489 (used to create 13-3303)



has been transferred to the drafting file for

2013 LRB-3303

2013 DRAFTING REQUEST

Bill

Received: 11/2/2012 Received By: eshea
 Wanted: As time permits Same as LRB:
 For: Legislative Council - LRC By/Representing: Anne Sappenfield
 May Contact: Drafter: eshea
 Subject: Children - day care 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:

Remove redundant reference to crime prohibited for licensees

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>
/?	eshea 11/8/2012	wjackson 11/12/2012		_____			
/P1	gmalaise 8/9/2013		phenry 11/12/2012	_____	sbasford 11/12/2012		
/1		jdyer 8/12/2013	jfrantze 8/12/2013	_____	srose 8/12/2013		

FE Sent For:

<END>

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/?	eshea 11/8/2012	wjackson 11/12/2012		_____			
/P1		<i>1/8/12 jld</i>	phenry 11/12/2012	_____	sbasford 11/12/2012		

FE Sent For:

[Signature] 8/12

<END>

2013 DRAFTING REQUEST

Bill

Received: 11/2/2012

Received By: eshea

Wanted: As time permits

Same as LRB:

For: Legislative Council - LRC

By/Representing: Anne Sappenfield

May Contact:

Drafter: eshea

Subject: Children - day care

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

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Remove redundant reference to crime prohibited for licensees

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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>
1?	eshea	plwlj 11/12	11/12	→			

FE Sent For:

<END>

13-0489

Shea, Elisabeth

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:53 PM
To: Kahler, Pam; Shea, Elisabeth
Subject: FW: DCF Law Revision Proposals

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 3:35 PM
To: Malaise, Gordon
Subject: RE: DCF Law Revision Proposals

They should be drafted separately.

Thank you,
Anne

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:22 PM
To: Sappenfield, Anne
Subject: RE: DCF Law Revision Proposals

Anne:

So how do they want this drafted—all rolled into one as in 2011 SB 460 or each item in the Secretary's memo drafted separately?

Gordon

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 2:25 PM
To: Malaise, Gordon
Subject: FW: DCF Law Revision Proposals

Hi Gordon,

I am attaching DCF's requests to the Law Revision Committee for remedial legislation for next session.

Let me know if you have any questions.

Thanks!
Anne

From: DCF Secretary Eloise Anderson [<mailto:DCFSecretaryEloiseAnderson@wisconsin.gov>]
Sent: Wednesday, October 31, 2012 10:30 AM
To: Sappenfield, Anne
Cc: Archer, Cynthia - DCF; Lippert, MaryAnn - DCF
Subject: DCF Law Revision Proposals

11/5/2012

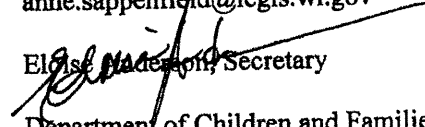
Attached please find the Department of Children and Families remedial legislation proposals for consideration. A hard copy will follow in the mail.

11/5/2012

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

 wisconsin department of
children & families
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916

DATE: November 1, 2012
TO: Ann Sappenfield, Senior Staff Attorney
Joint Legislative Council
anne.sappenfield@legis.wi.gov
From:  Eloise Anderson, Secretary
RE: Department of Children and Families Law Revision Proposals.

The Department of Children and Families (DCF) has identified the following remedial legislation proposals for consideration by the Law Revision Committee:

Child Care

2. Criminal History of Child Care Licensees

Specific Statutory Change:

Amend s. 48.685 (5) (br) 3m to remove the reference to s. 943.32 (2), robbery with a dangerous weapon.

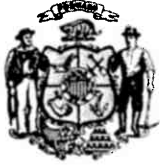
Administrative or Substantive Problem with Current Law and Need for the Change:

There is a conflict between s. 48.685 (5) (br) 3 and s. 48.685 (5) (br) 3m as created by 2009 Wisconsin Act 76. Section 48.685 (5) (br) 3 lists some of the crimes that are bared for child care licensees, staff, and residents in a home where child care is provided. Section 48.685 (5) (br) 3m lists crimes that only apply to licensees. Robbery with a dangerous weapon under s. 943.32 (2) appears in both places.

Fiscal Effect: None

Earlier LRB Draft: LRB-4038/P1

Attached are copies of LRB drafts for those items above that have been previously drafted. Many of the items noted above were included in LRB-0568/2, *2011 Senate Bill 460*, which failed to pass last session. For those items, we have attached both the LRB draft for *2011 Senate Bill 460* and the individual ("pre-enrollment") LRB draft for each item. For items that were not included in *2011 Senate Bill 460*, just the individual LRB draft is attached.



State of Wisconsin
2011 - 2012 LEGISLATURE

update



LRB-4038/P1 0489/P1

RM:mond:ph
+ EHS WLJ

RMNR

In 11/7/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen Cat

1 AN ACT ...; relating to: the prohibition against a person who has committed the
 2 property crime of armed robbery being permitted to show that he or she has
 3 been rehabilitated for purposes of being licensed, certified, or contracted with
 4 to provide child care (suggested as remedial legislation by the Department of
 5 Children and Families).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families (DCF) may not license a person to operate a child 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 child care providers for purposes of reimbursement under the Wisconsin Works Program may not certify a child care provider for those purposes; a school board may not contract with a person to provide a child care program (collectively "child care provider"); and 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 the person, caregiver, or nonclient resident has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, as defined under current law, unless the person, caregiver, or nonclient resident shows that he or she has been rehabilitated.

INSERT
A

Current law, however, bars a person who has committed certain violent crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care, of being

~~STEL/STH~~

a child care provider

a child care provider, ^{care} caregiver, or ^{care} nonclient resident

~~employed or contracted with as a caregiver or of being permitted to reside at a premises where child care is provided and bars a person who has committed certain property crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care, but not for purposes of being employed or contracted with as a caregiver or of being permitted to reside at a premises where child care is provided.~~

This bill eliminates armed robbery as a property crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care, but not for purposes of being employed or contracted with as a caregiver or of being permitted to reside at a premises where child care is provided. The bill, however, retains armed robbery as a violent crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care, of being employed or contracted with as a caregiver, or of being permitted to reside at a premises where child care is provided.

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 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.

- 1 SECTION 1. 48.685 (5) (br) 3m. of the statutes is amended to read:
- 2 48.685 (5) (br) 3m. Except for purposes of permitting a person to be a nonclient
- 3 resident or caregiver specified in sub. (1) (ag) 1. a. of a ^{plain} day child care center or ^e day
- 4 ^{plain} child care provider, a violation of s. 943.201, 943.203, 943.32 (2), or 943.38 (1) or (2);
- 5 a violation of s. 943.34 (1), 943.395 (1), 943.41 (3) (e), (4) (a), (5), (6), or (6m), 943.45
- 6 (1), 943.455 (2), 943.46 (2), 943.47 (2), 943.50 (1m), or 943.70 (2) (a) or (am) or (3) (a)
- 7 that is a felony; or an offense under subch. IV of ch. 943 that is a felony.

NOTE: The reference to armed robbery in violation of s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., stats., is redundant insofar as that crime is also referenced in s. 48.685 (5) (br) 3., stats. A review of the drafting record for 2009 Wisconsin Act 76 indicates that a reference to s. 943.32 (2), stats., was already included in s. 48.685 (5) (br) 3., stats., when

s. 48.685 (5) (br) 3m., stats., was drafted and that, therefore, the inclusion of the reference to s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., was done in error.

1

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-04897ins
EHS:.....

1 INSERT A

Current law prohibits a person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, as defined under current law, from 1) being licensed to operate a child care center; 2) being certified as a child care provider for purposes of reimbursement under the Wisconsin Works Program; or 3) contracting with a school board to provide a child care program (collectively, "child care provider"). Current law similarly prohibits such a person from being an employee or contractor of a child care provider (caregiver) or from being permitted to reside at a premises where child care is provided (nonclient resident). There is an exception to these prohibitions if the person, caregiver, or nonclient resident shows that he or she has been rehabilitated.

Malaise, Gordon

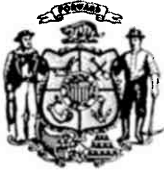
From: Sappenfield, Anne
Sent: Friday, August 09, 2013 9:00 AM
To: Malaise, Gordon
Subject: Law revision drafts

Hi Gordon,

The law revision committee is planning to meet on September 5. My recollection is that we take final drafts before the committee, so could you convert LRB—XXXXXXXXXXXXXXXXXXXX 0489/P1 to /1 drafts?

Thank you,
Anne

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0489/11
EHS:wlj:ph

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Convent to h

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

PB

2013 BILL

X

Regen

1 AN ACT to amend 48.685 (5) (br) 3m. of the statutes; relating to: the prohibition
2 against a person who has committed the property crime of armed robbery being
3 permitted to show that he or she has been rehabilitated for purposes of being
4 licensed, certified, or contracted with to provide child care (suggested as
5 remedial legislation by the Department of Children and Families).

Analysis by the Legislative Reference Bureau

Current law prohibits a person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, as defined under current law, from 1) being licensed to operate a child care center; 2) being certified as a child care provider for purposes of reimbursement under the Wisconsin Works Program; or 3) contracting with a school board to provide a child care program (collectively, child care provider). Current law similarly prohibits such a person from being an employee or contractor of a child care provider (caregiver) or from being permitted to reside at a premises where child care is provided (nonclient resident). There is an exception to these prohibitions if the person, caregiver, or nonclient resident shows that he or she has been rehabilitated.

Current law, however, bars a person who has committed certain violent crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being a child care provider, a caregiver, or a nonclient resident and bars a person who has committed certain property crimes, including armed robbery, from showing that he or she has been rehabilitated for purposes of being a child care provider, but not for purposes of being a caregiver or a nonclient resident.

This bill eliminates armed robbery as a property crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being a child care provider, but not for purposes of being a caregiver or a nonclient resident. The bill, however, retains armed robbery as a violent crime for which a person is barred from showing that he or she has been rehabilitated for purposes of being a child care provider, a caregiver, or a nonclient resident.

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 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.

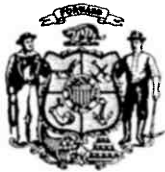
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5 of s. 943.34 (1), 943.395 (1), 943.41 (3) (e), (4) (a), (5), (6), or (6m), 943.45 (1), 943.455
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NOTE: The reference to armed robbery in violation of s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., stats., is redundant insofar as that crime is also referenced in s. 48.685 (5) (br) 3., stats. A review of the drafting record for 2009 Wisconsin Act 76 indicates that a reference to s. 943.32 (2), stats., was already included in s. 48.685 (5) (br) 3., stats., when s. 48.685 (5) (br) 3m., stats., was drafted and that, therefore, the inclusion of the reference to s. 943.32 (2), stats., in s. 48.685 (5) (br) 3m., was done in error.

8

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0489/1
EHS:wlj:jf

2013 BILL

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2 against a person who has committed the property crime of armed robbery being
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BILL

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8

(END)