

2013 DRAFTING REQUEST

Assembly Amendment (AA-SB245)

Received: 1/25/2014 Received By: fknepp
Wanted: As time permits Same as LRB:
For: Eric Genrich (608) 266-0616 By/Representing: Steve
May Contact: Drafter: fknepp
Subject: Education - choice programs Addl. Drafters:
Extra Copies: PJK

Submit via email: YES
Requester's email: Rep.Genrich@legis.wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov
Anna.Henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Create parental choice program penalties

Instructions:

create similar penalties for applications to parental choice programs

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>
/?	fknepp 1/27/2014			_____			
/P1	fknepp 1/28/2014	scalvin 1/28/2014	jfrantze 1/28/2014	_____	sbasford 1/28/2014		
/1	fknepp	scalvin	jfrantze	_____	sbasford	sbasford	

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	2/11/2014	1/28/2014	1/29/2014	_____	1/29/2014	1/29/2014	
/2		scalvin 2/12/2014	jfrantze 2/12/2014	_____	mbarman 2/12/2014	mbarman 2/12/2014	

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		<i>1/2 sac 02/12/2014</i>	<i>1/2 sac 02/12/2014</i>	<i>Jo 2/12</i>			

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/?	fknepp	/p1 sac 01/28/2014	/p1 sac 01/28/2014	<u> </u> Jb/28			

FE Sent For:

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1532 /PI
FFK./:....
SAC RMR

In 1-27
Out 1-29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO SENATE BILL 245

1 At the locations indicated, amend the bill as follows:

2 1. Page 22, line 23: after that line insert:

3 "SECTION 56m. 946.94 of the statutes is created to read:

4 **946.94 Parental choice program fraud** (1) In this section, "parental choice
5 program" means a parental choice program under s. 118.60 or 119.23.

6 (2) Whoever intentionally makes or causes to be made any false statement or
7 representation of material fact in any application to participate in a parental choice
8 program is guilty of a Class A misdemeanor.

9 (3) No person may do any of the following:

10 (a) Having knowledge of an event affecting the person's eligibility to participate
11 in a parental choice program, conceal or fail to disclose that event with an intent to
12 fraudulently participate in a parental choice program.

****NOTE: This could apply to a pupil's or school's eligibility to participate in a parental choice program. Okay?

1 (b) Receive a payment under a parental choice program and use the funding
2 for purposes that are not authorized under the parental choice program.

****NOTE: This would be something that only a private school could violate because the school receives the payment directly from DPI. Is this consistent with your intent?

3 (c) (e) Whoever violates par. (a) or (b) is subject to the following penalties:

4 1. If the value of the payment that is obtained as the result of the violation does
5 not exceed \$300, a Class B forfeiture.

6 2. If the value of the payment that is obtained as the result of the violation is
7 more than \$300 but does not exceed \$1,000, a Class B misdemeanor.

8 3. If the value of the payment that is obtained as the result of the violation is
9 more than \$1,000 but does not exceed \$2,000, a Class A misdemeanor.

10 4. If the value of the payment that is obtained as the result of the violation is
11 more than \$2,000 but does not exceed \$5,000, a Class I felony.

12 5. If the value of the payment that is obtained as the result of the violation is
13 more than \$5,000 but does not exceed \$10,000, a Class H felony.

14 6. If the value of the payment that is obtained as the result of the violation is
15 more than \$10,000, a Class G felony.

****NOTE: The penalties in this draft correspond to the same values that are in SB 245 for public assistance offenses. However, because the annual per pupil payment under a parental choice program in the 2014-15 school year is \$7,210 or \$7,856, depending on the pupil's grade, you may want to consider adjusting the threshold amounts or eliminating some of the lesser categories.

****NOTE: This draft does not include provisions similar to s. 946.93 (4) and (5), which relate to offenses made by a person other than the person making the application to the program. Okay?

16 (4) Whoever makes any statement in a written application to participate in a
17 parental choice program is considered to have made an admission as to the existence,
18 correctness, or validity of any fact stated. Such a statement is prima facie evidence



State of Wisconsin
2013 - 2014 LEGISLATURE

In 1-28-14

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LRBa1532/P1

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AMR

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7 representation of material fact in any application to participate in a parental choice
8 program is guilty of a Class A misdemeanor.

9 (3) No person may do any of the following:

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18 correctness, or validity of any fact stated. Such a statement is prima facie evidence

1 against the person who made it in any complaint, information, or indictment, or in
2 any action brought for enforcement of any provision of this section.”.

3 **2.** Page 23, line 23: after that line insert:

4 “(3) PARENTAL CHOICE PROGRAM FRAUD. The treatment of section 946.94 of the
5 statutes first applies to acts and omissions that occur on the effective date of this
6 subsection.”.

7 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1532/1

FFK:sac:10

In 2-11
out 2-12

Please
update
request sheet

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RMA

**ASSEMBLY AMENDMENT ,
TO SENATE BILL 245**

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(2) Whoever intentionally makes or causes to be made any false statement or representation of material fact in any application to participate in a parental choice program is guilty of a Class A misdemeanor.

(3) No person may do any of the following:

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17 (END)

