



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 213**

May 5, 2005 - Offered by Representative KREIBICH.

1 **AN ACT** *to amend* 48.13 (3), 48.13 (3m) and 48.981 (3) (a) 3.; and *to create* 48.02
2 (1) (g) of the statutes; **relating to:** defining the manufacturing of
3 methamphetamine in the presence of a child as child abuse, requiring the
4 reporting and investigation of such child abuse, and granting the court
5 assigned to exercise jurisdiction under the Children's Code child in need of
6 protection or services jurisdiction over a child who is present during the
7 manufacturing of methamphetamine.

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) has exclusive original jurisdiction over a child who is alleged to be in need of protection or services and who meets certain jurisdictional grounds, including the ground that the child has been the victim of abuse or is at substantial risk of becoming the victim of abuse, and may impose certain dispositions on a child found to be in need of protection or services and the child's family. Current law defines "abuse," in part, as physical injury inflicted on a child by other than accidental means.

Under current law, certain individuals, such as physicians, nurses, social workers, teachers, day care providers, and law enforcement officers having

reasonable cause to suspect that a child seen in the course of professional duties has been abused or having reason to believe that a child seen in the course of professional duties has been threatened with abuse and that abuse will occur must, and any person having reason to suspect that a child has been abused or reason to believe that a child has been threatened with abuse and that abuse will occur may, report that suspected or threatened abuse to the sheriff, local police department, or county department of human services or social services (county department). On receipt of a report, the sheriff or local police department must immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take necessary action to protect the child, and the county department must initiate a diligent investigation to determine if the child is in need of protection or services and, if the child is in need of services, offer to provide those services. If those services are refused, the county department may request the district attorney to file a petition alleging that the child is in need of protection or services (child abuse reporting law).

This substitute amendment expands the definition of "abuse" in the Children's Code to include manufacturing methamphetamine with a child physically present during the manufacture; in a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home; or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child. As such the bill grants to the juvenile court child in need of protection or services jurisdiction over such a child on the grounds that the child has been the victim of abuse or is at substantial risk of becoming the victim of abuse and expands the scope of the child abuse reporting law to require that such a child be reported and investigated under that law.

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

- 1 **SECTION 1.** 48.02 (1) (g) of the statutes is created to read:
- 2 48.02 (1) (g) Manufacturing methamphetamine in violation of s. 961.41 (1) (e)
- 3 under any of the following circumstances:
- 4 1. With a child physically present during the manufacture.
- 5 2. In a child's home, on the premises of a child's home, or in a motor vehicle
- 6 located on the premises of a child's home.
- 7 3. Under any other circumstances in which a reasonable person should have
- 8 known that the manufacture would be seen, smelled, or heard by a child.

1 **SECTION 2.** 48.13 (3) of the statutes is amended to read:

2 48.13 **(3)** Who has been the victim of abuse, as defined in s. 48.02 (1) (a), (b),
3 (c), (d), (e) ~~or~~, (f), or (g), including injury that is self-inflicted or inflicted by another;

4 **SECTION 3.** 48.13 (3m) of the statutes is amended to read:

5 48.13 **(3m)** Who is at substantial risk of becoming the victim of abuse, as
6 defined in s. 48.02 (1) (a), (b), (c), (d), (e) ~~or~~, (f), or (g), including injury that is
7 self-inflicted or inflicted by another, based on reliable and credible information that
8 another child in the home has been the victim of such abuse;

9 **SECTION 4.** 48.981 (3) (a) 3. of the statutes is amended to read:

10 48.981 **(3)** (a) 3. A county department, the department, or a licensed child
11 welfare agency under contract with the department shall within 12 hours, exclusive
12 of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all
13 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported
14 to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am),
15 (g), or (gm), or neglect, each county department, the department, and a licensed child
16 welfare agency under contract with the department shall adopt a written policy
17 specifying the kinds of reports it will routinely report to local law enforcement
18 authorities.

19 **SECTION 5. Initial applicability.**

20 (1) **MANUFACTURING METHAMPHETAMINE WITH CHILD PRESENT.** This act first
21 applies to abuse, as defined in section 48.02 (1) (g) of the statutes, as created by this
22 act, that occurs on the effective date of this subsection.

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(END)