



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1532/2
FFK:sac:jf

**ASSEMBLY AMENDMENT 1,
TO SENATE BILL 245**

February 20, 2014 – Offered by Representatives GOYKE and GENRICH.

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

2 **1.** Page 17, line 25: after that line insert:

3 “**SECTION 49m.** 118.61 of the statutes is created to read:

4 **118.61 Parental choice programs; jurisdiction of the department of**
5 **justice.** The department of justice or the district attorney may institute, manage,
6 control, and direct, in the proper county, any prosecution for violation of criminal
7 laws affecting a parental choice program under s. 118.60 or 119.23, including laws
8 relating to parental choice programs under chapter 946 and laws affecting the
9 health, safety, and welfare of pupils attending private schools under parental choice
10 programs. For this purpose the department of justice shall have and exercise all
11 powers conferred upon district attorneys in such cases. The department of justice
12 or district attorney shall notify the department of any such prosecution of a person
13 holding a license granted by the department.”.

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

2 “**SECTION 56m.** 946.94 of the statutes is created to read:

3 **946.94 Parental choice program fraud. (1)** In this section, “parental choice
4 program” means a parental choice program under s. 118.60 or 119.23.

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

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

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

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

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

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

17 2. If the value of the payment that is obtained as the result of the violation is
18 more than \$10,000, a Class G felony.

19 **(4)** Whoever makes any statement in a written application to participate in a
20 parental choice program is considered to have made an admission as to the existence,
21 correctness, or validity of any fact stated. Such a statement is prima facie evidence
22 against the person who made it in any complaint, information, or indictment, or in
23 any action brought for enforcement of any provision of this section.”.

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

