



2005 ASSEMBLY BILL 826

November 14, 2005 - Introduced by Representatives GRIGSBY, SINICKI, TOLES, FIELDS, LOTHIAN, KRUSICK, SHERIDAN, BIES, BERCEAU, OTT, A. WILLIAMS, TURNER, COLON, STASKUNAS, HINES and MCCORMICK, cosponsored by Senators COGGS, LASSA, TAYLOR, ERPENBACH, PLALE, HANSEN and ROBSON. Referred to Committee on Children and Families.

1 **AN ACT** *to create* 48.659 of the statutes; **relating to:** prohibiting a person
2 responsible for a child's welfare while the child is being transported in a child
3 care vehicle from leaving the child unattended and providing penalties.

Analysis by the Legislative Reference Bureau

Under current Department of Health and Family Services (DHFS) and Department of Workforce Development (DWD) administrative rules, a child may not be left unattended in a vehicle that is used to transport children to or from a day care center that is licensed by DHFS, a day care provider that is certified according to standards adopted by DWD, or a day care program that is established or contracted for by a school board (child care provider).

This bill prohibits a person responsible for a child's welfare while the child is being transported in a child care vehicle, which is defined in the bill as a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider, from leaving the child unattended at any time from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the welfare of the child. Under the bill, any person responsible for a child's welfare while the child is being transported in a child care vehicle who leaves the child unattended in violation of the bill may be fined not more than \$1,000 or imprisoned for not more than one year in the county jail or both or, if death is a consequence, may be fined not more than \$25,000 or imprisoned for not more than ten years or both.

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

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 48.659 of the statutes is created to read:

2 **48.659 Child unattended in child care vehicle. (1) DEFINITIONS.** In this
3 section:

4 (a) “Child care provider” means a day care center that is licensed under s. 48.65
5 (1), a day care provider that is certified under s. 48.651, or a day care program that
6 is established or contracted for under s. 120.13 (14).

7 (b) “Child care vehicle” means a vehicle that is owned or leased by a child care
8 provider or a contractor of a child care provider and that is used to transport children
9 to and from the child care provider.

10 (c) “Person responsible for the child’s welfare” has the meaning given in s.
11 948.01 (3).

12 **(2) NO CHILD LEFT UNATTENDED.** (a) No person responsible for a child’s welfare
13 while the child is being transported in a child care vehicle may leave the child
14 unattended at any time from the time the child is placed in the care of that person
15 to the time the child is placed in the care of another person responsible for the child’s
16 welfare.

17 (b) In addition to the sanctions and penalties specified in s. 48.715, any person
18 who violates par. (a) may be fined not more than \$1,000 or imprisoned for not more

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1 than one year in the county jail or both or, if death is a consequence, may be fined not
2 more than \$25,000 or imprisoned for not more than 10 years or both.

3 (END)