



## 2007 ASSEMBLY BILL 949

March 11, 2008 - Introduced by Representatives KRUSICK, A. WILLIAMS, WOOD and BERCEAU, cosponsored by Senator CARPENTER. Referred to Committee on Children and Family Law.

1     **AN ACT** *to create* 895.440 of the statutes; **relating to:** reporting the results of  
2             a religious organization's investigation of sexual contact with a child and  
3             providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, members of professions who have contact with children, including those who work for nonprofit organizations, generally are required to report suspected child abuse or neglect to certain social services or law enforcement agencies. The social services or law enforcement agency is required to investigate the suspected child abuse or neglect within a specified time.

Under this bill, if after an investigation within a religious organization there is reasonable cause to believe that, before May 1, 2004, and after December 31, 1949, an official, agent, or employee of the organization had sexual contact with a person under the age of 18, the organization must submit a summary of that investigation to the Department of Health and Family Services (DHFS). The bill does not require the submission of the summary if the organization has reported the results of its investigation to a child protective services or law enforcement agency. The bill requires DHFS to make any summary of the religious organization's investigation available to the public, after deleting any information that could be used to identify the victim of the sexual contact.

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

**ASSEMBLY BILL 949****SECTION 1**

1           **SECTION 1.** 895.440 of the statutes is created to read:

2           **895.440 Reports of sexual exploitation. (1) POLICY.** The legislature finds  
3 that, prior to May 1, 2004, members of the clergy and religious organizations were  
4 not required to report sexual abuse of children under s. 48.981. The legislature finds  
5 that, based upon credible information, including the 2004 study of sexual abuse of  
6 minors by Catholic priests and deacons between 1950 and 2002 prepared by the John  
7 Jay College of Criminal Justice, minors were sexually abused by members of the  
8 clergy and that in some cases this abuse was not reported to a law enforcement or  
9 a child protective services agency. Because sexual abuse of a minor is a criminal  
10 offense and is harmful to children, the legislature finds and determines that it is in  
11 the public interest to disclose the names of any person within a religious organization  
12 who the religious organization, after an investigation, had reasonable cause to  
13 believe committed the offense of sexual contact with a child and whose offense was  
14 not reported to a law enforcement or to a child protective services agency.

15           **(2) DEFINITIONS.** In this section:

16           (a) "Department" means the department of health and family services.

17           (b) "Religious organization" has the meaning given in s. 895.442 (1) (b).

18           (c) "Sexual contact" has the meaning given in s. 940.225 (5) (b).

19           **(3) REPORT OF INVESTIGATION.** If, as the result of an investigation within a  
20 religious organization, there is reasonable cause to believe that, before May 1, 2004,  
21 and after December 31, 1949, an official, agent, or employee of the religious  
22 organization had sexual contact with a person who was under the age of 18, the  
23 religious organization shall submit a summary of the investigation, including the  
24 name of, and other identifying information regarding, the person who had the sexual  
25 contact, to the department within 30 days after the investigation is completed or

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1 within 30 days after the effective date of this subsection .... [revisor inserts date],  
2 whichever is later.

3 (4) RELEASE OF REPORT. The department shall make any summary it receives  
4 under sub. (3) available to the public after deleting any information that could be  
5 used to identify the victim of the sexual contact.

6 (5) EXCEPTION. The requirement to submit a summary under sub. (3) does not  
7 apply if the religious organization has reported the results of its investigation to one  
8 of the agencies or departments listed under s. 48.981 (3) (a) 1.

9 (6) PENALTY. Any religious organization that violates sub. (3) shall be subject  
10 to a forfeiture of not more than \$10,000 for each violation.

11 (END)