



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4011/1
EHS:amn&cjs

2019 SENATE BILL 382

August 29, 2019 - Introduced by Senators L. TAYLOR, RISSER and LARSON, cosponsored by Representatives C. TAYLOR, SARGENT, ZAMARRIPA, L. MYERS, VINING, GRUSZYNSKI, STUBBS, BILLINGS, MILROY, SUBECK, SINICKI, POPE, BOWEN, VRUWINK, CROWLEY, OHNSTAD and EMERSON. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT** *to repeal* 48.981 (2) (bm) 3.; and *to amend* 48.981 (2) (bm) 1. and 2. of
2 the statutes; **relating to:** the duty of a member of the clergy to report child
3 abuse.

Analysis by the Legislative Reference Bureau

This bill expands the types of child abuse that a member of the clergy is required to report and eliminates from the reporting requirement the exception for information obtained through confidential communications.

Current law requires a member of the clergy who has reasonable cause to suspect that a child seen in the course of his or her professional duties has been the victim of sexual assault, sexual exploitation, indecent exposure, or sex trafficking; has been caused to view or listen to sexual activity; or has been permitted, allowed, or encouraged to engage in prostitution (collectively, sexual abuse), or that such a child has been threatened with sexual abuse and that sexual abuse will likely occur, to immediately report that suspected or threatened sexual abuse to certain county or state agencies or a law enforcement agency. This bill expands this reporting requirement to include physical abuse, not only sexual abuse. Current law similarly requires a member of the clergy who has reasonable cause to suspect that a member of the clergy has sexually abused a child, or that a member of the clergy has threatened to sexually abuse a child and that sexual abuse of the child will likely occur, to immediately report that suspected or threatened sexual abuse to the appropriate county or state agency or a law enforcement agency. This bill expands this reporting requirement to include physical abuse, not only sexual abuse.

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Current law provides that a member of the clergy is not required to report information relating to suspected or threatened sexual abuse of a child that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and if, under the disciplines, tenets, or traditions of his or her religion, he or she has a duty or is expected to keep those communications secret. The bill eliminates from the reporting requirement the exception for information obtained through confidential communications.

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

1 **SECTION 1.** 48.981 (2) (bm) 1. and 2. of the statutes are amended to read:

2 48.981 (2) (bm) 1. Except as provided in ~~subd. 3.~~ and subs. (2m) and (2r), a
3 member of the clergy shall report as provided in sub. (3) if the member of the clergy
4 has reasonable cause to suspect that a child seen by the member of the clergy in the
5 course of his or her professional duties:

6 a. Has been abused, as defined in s. 48.02 (1) (a) or (b) to (f); or

7 b. Has been threatened with abuse, as defined in s. 48.02 (1) (a) or (b) to (f), and
8 abuse of the child will likely occur.

9 2. Except as provided in ~~subd. 3.~~ and subs. (2m) and (2r), a member of the clergy
10 shall report as provided in sub. (3) if the member of the clergy has reasonable cause,
11 based on observations made or information that he or she receives, to suspect that
12 a member of the clergy has done any of the following:

13 a. Abused a child, as defined in s. 48.02 (1) (a) or (b) to (f).

14 b. Threatened a child with abuse, as defined in s. 48.02 (1) (a) or (b) to (f), and
15 abuse of the child will likely occur.

16 **SECTION 2.** 48.981 (2) (bm) 3. of the statutes is repealed.

17 **SECTION 3. Initial applicability.**

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1 (1) CHILD ABUSE REPORTING BY MEMBER OF THE CLERGY. This act first applies to
2 observations made or information received by a member of the clergy, as defined in
3 s. 48.981 (1) (cx), on the effective date of this subsection.

4 (END)