

1 **AN ACT** *to renumber and amend* 948.21 (1) and 948.53 (2) (b); and *to create* 948.21
2 (1) (b), (c) and (d) and 948.53 (2) (b) 2., 3. and 4. of the statutes; **relating to:** the
3 offenses of neglecting a child and leaving a child unattended in a child care vehicle.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Review of Crimes Against Children.

Under current law, any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of a Class A misdemeanor or, if death is a consequence, a Class D felony.

The draft eliminates the required showing that the neglect was done intentionally. In addition, the draft creates offenses for cases in which bodily harm is a consequence of neglect and in which great bodily harm is a consequence of neglect. Under the draft, the offense involving bodily harm is a Class H felony and the offense involving great bodily harm is a Class F felony.

Also under current law, a person responsible for a child's welfare while the child is being transported in a child care vehicle may not leave 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 child's welfare. A person who violates this provision is guilty of a Class A misdemeanor or, if death is a consequence, a Class G felony.

The draft creates offenses for cases in which bodily harm is a consequence of leaving a child unattended in a child care vehicle and in which great bodily harm is a consequence. Under the draft, the offense involving bodily harm is a Class I felony and the offense involving great bodily harm is a Class H felony.

4 **SECTION 1.** 948.21 (1) of the statutes is renumbered 948.21 (1) (a) and amended to read:

1 948.21 (1) (a) Any person who is responsible for a child's welfare who, through his or
2 her actions or failure to take action, ~~intentionally~~ contributes to the neglect of the child is guilty
3 of a Class A misdemeanor ~~or, if death is a consequence, a Class D felony.~~

NOTE: This SECTION removes the requirement of showing that a person
intentionally neglected a child. The offense for neglect in which death is
a consequence is moved to par. (d), in SECTION 2 of the draft.

4 **SECTION 2.** 948.21 (1) (b), (c) and (d) of the statutes are created to read:

5 948.21 (1) (b) A person who violates par. (a) is guilty of a Class H felony if bodily harm
6 is a consequence.

7 (c) A person who violates par. (a) is guilty of a Class F felony if great bodily harm is
8 a consequence.

9 (d) Any person who violates par. (a) is guilty of a Class D felony if death is a
10 consequence.

NOTE: This SECTION creates offenses for cases in which bodily harm is a
consequence of neglect and in which great bodily harm is a consequence
of neglect. The offense involving bodily harm is a Class H felony and
the offense involving great bodily harm is a Class F felony.

11 **SECTION 3.** 948.53 (2) (b) of the statutes is renumbered 948.53 (2) (b) 1. and amended
12 to read:

13 948.53 (2) (b) 1. Any person who violates par. (a) is guilty of a Class A misdemeanor
14 ~~or, if death is a consequence, a Class G felony.~~

15 **SECTION 4.** 948.53 (2) (b) 2., 3. and 4. of the statutes are created to read:

16 948.53 (2) (b) 2. Any person who violates par. (a) is guilty of a Class I felony if bodily
17 harm is a consequence.

18 3. Any person who violates par. (a) is guilty of a Class H felony if great bodily harm
19 is a consequence.

1 4. Any person who violates par. (a) is guilty of a Class G felony if death is a
2 consequence.

NOTE: SECTIONS 3 and 4 create offenses for cases in which bodily harm is a consequence of leaving a child unattended in a child care vehicle and in which great bodily harm is a consequence. The offense involving bodily harm is a Class I felony and the offense involving great bodily harm is a Class H felony.

COMMENT: The committee did not discuss what the penalty should be for leaving a child unattended in a child care vehicle if bodily harm or great bodily harm is a consequence. Are the penalties set forth in the draft appropriate?

3
(END)