



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 471**

February 24, 2014 - Offered by Senator SHILLING.

1 **AN ACT** *to amend* 48.685 (1) (c) 2., 50.065 (1) (e) 2. and 103.34 (1) (b) 2.; and *to*
2 *repeal and recreate* 948.21 of the statutes; **relating to:** neglect of a child and
3 providing penalties.

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

4 **SECTION 1.** 48.685 (1) (c) 2. of the statutes is amended to read:

5 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19
6 (2), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295,
7 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.051, 948.055, 948.06,
8 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) (2), 948.30,
9 or 948.53.

10 **SECTION 2.** 50.065 (1) (e) 2. of the statutes is amended to read:

11 50.065 (1) (e) 2. For the purposes of an entity that serves persons under the age
12 of 18, "serious crime" includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05,

1 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12,
2 948.13, 948.21 (1) (2), 948.30, or 948.53 or a violation of the law of any other state or
3 United States jurisdiction that would be a violation of s. 948.02 (2), 948.03 (2) (b) or
4 (c), 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11 (2) (a) or (am),
5 948.12, 948.13, 948.21 (1) (2), 948.30, or 948.53 if committed in this state.

6 **SECTION 3.** 103.34 (1) (b) 2. of the statutes is amended to read:

7 103.34 (1) (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07,
8 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3),
9 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03,
10 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, 944.33 (2), 944.34, 946.10, 948.02 (1)
11 or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07,
12 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) (2), or
13 948.30 or of a substantially similar federal law or law of another state.

14 **SECTION 4.** 948.21 of the statutes is repealed and recreated to read:

15 **948.21 Neglecting a child. (1) DEFINITIONS.** In this section:

16 (a) “Child sex offense” means an offense under s. 948.02, 948.025, 948.05,
17 948.051, 948.055, 948.06, 948.07, 948.10, 948.11, or 948.12.

18 (am) “Contributes to the neglect” includes the act of contributing to neglect
19 even if the child does not actually suffer from neglect if the natural and probable
20 consequences of the act or failure to act would be that the child suffers from neglect.

21 (ar) “Course of conduct” means a pattern of conduct composed of a series of
22 actions or inactions over a period of time, however short.

23 (b) “Emotional damage” has the meaning given in s. 48.02 (5j).

24 (c) “Necessary care” means the care that is critical to a child’s physical or
25 emotional health, safety, welfare, or development, based on all of the facts and

1 circumstances, such as the child's age, physical or emotional condition, and any
2 special needs of the child. "Necessary care" includes any of the following:

- 3 1. Appropriate food.
- 4 2. Appropriate clothing.
- 5 3. Appropriate medical care.
- 6 4. Appropriate dental care.
- 7 5. The opportunity for education.
- 8 6. Appropriate shelter.
- 9 7. Appropriate supervision.

10 8. The protection from the exposure to the distribution, manufacture, or use of
11 controlled substances, as defined in s. 961.01 (4).

12 (d) "Neglect" means to fail, for reasons other than poverty, to provide a child
13 necessary care as provided in par. (c) 1. to 7., or to fail to provide a child necessary
14 care as provided in par. (c) 8.

15 **(2) NEGLECT.** Any person who is responsible for a child's welfare who neglects,
16 or contributes to the neglect of, the child for whom he or she is responsible is guilty
17 of the following:

18 (a) A Class D felony if the child suffers death as a consequence.

19 (b) A Class E felony if the person engages in a course of conduct that the person
20 knows or should know creates an unreasonable and substantial risk of death.

21 (c) A Class F felony if any of the following applies:

- 22 1. The child suffers great bodily harm as a consequence.
- 23 2. The child becomes a victim of a child sex offense as a consequence.

24 (d) A Class G felony if any of the following applies:

