



State of Wisconsin
2017 - 2018 LEGISLATURE

March 2018 Special Session

LRBs0426/1
TJD&EHS:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 3**

March 21, 2018 - Offered by Representative RODRIGUEZ.

1 **AN ACT** *to amend* 51.17 (2), 118.07 (5), 118.126 (1) (c), 118.126 (2), 904.085 (4)
2 (d), 905.045 (4) and 905.06 (4); and *to create* 146.816 (2) (b) 5., 175.32 and
3 905.04 (4) (em) of the statutes; **relating to:** mandatory reporting of threats of
4 violence in a school and providing a criminal penalty.

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

5 **SECTION 1.** 51.17 (2) of the statutes, as created by 2017 Wisconsin Act 140, is
6 amended to read:

7 51.17 (2) AUTHORIZATION. Any health care provider, as permitted by s. 146.816
8 (2) (b) 4. or 5., and any law enforcement officer may make a disclosure of information
9 evidencing that an individual poses a substantial probability of serious bodily harm
10 to any other person in a good faith effort to prevent or lessen a serious and imminent
11 threat to the health or safety of a person or the public.

1 **SECTION 2.** 118.07 (5) of the statutes is amended to read:

2 118.07 (5) Each school board shall require every employee of the school district
3 governed by the school board to receive training provided by the department in
4 identifying children who have been abused or neglected ~~and~~, in the laws and
5 procedures under s. 48.981 governing the reporting of suspected or threatened child
6 abuse and neglect, and in the laws under s. 175.32 governing the reporting of a threat
7 of violence. A school district employee shall receive that training within the first 6
8 months after commencing employment with the school district and at least once
9 every 5 years after that initial training.

10 **SECTION 3.** 118.126 (1) (c) of the statutes is amended to read:

11 118.126 (1) (c) The information is required to be reported under s. 48.981 or
12 175.32.

13 **SECTION 4.** 118.126 (2) of the statutes is amended to read:

14 118.126 (2) A school psychologist, counselor, social worker, or nurse, or any
15 teacher or administrator designated by the school board who engages in alcohol or
16 drug abuse program activities, who in good faith discloses or fails to disclose
17 information under sub. (1) is immune from civil liability for such acts or omissions.
18 This subsection does not apply to information required to be reported under s. 48.981
19 or 175.32.

20 **SECTION 5.** 146.816 (2) (b) 5. of the statutes is created to read:

21 146.816 (2) (b) 5. For purposes of disclosing under s. 175.32 any threat made
22 by a patient regarding violence in or targeted at a school in a good faith effort to
23 prevent or lessen a serious and imminent threat to the health or safety of a student
24 or school employee or the public.

25 **SECTION 6.** 175.32 of the statutes is created to read:

1 **175.32 School violence. (1)** In this section:

2 (a) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b) and
3 includes a tribal law enforcement agency, as defined in s. 165.83 (1) (e).

4 (b) “Member of the clergy” has the meaning given in s. 48.981 (1) (cx).

5 (c) “School” means a public, private, or tribal elementary or secondary school.

6 **(2)** (a) Any person listed under s. 48.981 (2) (a) shall report as provided in sub.
7 (3) if the person believes in good faith, based on a threat made by an individual seen
8 in the course of professional duties regarding violence in or targeted at a school, that
9 there is a serious and imminent threat to the health or safety of a student or school
10 employee or the public.

11 (b) A court-appointed special advocate under s. 48.236 shall report as provided
12 under sub. (3) if he or she believes in good faith, based on a threat made by a child
13 seen in the course of activities under s. 48.236 (3) regarding violence in or targeted
14 at a school, that there is a serious and imminent threat to the health or safety of a
15 student or school employee or the public.

16 (c) 1. Except as provided in subd. 2., a member of the clergy shall report as
17 provided in sub. (3) if the member of the clergy believes in good faith, based on a
18 threat of violence made by an individual seen in the course of professional duties,
19 that there is a serious and imminent threat to the health or safety of a person or the
20 public.

21 2. A member of the clergy is not required to report a threat of violence that he
22 or she receives solely through confidential communications made to him or her
23 privately or in a confessional setting if he or she is authorized to hear or is
24 accustomed to hearing such communications and, under the disciplines, tenets, or
25 traditions of his or her religion, has a duty or is expected to keep those

1 communications secret. Those disciplines, tenets, or traditions need not be in
2 writing.

3 (3) A person required to report under sub. (2) shall immediately inform, by
4 telephone or personally, a law enforcement agency of the facts and circumstances
5 contributing to the belief that there is a serious and imminent threat to the health
6 or safety of a student or school employee or the public.

7 (4) Any person or institution participating in good faith in the making of a
8 report under this section shall have immunity from any liability, civil or criminal,
9 that results by reason of the action. Any health care provider, as defined in s. 146.81
10 (1), who believes in good faith and in his or her professional judgment that a report
11 is not required under this section shall have immunity from any civil liability or
12 criminal penalty for not making such a report. For the purpose of any proceeding,
13 civil or criminal, the good faith of any person reporting under this section shall be
14 presumed.

15 (5) Whoever intentionally violates this section by failure to report as required
16 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

17 **SECTION 7.** 904.085 (4) (d) of the statutes is amended to read:

18 904.085 (4) (d) A mediator reporting child or unborn child abuse under s.
19 48.981, reporting a threat of violence in or targeted at a school under s. 175.32, or
20 reporting nonidentifying information for statistical, research, or educational
21 purposes does not violate this section.

22 **SECTION 8.** 905.04 (4) (em) of the statutes is created to read:

23 905.04 (4) (em) *School violence.* There is no privilege for information contained
24 in a report of a threat of violence in or targeted at a school that is provided under s.
25 175.32 (3).

