



## 1995 ASSEMBLY BILL 222

March 17, 1995 - Introduced by Representatives BRANDEMUEHL, GOETSCH, RILEY, OWENS, HOVEN, NASS, DUFF, DOBYNS, WASSERMAN, AINSWORTH, WIRCH, SCHNEIDERS, GROTHMAN, KREIBICH, SILBAUGH, F. LASEE, KAUFERT, LADWIG, ZIEGELBAUER, GARD, HAHN, MUSSER, GUNDERSON, LEHMAN, OTTE, KLUSMAN, WARD, SERATTI, UNDERHEIM, FREESE, HASENOHRL, VRAKAS, HUEBSCH, SKINDRUD, OLSEN, HUTCHISON, JOHNSRUD, SPRINGER and OTT, cosponsored by Senators A. LASEE, DRZEWIECKI, PETAK, FARROW, CLAUSING, ROSENZWEIG, BUETTNER, COWLES, ANDREA, DARLING, WEEDEN, BRESKE, LEEAN, PANZER and SCHULTZ. Referred to Committee on Children and Families.

1 **AN ACT to create** 48.415 (9) of the statutes; **relating to:** termination of parental  
2 rights over a child conceived as a result of sexual assault.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person's parental rights over a child may be terminated involuntarily on the grounds of abandonment, continuing need of the child for protection or services, continuing parental disability, continuing denial of periods of physical placement, child abuse, failure to assume parental responsibility, incestuous parenthood and intentional homicide of the child's other parent.

This bill adds as a ground for involuntary termination of parental rights parenthood as a result of sexual assault, which may be established by a showing that the child was conceived as a result of sexual assault and that the person whose parental rights are sought to be terminated has been convicted of that sexual assault.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 48.415 (9) of the statutes is created to read:  
4 48.415 (9) PARENTHOOD AS A RESULT OF SEXUAL ASSAULT. Parenthood as a result  
5 of sexual assault may be established by a showing that the child was conceived as  
6 a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2)

1 or 948.025 and that the person whose parental rights are sought to be terminated has  
2 been convicted of that sexual assault.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to petitions for termination of parental rights under  
5 section 48.42 (1) of the statutes filed on the effective date of this subsection, but does  
6 not preclude consideration of a conviction under section 940.225 (1), (2) or (3), 948.02  
7 (1) or (2) or 948.025 of the statutes obtained before the effective date of this  
8 subsection in determining whether to terminate, or to find grounds to terminate, the  
9 parental rights of a person under section 48.415 (9) of the statutes, as created by this  
10 act.

11 (END)