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State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 390

September 23, 2013 - Introduced by Representatives Kestell, Bies, Born, Johnson, T. Larson, Pridemore and Ripp, cosponsored by Senators Leibham, L. Taylor, Gudex and Vukmir. Referred to Committee on Education.

- 1 AN ACT to create 118.315 of the statutes; relating to: parental notification for
- 2 questioning pupils about criminal activity.

Analysis by the Legislative Reference Bureau

This bill prohibits an official, employee, or agent of a public, private, or charter school from questioning a pupil attending the school about criminal activity without notifying the pupil's parent unless the official, employee, or agent suspects that the pupil is being abused or is the victim of certain specified crimes and the questioning relates to the suspected abuse or crime.

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

- **Section 1.** 118.315 of the statutes is created to read:
- 118.315 Questioning pupils about criminal activity. (1) Except as provided in sub. (2), an official, employee, or agent of a public, private, or charter school may not question a pupil attending the school about a suspected or alleged violation of any state or federal criminal law without first notifying the pupil's parent or guardian.

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- (2) An official, employee, or agent of a public, private, or charter school may question a pupil attending the school about a request or observation described in pars. (a) to (c) without notifying the pupil's parent or guardian if the official, employee, or agent reasonably suspects that the pupil is the victim of child abuse, as defined under s. 813.122 (1) (a), or of a crime under ss. 948.02 to 948.11, and any of the following applies:
- (a) The official, employee, or agent received a request from the pupil to investigate the suspected child abuse or crime.
- (b) The official, employee, or agent observed an injury that suggests that the pupil is the victim of child abuse or a crime under ss. 948.02 to 948.11.
- (c) The official, employee, or agent observed a parent or guardian of the pupil abuse the pupil.

SECTION 2. Effective date.

(1) This act takes effect on the 60th day after the day of publication.

15 (END)