



2023 SENATE BILL 749

December 8, 2023 - Introduced by Senators TOMCZYK and JAMES, cosponsored by Representatives BINSFELD, STUBBS, BEHNKE, BODDEN, DITTRICH, DONOVAN, DUCHOW, GUNDRUM, HURD, MELOTIK, MURPHY, MURSAU, O'CONNOR, SINICKI and STEFFEN. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT** *to create* 948.47 of the statutes; **relating to:** harboring or transporting
2 a child runaway without the consent of the child's parent or guardian and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a licensed foster home, group home, or shelter may provide housing or services to a child runaway if both the child and his or her parent or guardian consent to the provision of housing or services. Under current law, if the parent or guardian does not consent to housing or services, the foster home, group home, or shelter must notify the agency responsible for providing child welfare services of the child's presence in the home or shelter within 12 hours of the child's arrival at the home or shelter. After such notification, a hearing is held to determine whether the child must be returned to the parent or guardian or permitted to stay at the foster home, group home, or shelter for up to 20 days. A child runaway may not remain at a foster home, group home, or shelter for longer than 20 days unless the state files a petition alleging that the child is in need of protection or services. Current law does not provide for a person who is not licensed as a foster parent or as a group home or shelter service provider to house a child runaway.

This bill imposes a criminal penalty on any person who receives a child runaway into his or her living quarters if 1) the person knows or reasonably should know that the child is a child runaway when the child arrives in the living quarters and the person fails to notify the police or child welfare agency of the child's presence or whereabouts immediately after the child arrives; or 2) the person discovers or

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reasonably should have discovered that the child is a child runaway after the child has arrived in the living quarters and the person fails to notify the police or child welfare agency of the child's presence or whereabouts immediately after the person makes the discovery or reasonably should have made the discovery. The bill also imposes a criminal penalty on any person who knowingly transports a child runaway with intent to avoid apprehension. The bill defines a "child runaway" as a child who is absent from the home of his or her parent or guardian without the consent of the parent or guardian and who does not intend to return to that home.

The bill makes harboring or transporting a child runaway a Class A misdemeanor for a first offense, a Class I felony for a second offense, or a Class H felony for a third or subsequent offense. A Class A misdemeanor is punishable by imprisonment for up to nine months or a fine of up to \$10,000, or both. A Class I felony is punishable by imprisonment for up to three years and six months or a fine of up to \$10,000, or both. And a Class H felony is punishable by imprisonment for up to six years or a fine of up to \$10,000, or both. Under the bill, the criminal prohibition on harboring or transporting a child runaway does not apply to a licensed foster home, group home, or shelter that provides housing or services to a child runaway.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 948.47 of the statutes is created to read:

2 **948.47 Harboring or transporting a runaway child.** (1) In this section:

3 (a) "Appropriate county department" means a county department under s.
4 46.22 or 46.23 or, in a county having a population of 750,000 or more, the department
5 of children and families.

6 (b) "Child runaway" means a child who is absent from the home of his or her
7 parent or guardian without the consent of the parent or guardian and who does not
8 intend to return to that home.

9 (2) Whoever receives a child runaway into his or her living quarters is guilty
10 of a Class A misdemeanor for a first offense, a Class I felony for a 2nd offense, or a
11 Class H felony for a 3rd or subsequent offense, if any of the following applies:

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1 (a) If the person knows or reasonably should know that the child is a child
2 runaway when the child arrives in the living quarters, the person fails to notify the
3 police or the appropriate county department of the child's presence immediately after
4 the child arrives.

5 (b) If the person discovers or reasonably should have discovered that the child
6 is a child runaway after the child has arrived in the living quarters, the person fails
7 to notify the police or the appropriate county department of the child's presence
8 immediately after the person makes the discovery or reasonably should have made
9 the discovery.

10 (3) Whoever knowingly transports a child runaway with the intent to avoid
11 apprehension is guilty of a Class A misdemeanor for a first offense, a Class I felony
12 for a 2nd offense, or a Class H felony for a 3rd or subsequent offense.

13 (4) This section does not apply to a person who operates a home that provides
14 housing and services to a child runaway under s. 48.227.

15 (END)