



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0427/1  
TJD&EHS:all

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1030**

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A member of the clergy is not required to report a threat of violence that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or 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).

**SECTION 9.** 905.045 (4) of the statutes is amended to read:

905.045 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child abuse that a victim advocate is required to make under s. 48.981 or concerning a threat of violence in or targeted at a school that a victim advocate is required to make under s. 175.32.

**SECTION 10.** 905.06 (4) of the statutes is amended to read:

905.06 (4) EXCEPTIONS. There is no privilege under this section concerning observations or information that a member of the clergy, as defined in s. 48.981 (1) (cx), is required to report as suspected or threatened child abuse under s. 48.981 (2) (bm) or as a threat of violence in or targeted at a school under s. 175.32.

**(END)**