



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0113/1  
FFK:jld:rs

## 2015 ASSEMBLY BILL 69

March 5, 2015 - Introduced by Representatives GENRICH, GOYKE, POPE, BERCEAU, BILLINGS, BOWEN, DANOU, HINTZ, KAHL, KESSLER, KOLSTE, MASON, RIEMER, SINICKI, SUBECK, C. TAYLOR and WACHS, cosponsored by Senators LASSA, CARPENTER, HANSEN, HARRIS DODD, C. LARSON, VINEHOUT and WIRCH. Referred to Committee on Education.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

- 1 **AN ACT to create** 118.60 (10m), 119.23 (10m) and 946.94 of the statutes; **relating**  
2 **to:** fraud in parental choice programs and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill subjects certain acts and omissions related to a Parental Choice Program (PCP) to criminal penalties. Under the bill, intentionally making a false statement or representation in an application to participate in a PCP is a Class A misdemeanor. The bill makes concealing or failing to disclose an event with an intent to fraudulently participate in a PCP or using a payment received under a PCP for an unauthorized purpose either a Class G or Class H felony, depending on the payment a person received under the PCP. Additionally, under the bill, a statement in a written application for a PCP is considered to be an admission of the existence, correctness, or validity of the statement. Finally, this bill authorizes the Department of Justice or a district attorney to prosecute violations of criminal laws affecting a PCP, including laws affecting the health, safety, and welfare of pupils attending a private school participating in a PCP.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

**ASSEMBLY BILL 69****SECTION 1**

1           **SECTION 1.** 118.60 (10m) of the statutes is created to read:

2           118.60 **(10m)** The department of justice or the district attorney may institute,  
3 manage, control, and direct, in the proper county, any prosecution for violation of  
4 criminal laws affecting a parental choice program under this section, including laws  
5 relating to parental choice programs under ch. 946 and laws affecting the health,  
6 safety, and welfare of pupils attending private schools under parental choice  
7 programs. For this purpose the department of justice shall have and exercise all  
8 powers conferred upon district attorneys in such cases. The department of justice  
9 or district attorney shall notify the department of public instruction of any such  
10 prosecution of a person holding a license granted by the department of public  
11 instruction.

12           **SECTION 2.** 119.23 (10m) of the statutes is created to read:

13           119.23 **(10m)** The department of justice or the district attorney may institute,  
14 manage, control, and direct, in the proper county, any prosecution for violation of  
15 criminal laws affecting a parental choice program under this section, including laws  
16 relating to parental choice programs under ch. 946 and laws affecting the health,  
17 safety, and welfare of pupils attending private schools under parental choice  
18 programs. For this purpose the department of justice shall have and exercise all  
19 powers conferred upon district attorneys in such cases. The department of justice  
20 or district attorney shall notify the department of public instruction of any such  
21 prosecution of a person holding a license granted by the department of public  
22 instruction.

23           **SECTION 3.** 946.94 of the statutes is created to read:

24           **946.94 Parental choice program fraud. (1)** In this section, “parental choice  
25 program” means a parental choice program under s. 118.60 or 119.23.

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1           (2) Whoever intentionally makes or causes to be made any false statement or  
2 representation of material fact in any application to participate in a parental choice  
3 program is guilty of a Class A misdemeanor.

4           (3) No person may do any of the following:

5           (a) Having knowledge of an event affecting the person's eligibility to participate  
6 in a parental choice program, conceal or fail to disclose that event with an intent to  
7 fraudulently participate in a parental choice program.

8           (b) Receive a payment under a parental choice program and use the funding  
9 for purposes that are not authorized under the parental choice program.

10          (c) Whoever violates par. (a) or (b) is subject to the following penalties:

11           1. If the value of the payment that is obtained as the result of the violation is  
12 more than \$5,000 but does not exceed \$10,000, a Class H felony.

13           2. If the value of the payment that is obtained as the result of the violation is  
14 more than \$10,000, a Class G felony.

15          (4) Whoever makes any statement in a written application to participate in a  
16 parental choice program is considered to have made an admission as to the existence,  
17 correctness, or validity of any fact stated. Such a statement is prima facie evidence  
18 against the person who made it in any complaint, information, or indictment, or in  
19 any action brought for enforcement of any provision of this section.

20           **SECTION 4. Initial applicability.**

21          (1) PARENTAL CHOICE PROGRAM FRAUD. The treatment of section 946.94 of the  
22 statutes first applies to acts and omissions that occur on the effective date of this  
23 subsection.

24                           (END)