

Updated Caregiver Background Checks
Child Care Crimes Table
(Based on 2009 revision to s. 48.685 Wis. Stats)

Note: The legislature modified the Caregiver Background check section of the Wisconsin Statutes as it applies to child care providers in early November 2009. The resulting law (2009 Wisconsin Act 76) was signed by the Governor on Nov 13, 2009, published on Nov 25 and took effect on February 1, 2010.

Note: Any comparable offense or conviction under federal or another state's law has the same categorization as crimes and offenses included on this list.

Statute	Offense	Categorization prior to 2/1/10	Categorization after 2/1/10
125.075 (1)	Dispensing alcohol to a person under age 18 resulting in injury or death	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
125.085 (3) (a) 2.	Make, alter, duplicate ID for money or compensation	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
125.105 (2) (b)	Impersonate or abet impersonation of an inspector, agent or employee of Dept of Revenue or Justice	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
125.66 (3)	Make or rectify intoxicating beverage without a permit	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
125.68 (12)	Recover, use, conceal or dispose of alcohol from denatured alcohol	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
346.63 (1), (2), (5) or (6)	Operating or causing injury by intoxicated use of a motor vehicle (Felony conviction only)	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.01	1 st degree intentional homicide	Bar with rehabilitation	Permanent Bar
940.02	1 st degree reckless homicide	Bar with rehabilitation	Permanent Bar
940.03	Felony Murder	Bar with rehabilitation	Permanent Bar
940.05	2 nd degree intentional homicide	Bar with rehabilitation	Permanent Bar
940.06	2 nd degree reckless homicide	Not on list	Permanent Bar
940.09	Homicide by intoxicated use of vehicle or firearm	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.12	Assisting suicide	Bar with rehabilitation	Bar with Rehabilitation
940.19 (2) – (6)	Battery (Felony conviction only) if victim is the spouse of the person convicted	Not on list	Permanent Bar
940.19 (2), (4), (5) (6)	Substantial or Aggravated Battery (Felony conviction only)	Bar with rehabilitation	Bar for 5 years after completion of probation, parole, or extended supervision.
940.20 (1) or (1m)	Battery, if the victim is the spouse of the person convicted	Not on list	Permanent Bar
940.20	Battery: special circumstance	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.203	Battery or threat to a judge	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.205	Battery or threat to a Dept. of Revenue employee	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.

Statute	Offense	Categorization prior to 2/1/10	Categorization after 2/1/10
940.207	Battery or threat to Commerce or Workforce Development employee	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.21	Mayhem	Not on list	Permanent Bar
940.22 (2) or (3)	Sexual exploitation by therapist; duty to report	Bar with rehabilitation	Bar with rehabilitation
940.225 (1), (2) or (3)	1 st , 2 nd , 3 rd degree sexual assault	Bar with rehabilitation	Permanent Bar
940.23	Reckless Injury	Not on list	Permanent Bar
940.25	Injury by intoxicated use of a vehicle	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
940.285 (2)	Abuse of vulnerable adults (Misdemeanor or Felony conviction)	Bar with rehabilitation	Bar with rehabilitation
940.29	Abuse of residents of a penal facility	Bar with rehabilitation	Bar with rehabilitation
940.295	Abuse or neglect of patients & resident (Misdemeanor or Felony conviction)	Bar with rehabilitation	Bar with rehabilitation
940.302 (2) if s. 940.302 (2)(a) 1.b. applies	Trafficking for a commercial sex act	Not on list	Bar with rehabilitation
940.305	Taking hostages	Not on list	Permanent Bar
940.31	Kidnapping	Not on list	Permanent Bar
941.20 (2) or (3)	Endangering safety with use of a dangerous weapon	Not on list	Permanent Bar
941.21	Disarming a peace officer	Not on list	Permanent Bar
942.09 (2)	Representations depicting nudity (Felony conviction only)	Not on list	Bar with rehabilitation
943.10 (2)	Armed burglary or burglary with battery	Not on list	Permanent Bar
943.201	Identity Theft	Not on list	Permanent Bar for licensee or certified provider only
943.203	Theft of an entity's identity	Not on list	Permanent Bar for licensee or certified provider only
943.23 (1g)	Operating a motor vehicle without the owner's consent while possessing a dangerous weapon	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
943.32 (2)	Robbery with a dangerous weapon	Not on list	Permanent Bar
943.34 (1)	Receiving stolen property (financial transaction card) (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.38 (1) or (2)	Forgery (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.395 (1)	Fraudulent insurance or employee benefit program claim (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.41 (3) (e), (4) (a), (5), (6) or (6m)	Financial transaction card crime – fraudulent use of a financial transaction card (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only

Statute	Offense	Categorization prior to 2/1/10	Categorization after 2/1/10
943.45 (1)	Theft of telecommunications service (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.455 (2)	Theft of commercial mobile service (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.46 (2)	Theft of video service (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.47 (2)	Theft of satellite cable programming (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.50 (1m)	Retail theft (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
943.70 (2) (a) or (am) or (3) (a)	Computer crime (Felony conviction only)	Not on list	Permanent Bar for licensee or certified provider only
Any offense under s. 943.80 to 943.92 Stats.	An Offense under subch. IV of s. 943 Wis. Stats. (crimes against a financial institution) that is a felony	Not on list	Permanent Bar for licensee or certified provider only
948.22 (2)	Failure to support	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision unless the person has paid all arrearages due and is meeting his or her current support obligation
948.51 (2)	Hazing if it results in great bodily injury or death (Felony conviction only under 948.51 (3) (b) or (c))	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
Any offense under s. 948 Stats	An Offense under s. 948 Wis. Stats. (crimes against children) that is a felony except for 948.22 (2) or 948.51 (2)	Not on list	Permanent Bar
Any offense under s. 961 Stats. (or s. 161 Stats.)	An Offense under s. 961 Wis. Stats. (uniform controlled substances act) that is a felony	Not on list	Bar for 5 years after completion of probation, parole, or extended supervision.
Other Offenses	Finding by a governmental agency of neglect or abuse of a client, or of misappropriation of a client's property	Bar with rehabilitation	Bar with rehabilitation
Other Offenses	Find by a governmental agency of child abuse or neglect	Bar with rehabilitation	Bar with rehabilitation
Other Offense	Providing false information to or intentionally withholding information related to the caregiver background check from DCF, a county, contracted agency or a school board or other agency.	Not on list	Permanent Bar
Other Offense	Fraudulent activity as a participant in Wisconsin Works Program including as a recipient of child care subsidy or AFDC, Medical assistance, food stamp benefits, SSI, Badger Care	Not on list	Permanent Bar