

👉 **13hr\_AC-Co\_ab0387\_pt04**



👉 **10/03/2013 Public Hearing**

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2013-14**

(session year)

**Assembly**

(Assembly, Senate, or Joint)

**Committee on ...  
Corrections  
(AC-Co)**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (December/2014)

**Report 08-3  
February 2008**

A Review

# **17-Year-Old Offenders in the Adult Criminal Justice System**

*Department of Corrections*

## **2007-2008 Joint Legislative Audit Committee Members**

Senate Members:

Jim Sullivan, Co-chairperson  
Julie Lassa  
Mark Miller  
Alan Lasee  
Robert Cowles

Assembly Members:

Suzanne Jeskewitz, Co-chairperson  
Samantha Kerkman  
Kitty Rhoades  
David Cullen  
Joe Parisi

Table 37

**Recidivism Rates After Incarceration**  
2002 and 2003 Releases

Age Group <sup>1</sup>	2002			2003		
	Releases in 2002	Subsequent Incarceration	Percentage of 2002 Releases	Releases in 2003	Subsequent Incarceration	Percentage of 2003 Releases
Juvenile Offenders (2 Years)	757	138	18.2%	672	93	13.8%
Juvenile Offenders (4 Years)	757	201	26.6	672	n/a	n/a
17-Year-Old Offenders (3 Years) <sup>2</sup>	106	51	48.1	83	32	38.6
Adult Offenders (3 Years) <sup>2</sup>	695	148	21.3	812	130	16.0

<sup>1</sup> Based on age at time of initial offense. For juvenile offenders, all initial releases are from juvenile institutions and subsequent incarcerations may be in juvenile institutions or prison. For 17-year-old and adult offenders, all releases and subsequent incarcerations are prison.

<sup>2</sup> Offenders with no prior prison or probation placements.

**Recidivism of Offenders on Probation**

**36.9 percent of 17-year-old offenders placed on probation in 2002 were convicted of new offenses within 3 years.**

For offenders on probation, DOC defines recidivism as a new offense that is committed within three years of placement on probation and results in an additional correctional placement, including probation or prison. As shown in Table 38, 36.9 percent of 17-year-old offenders placed on probation in 2002, and 34.9 percent of 17-year-old offenders placed on probation in 2003, were convicted of new offenses that resulted in additional correctional placements within three years. DOC does not distinguish between new probation placements and new prison sentences for offenders initially placed on probation.

A Review:

## 17-Year-Old Offenders in the Adult Criminal Justice System

Department of Corrections

February 2008

# Report Highlights ■

---

***Since 1996, 17-year-olds have been subject to adult criminal court jurisdiction.***

***17-year-olds were most often charged with property crimes, such as theft and burglary.***

***More than three-quarters of 17-year-olds sentenced in felony cases were placed on probation.***

***17-year-olds were more likely to re-offend than juveniles or older adults.***

***Proposals to return 17-year-olds to juvenile court jurisdiction would have significant programmatic and fiscal effects.***

Under the provisions of 1995 Wisconsin Act 27, 17-year-olds alleged to have violated criminal law are subject to prosecution as adults, and juveniles under the age of 17 can be tried as adults when they are alleged to have committed certain serious crimes. Before the law's enactment, 17-year-olds were subject to juvenile court jurisdiction. From 2002 through 2006, 32,638 criminal cases were filed against individuals who were 17 at the time of their alleged offense. During this period, 585 individuals admitted to prison and 10,632 placed on probation were 17 when they committed crimes.

Concerns have been raised that the effects of adult jurisdiction over 17-year-olds are not well understood. Therefore, at the request of the Joint Legislative Audit Committee, we analyzed:

- arrests of 17-year-olds, including the offenses for which they were arrested and how arrest rates vary by age;
- the number and types of adult criminal court cases involving defendants who were 17 at the time of their alleged offense and the types and lengths of sentences they received;
- prison admissions and probation placements of 17-year-old offenders, as well as the services and programming available to them through the Department of Corrections (DOC) and in selected county jails;
- rates of recidivism and probation revocation among 17-year-old offenders; and
- possible cost implications for the State and counties of any change in jurisdiction for 17-year-olds.

## Key Facts and Findings

*An average of 29,626 arrests of 17-year-olds were made in each year from 2001 through 2005.*

*In 2006, 6,557 cases against 17-year-olds were filed in criminal court.*

*17-year-olds accounted for less than 5.0 percent of jail bookings.*

*From 2002 through 2006, 585 17-year-old offenders were admitted to prison and 10,632 were placed on probation.*

*Fewer than one-half of 17-year-old offenders successfully completed probation.*

*County expenditures for juvenile corrections could increase \$53.5 million if 17-year-olds return to juvenile court jurisdiction.*

## Arrests

From 2001 through 2005, an average of 29,626 17-year-olds were arrested each year. During this period, 17-year-olds were 1.5 percent of Wisconsin's total population but accounted for 6.7 percent of arrests.

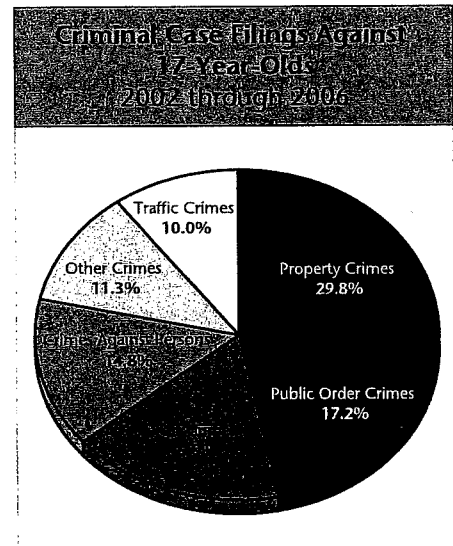
Arrest rates for 17-year-olds were similar to those for 16-, 18-, and 19-year-olds. They were significantly higher than those for persons 21 and older.

The crimes for which 17-year-olds were arrested varied. Status offenses in which the individual's age is a factor, such as curfew violations or underage drinking, accounted for more than one-quarter of arrests. Crimes against persons, primarily assaults, accounted for 5.0 percent.

## Court Proceedings

District attorneys have several options for handling cases after an arrest has been made. They may decline prosecution, refer the case to a deferred prosecution or diversion program, or prosecute the case by filing charges in circuit court.

We reviewed data from 2002 through 2006 for criminal cases filed in circuit court against individuals who were 17 at the time of their alleged offense. During this period, 17-year-olds were most commonly charged with property crimes,



such as theft and burglary, which accounted for 29.8 percent of cases filed.

In approximately two-thirds of the cases filed against 17-year-olds in 2006, the most serious charge was a misdemeanor. Approximately one-third of cases included felony charges.

We also reviewed Wisconsin Sentencing Commission data on sentencing in cases that were filed as felonies. Seventeen-year-old offenders were generally more likely to be placed on probation and less likely to receive prison sentences than older offenders.

The average term of probation for 17-year-old offenders was 2.8 years, and the average prison sentence was 3.6 years. The percentage of 17-year-old offenders sent to prison

varied by county, by gender, and by race/ethnicity. For example, 21.3 percent of African-American offenders and 19.4 percent of Hispanic/Latino offenders who were convicted in felony cases were sentenced to prison, compared to 4.2 percent of white offenders.

## County Jails

There are no statewide data on the number of 17-year-olds held in jail, but 17-year-olds accounted for a relatively small percentage of all bookings in five counties we visited.

17-year-olds were most often booked into jail for public order offenses, such as disorderly conduct. Property crimes such as theft and criminal damage to property were the second-most-frequent reason for booking.

Most 17-year-olds were jailed for less than one week, but a small number were jailed for one year or more. Educational services were typically provided in the five counties we visited, but rehabilitation programs available to 17-year-olds were minimal.

## Adult Correctional System

From 2002 through 2006, 11,217 individuals who were 17 at the time of their offense first entered the adult correctional system. As noted, 10,632 were placed on probation and 585 were admitted to prison.

Milwaukee County was the convicting county for 379 of the prison admissions, or 64.8 percent.

Most 17-year-old offenders entering the adult correctional system were convicted of crimes against persons, which are typically violent crimes. Robbery was the most common crime committed by those admitted to prison, while assault and battery were most common among those placed on probation.

Limited information is available on the educational programming and other services available to 17-year-old offenders in the adult correctional system. Of the 585 17-year-old offenders admitted to prison from 2002 through 2006, 429 participated in education programs.

In a detailed file review for a sample of 37 17-year-old offenders who were admitted to prison in 2002, we found that 17 earned high school equivalency diplomas while incarcerated.

Among the 37 inmates in our sample, 20 were identified as having moderate or serious alcohol and other drug abuse (AODA) problems. There are waiting lists for AODA and other treatment programs.

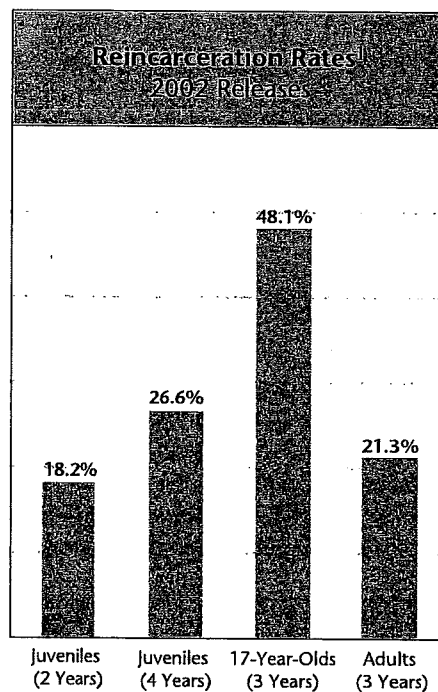
## Recidivism

The extent to which 17-year-old offenders successfully complete their sentences and avoid future

criminal activity can be measured in several ways.

We reviewed revocations of probation, which measure the extent to which terms of probation have been violated. We found that fewer than one-half of the 17-year-old offenders who were placed on probation from 2002 through 2006 completed probation successfully.

We also reviewed recidivism, or subsequent criminal behavior after incarceration. 17-year-old offenders released from prison had a higher reincarceration rate than either juveniles or older adults.



<sup>1</sup>Rates for juveniles measured at 2-year and 4-year intervals; rates for adults measured at 3-year interval.

## For Future Consideration

The Legislature may soon debate changes to the placement of 17-year-olds in the adult criminal justice system. Wisconsin is currently 1 of 13 states that automatically place 17-year-olds in the adult criminal justice system.

If the age of criminal court jurisdiction is returned to 18, which it was before the enactment of 1995 Wisconsin Act 27, 17-year-olds would return to the juvenile justice system, which is primarily operated by counties. The fiscal effect for the counties is likely to be significant.

We estimate returning 17-year-olds to the juvenile system could cost \$53.5 million to \$82.4 million annually. However, increased costs to county-level juvenile corrections could be offset to some extent by cost savings in the adult correctional system.

In deliberating potential changes, several options are available for the Legislature to consider:

- retaining criminal court jurisdiction over 17-year-olds;
- changing the age of criminal court jurisdiction to 18, and thereby returning 17-year-olds to the jurisdiction of the juvenile courts;
- making incremental change, such as retaining criminal court jurisdiction for 17-year-old felony offenders or expanding programs that allow juvenile offenders to remain under supervision for a longer time period; or
- delaying implementation of any change, to allow DOC, the courts, and the counties time to prepare for its programmatic and fiscal effects.

## Additional Information

For a copy of report 08-3, which includes a response from the Department of Corrections, call (608) 266-2818 or visit our Web site:



[www.legis.wisconsin.gov/lab](http://www.legis.wisconsin.gov/lab)

Address questions regarding this report to:

Kate Wade  
(608) 266-2818

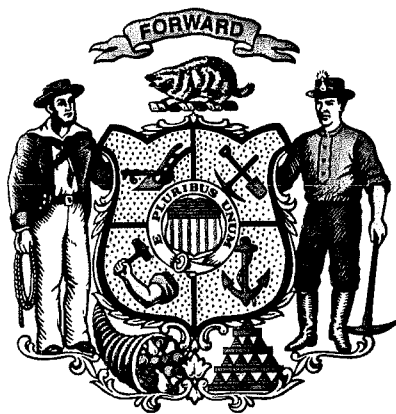
*The Legislative Audit Bureau is a nonpartisan legislative service agency that assists the Wisconsin Legislature in maintaining effective oversight of state operations. We audit the accounts and records of state agencies to ensure that financial transactions and management decisions are made effectively, efficiently, and in compliance with state law, and we review and evaluate the performance of state and local agencies and programs. The results of our audits, evaluations, and reviews are submitted to the Joint Legislative Audit Committee.*

### Legislative Audit Bureau

22 East Mifflin Street  
Suite 500  
Madison, WI 53703  
(608) 266-2818

Janice Mueller  
State Auditor

To view report 08-3





# THE CONSERVATIVE CASE FOR REFORM: Fighting Crime, Prioritizing Victims, and Protecting Taxpayers.

A project of the Texas Public Policy Foundation in cooperation with Justice Fellowship.

[HOME](#) [THE CHALLENGE](#) [THE CASE FOR REFORM](#) [PRIORITY ISSUES](#) [REFORM IN ACTION](#) [STAY INFORMED](#) [SUPPORT REFORM](#)

Search this website...

SEARCH

[About](#) [Contact](#)

[RSS Feed](#)

[Twitter](#)

[Facebook](#)

[Blog](#)

[YouTube](#)

[Home](#) > [Blog](#) > [Priority Issues](#) > [Juvenile Justice](#) > [A Second Chance for Wisconsin Youngsters](#)

[Blog](#)

[Events](#)

[Request a Speaker](#)

[Audio and Video](#)

## A SECOND CHANCE FOR WISCONSIN YOUNGSTERS

SEPTEMBER 4, 2013 BY MARC LEVIN

The age at which a citizen should be treated as an adult is one that comes up in many contexts, from drinking alcohol to voting. A 17 year-old, of course, can neither legally consume alcohol or vote.

In most states, the default rule is that 17 year-olds are processed in the juvenile justice system, which typically focuses more on rehabilitation, works closely with schools and child welfare agencies, has lower probation caseloads, and of course places youths in facilities where they do not share cells with hardened adult career criminals. Also, juvenile records except in the most serious cases are usually sealed when a youth becomes an adult unless they have continued to engage in criminal activity.

Wisconsin is one state where all 17 year-olds charged with a crime automatically enter the adult criminal justice system, even if it stealing a candy bar or smoking pot. However, a bipartisan group of lawmakers is unveiling legislation that would change that. Under this proposal, 17 year-olds charged with a first-time, nonviolent offense would be processed through the juvenile justice system while other 17 year-olds would continue to be charged as adults.

The primary reason to keep more youngsters in the juvenile system is that it is more effective in reducing recidivism, leading to greater public safety. A Florida study considered 475 pairs of juveniles in Florida, matched for age, gender, race, offense history, offense severity, and other factors, with one of each pair transferred to criminal courts while the other was retained in juvenile courts. In 29 percent of pairs, only the transferred juvenile re-offended, while for less than 15 percent of pairs did only the retained juvenile re-offend. After age 18, 50 percent of those transferred to criminal courts re-offended while 35 percent of those adjudicated by a juvenile court re-offended. And in those cases where both members of a matched pair re-offended, the transferred juvenile was more likely to have committed a more serious felony. Studies in other states have found similar results.

There are also other important factors. Those 17 year-olds who commit a first-time, nonviolent offense will be better able find employment and housing later in life if they are not saddled with a permanent adult criminal record. Perhaps the most overlooked factor in the discussion, however, is the integrity of the family. Few parents would not want to know if their 17 year-old son or daughter is arrested and placed in jail. Yet, when these teens are processed in the adult system, they can be arrested, jailed, and released without notice to a parent or guardian. This is especially problematic given that 17 year-olds are covered by the Wisconsin compulsory school attendance law, meaning they are hopefully in school being supported by their parents.

Given these considerations, this is an important issue for Wisconsin policymakers to address. The proposal in Wisconsin to redirect nonviolent, first-time 17 year-old offenders into the juvenile justice system is sponsored by Rep. Garey Bies (R-Sister Bay), Rep. Fred Kessler (D-Milwaukee), Senator Jerry Petrowski (R-Marathon), and Rep. Sandy Pasch (D-Shorewood). The bill is expected to be heard in early October.

### CATEGORIES

Select Category



### NEWSLETTER SIGNUP

Enter Your Email Address



### SUPPORT RIGHT ON CRIME

It takes money to fight crime. Please support our efforts.





[SUPPORT US](#)

### NEWSLETTER ARCHIVES

No email campaigns published yet.

### ARCHIVES

October 2013  
September 2013  
August 2013  
July 2013  
June 2013  
May 2013  
April 2013  
March 2013  
February 2013  
January 2013  
December 2012  
November 2012  
October 2012  
September 2012  
August 2012  
July 2012  
June 2012  
May 2012  
April 2012  
March 2012  
February 2012  
January 2012  
December 2011  
November 2011  
October 2011  
September 2011  
August 2011  
July 2011  
June 2011

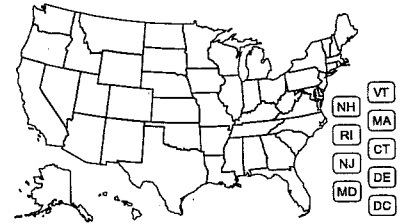
Share / Save    

FILED UNDER: JUVENILE JUSTICE, ROC BLOG, STATE INITIATIVES

- May 2011
- April 2011
- March 2011
- February 2011
- January 2011
- December 2010
- November 2010
- October 2010

### STATE INITIATIVES

Find out about conservative criminal justice reform in your state.



### LATEST TWEETS

Tweets

Follow @RightOnCrime



RightOnCrime

Levin: "Too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason." [foxnews.com/politics/2013/...](http://foxnews.com/politics/2013/...)



RightOnCrime

SULLIVAN: "A safety valve for overcrowded prisons" [wtim.es/15ZXkGW](http://wtim.es/15ZXkGW) via @WashTimes @ALEC\_states #overcrowded #prisons



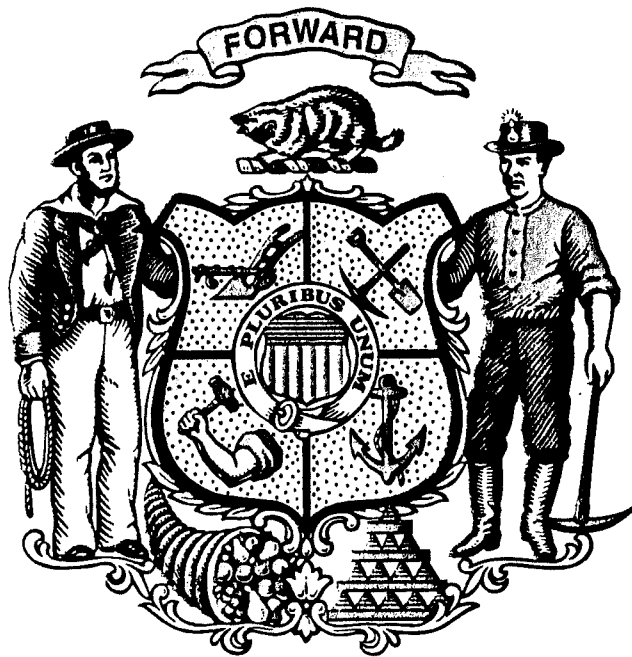
RightOnCrime

Thanks to our #SPNAM panelists Kris Steele, Adam Gelb & @kmcutchenIII - great discussion today! [pic.twitter.com/EJFhLvDAo](http://pic.twitter.com/EJFhLvDAo)



RightOnCrime

"This isn't about being soft on crime - it's about being SMART on crime." ~ @kmcutchenIII #SPNAM



# JUVENILE ARRESTS

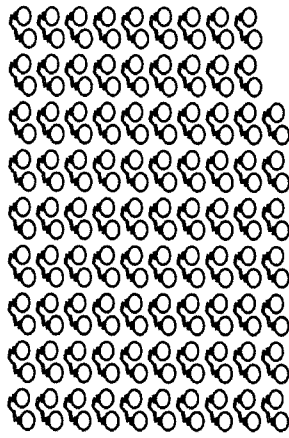
→ in Wisconsin ←

In Wisconsin, it's rare for a juvenile to be arrested for a violent crime.

Juveniles are far more likely to be arrested for violations of liquor laws, disorderly conduct, and vandalism than they are for violent offenses.

98%

of juvenile arrests are for non-violent crimes



2%

of juvenile arrests are for violent crimes



Source: 2012 Uniform Crime Reports. Violent offenses include murder, forcible rape, aggravated assault, and robbery.

Non-violent first-time  
**17 YEAR OLD  
OFFENDERS**

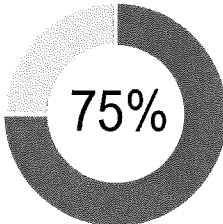
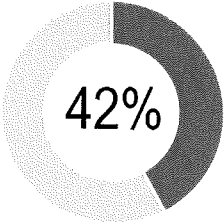
belong in the  
**JUVENILE  
JUSTICE**  
system

Teenage offenders need their cases resolved in a speedy manner, so that they can see the connection between their actions and consequences.

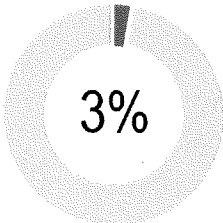
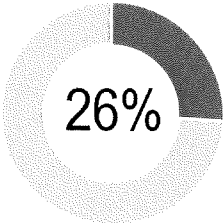
But a timely resolution is not something the adult criminal system can offer.

**ADULT SYSTEM** **VS** **JUVENILE SYSTEM**

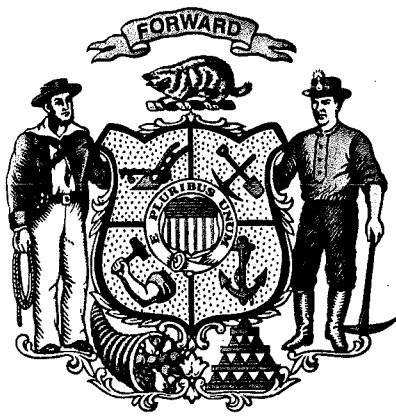
Share of cases resolved within 90 days of filing



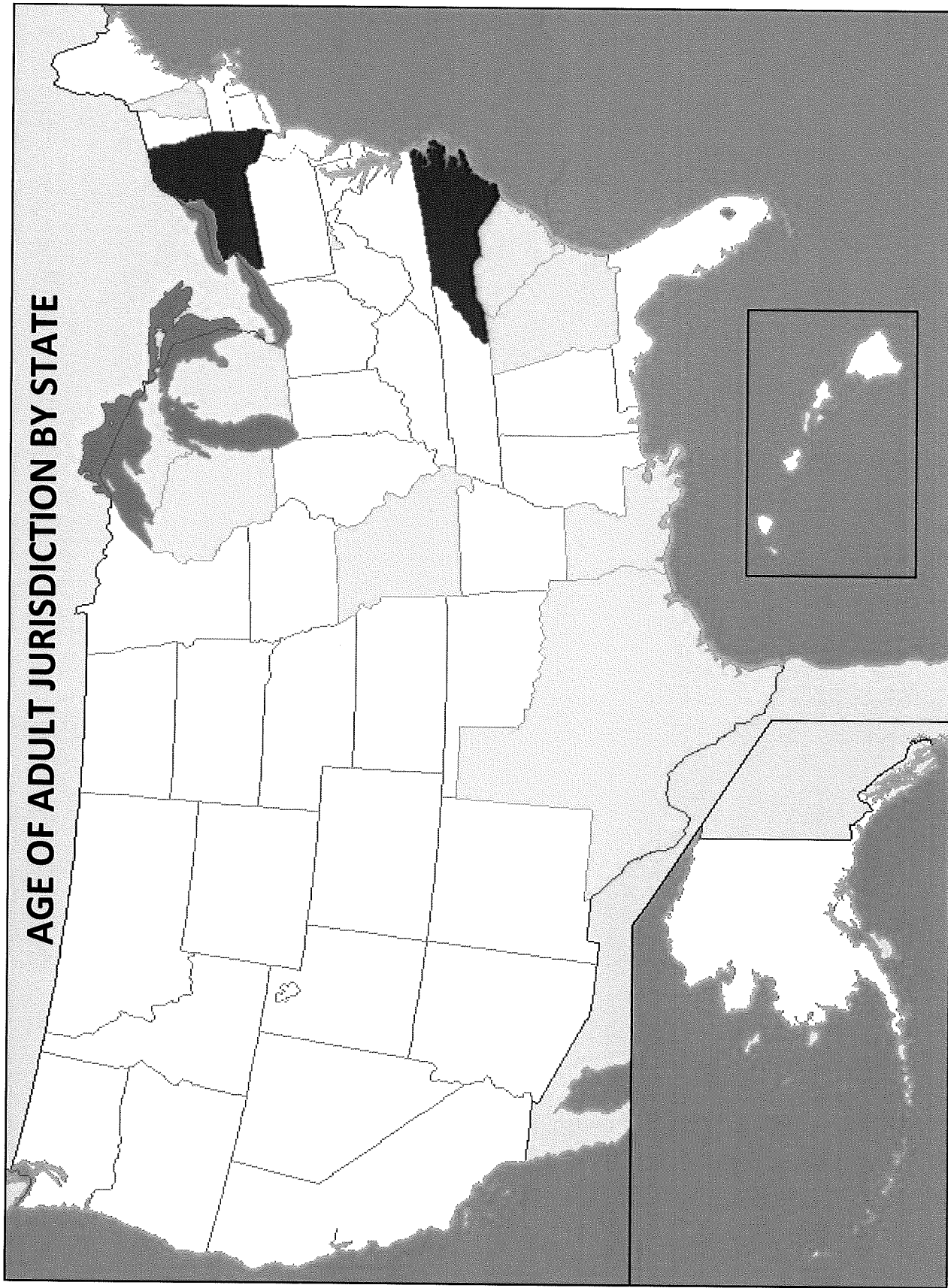
Share of cases taking half a year or longer from time of filing



Source: Office of State Courts Circuit Court Reports



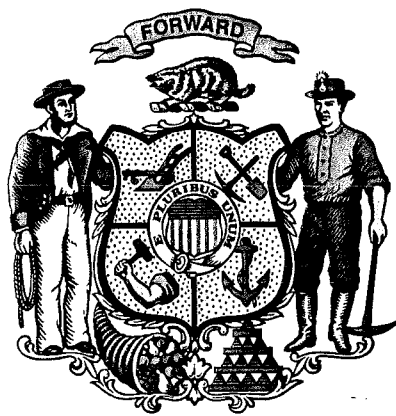
# AGE OF ADULT JURISDICTION BY STATE



□ = Adult court begins at 18

□ = Adult court begins at 17

■ = Adult court begins at 16





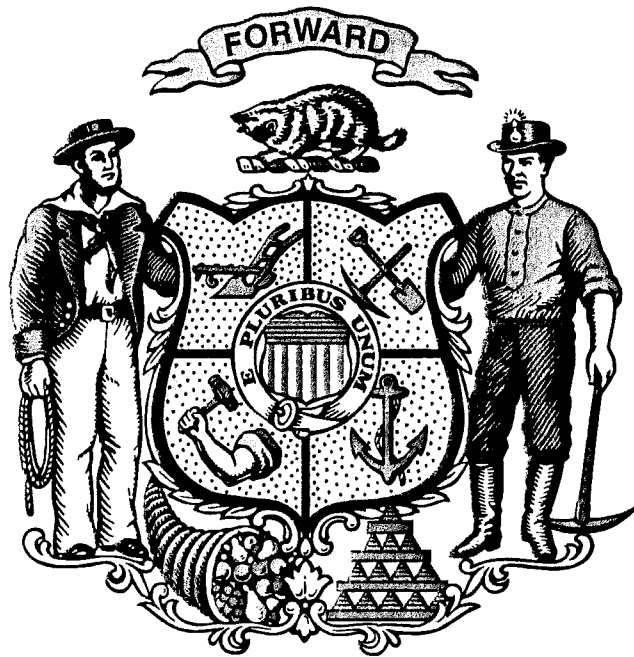
# Legislative Bill/Resolution

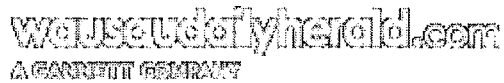
2013-2014 Legislative Session

## Assembly Bill 387

Relating to: the age at which a person who is alleged to have violated a criminal law, a civil law, or a municipal ordinance and who is not alleged to have committed certain violent offences or has not previously been convicted of a crime or adjudicated delinquent is subject to juvenile court jurisdiction. (FE)

Count	Principal Name	Position	Notified Date
1	Disability Rights Wisconsin	For	9/30/2013
2	League of Women Voters of Wisconsin Education Network Inc	For	9/26/2013
3	Mental Health America of Wisconsin	For	10/2/2013
4	National Association of Social Workers - Wisconsin Chapter	For	9/27/2013
5	Outagamie County Board of Supervisors	Against	10/2/2013
6	State Bar of Wisconsin	For	9/25/2013
7	Wisconsin Association of Family & Childrens Agencies	For	9/30/2013
8	Wisconsin Catholic Conference	For	10/1/2013
9	Wisconsin Council of Churches	For	9/30/2013
10	Wisconsin Council on Children & Families	For	9/25/2013
11	Wisconsin Counties Association	Against	9/26/2013
12	Wisconsin Psychiatric Association	For	10/2/2013





September 12, 2013

## Stop charging nonviolent 17-year-olds as adults: Our View

### Proposal to keep nonviolent minors in juvenile system is worthwhile

A 17-year-old is not an adult. They don't have the legal rights of adults; they're not treated as adults by public agencies or private companies; and there is good science showing that their brains are not fully developed, especially when it comes to impulse control and thinking about long-term consequences.

If you have had a 17-year-old, or if you've been one, this is pretty obvious stuff.

So why does Wisconsin treat 17-year-olds exactly like adults in the legal system?

The answer is a law Wisconsin passed in 1995 that changed the legal age at which a person is considered an adult from 18 to 17.

Now a bipartisan group of legislators including state Sen. Jerry Petrowski, R-Stettin, wants to change the law to allow 17-year-olds who are first-time offenders and whose offenses are nonviolent <http://www.wausaudailyherald.com/viewart/20130906/FON0101/309060318/Juvenile-offenders-proposal-has-support-critics> to be placed under the jurisdiction of the juvenile system, not adult court.

The limited change makes sense, and it's important to understand that it *is* a limited change: 17-year-olds who commit violent crimes or who have been charged before would not be eligible for the exception. That's enough to convince us that there is not a public safety cost to making this change.

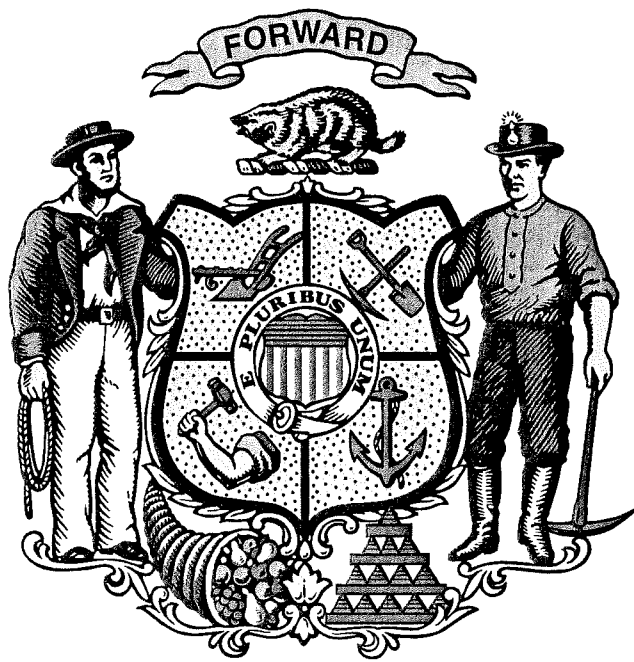
And there very well could be real economic benefits. It's being called the "second chance" bill because it also would mean that these minors would not be burdened with the black mark of their arrest when applying for a job, a college or postsecondary school or a student loan. If charging fewer 17-year-olds can end up allowing more young people to get the training they need to enter the workforce, that would be a remarkable step forward in the way Wisconsin deals with crime.

The proposal is opposed by GOP state Attorney General J.B. Van Hollen on the grounds that judges already can choose to charge 17-year-olds as juveniles. But judges do not have the power to refer these offenders to the juvenile justice programs, which are more intensive and more likely to foster actual rehabilitation.

Think of it this way: A 17-year-old first-time, nonviolent offender who gets a fine or probation has little reason to rethink his or her decisions. It's simply a punishment. Juvenile justice programs, on the other hand, often focus on demonstrating consequences and helping young offenders get the mental tools to make different, better decisions in the future.

It's easy for politicians to fall back on "tough-on-crime" rhetoric, but sponsors of this bill say they prefer to be "smart on crime." In a state that now spends more on corrections than it does on the University of Wisconsin System, we need more of that.

We applaud Petrowski for being willing to lead on this issue, and we hope to see the "second chance" bill get a fair hearing in the fall legislative session, and the support of a broad coalition of lawmakers.



## Stop charging nonviolent 17-year-olds as adults:

### Our View

Sep. 12, 2013 |

marshfieldnews herald.com

---

A 17-year-old is not an adult. They don't have the legal rights of adults; they're not treated as adults by public agencies or private companies; and there is good science showing that their brains are not fully developed, especially when it comes to impulse control and thinking about long-term consequences.

If you have had a 17-year-old, or if you've been one, this is pretty obvious stuff.

So why does Wisconsin treat 17-year-olds exactly like adults in the legal system?

The answer is a law Wisconsin passed in 1995 that changed the legal age at which a person is considered an adult from 18 to 17.

Now a bipartisan group of legislators including state Sen. Jerry Petrowski, R-Stettin, wants to change the law to allow 17-year-olds who are first-time offenders and whose offenses are nonviolent to be placed under the jurisdiction of the juvenile system, not adult court.

The limited change makes sense, and it's important to understand that it *is* a limited change: 17-year-olds who commit violent crimes or who have been charged before would not be eligible for the exception. That's enough to convince us that there is not a public safety cost to making this change.

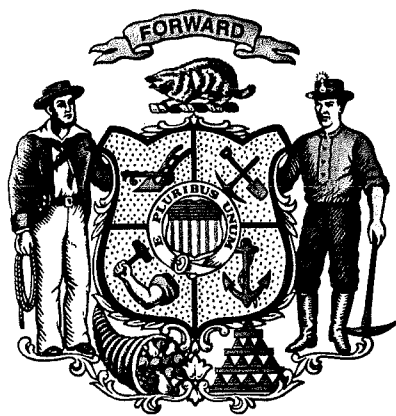
And there very well could be real economic benefits. It's being called the "second chance" bill because it also would mean that these minors would not be burdened with the black mark of their arrest when applying for a job, a college or postsecondary school or a student loan. If charging fewer 17-year-olds can end up allowing more young people to get the training they need to enter the workforce, that would be a remarkable step forward in the way Wisconsin deals with crime.

The proposal is opposed by GOP state Attorney General J.B. Van Hollen on the grounds that judges already can choose to charge 17-year-olds as juveniles. But judges do not have the power to refer these offenders to the juvenile justice programs, which are more intensive and more likely to foster actual rehabilitation.

Think of it this way: A 17-year-old first-time, nonviolent offender who gets a fine or probation has little reason to rethink his or her decisions. It's simply a punishment. Juvenile justice programs, on the other hand, often focus on demonstrating consequences and helping young offenders get the mental tools to make different, better decisions in the future.

It's easy for politicians to fall back on "tough-on-crime" rhetoric, but sponsors of this bill say they prefer to be "smart on crime." In a state that now spends more on corrections than it does on the University of Wisconsin System, we need more of that.

We applaud Petrowski for being willing to lead on this issue, and we hope to see the "second chance" bill get a fair hearing in the fall legislative session, and the support of a broad coalition of lawmakers.



## Effort aims to give teens a 'Second Chance'

By Andrew Dowd Leader-Telegram staff | Posted: Saturday, September 28, 2013 12:00 am

Wisconsin attorneys are pushing to undo a law - enacted in the mid-1990s in reaction to a wave of juvenile crime - that puts 17-year-olds in the adult criminal justice system.

The State Bar of Wisconsin is one of the lead groups lobbying for the "Second Chance Bill," a proposal that would put first-time, nonviolent 17-year-old offenders through juvenile court rather than adult court, where offenders can be sentenced to jail or prison.

"They end up experiencing something 17-year-olds shouldn't be experiencing," George Brown, executive director of the State Bar, said Thursday during a visit to Eau Claire.

Younger inmates can be abused by larger convicts or learn more advanced criminal techniques in jail, Brown said. Putting them into the adult justice system decreases their opportunities for jobs, good housing and joining the military, Brown said, but raises the likelihood they'll reoffend.

The state Assembly's Committee on Corrections will be the first to review the bill in a public hearing set for Thursday in Madison.

While previous efforts didn't get much traction, Brown said he's confident the current bill has the right scope and support to do well in the Legislature.

Lead authors of the bill in their respective houses - Rep. Gary Bies of Sister Bay and Sen. Jerry Petrowski of Marathon - are Republicans, which hold majorities in the Assembly and Senate. The bill has a total of 54 co-sponsors.

Rob Fadness, director of Eau Claire County's Children's Court Services, praised the bill as undoing the state's 1996 decision that turned 17-year-olds into adult offenders.

"I was not in favor of that law when it was first proposed," he said. "The juvenile system itself is set up and designed with the understanding that juveniles are not the same physically, mentally or emotionally as adults and therefore should not be treated the same as adults."

Fadness recalls that the change was made after juvenile crime peaked in the mid-'90s. But even by the time it was enacted, Fadness said the trend was receding.

"We had gone down two years prior to actual implementation of that law," Fadness said.

Juvenile referrals in Eau Claire County peaked in 1994 with 2,889 cases, he said. By 1996 it had dropped to 2,471 cases, and it has kept falling - last year's caseload was 986.

A State Bar fact sheet on the bill also stated that juvenile crime has dropped after peaking in 1994.



Illinois and Connecticut recently approved laws similar to the "Second Chance Bill," leaving Wisconsin in the minority of states that treat all 17-year-old offenders as adults.

"We're now only one of 11 states that still has this," Brown said.

The Second Chance Bill still would send 17-year-olds charged with violent crimes, weapons offenses and some sex crimes directly to adult court. And juvenile courts would retain the option of sending nonviolent offenders to adult courts.

While Fadness and other supporters of the bill note the gains young offenders would get through treatment and staying clear of older criminals, the costs of the proposal are unknown. "That's the \$10,000 question," he said.

In addition to moving more offenders into the juvenile justice system, Fadness noted that many offenders are monitored and given treatment through the county's Department of Human Services.

Fiscal estimates by three state agencies couldn't determine how much the bill would cost state or local governments.

A Department of Corrections fiscal estimate published Monday on the bill states that the bill would shift people and costs from the adult justice system into juvenile courts. While a price for that couldn't be accurately estimated, the department noted that juvenile detention, monitoring and treatment costs more than similar programs for adults.

Wisconsin's Government Accountability Board reported that a state branch of the League of Women Voters and the Wisconsin Council on Children & Families lobbied in support of the bill, in addition to the State Bar. However, the Wisconsin Counties Association has registered in opposition of it.

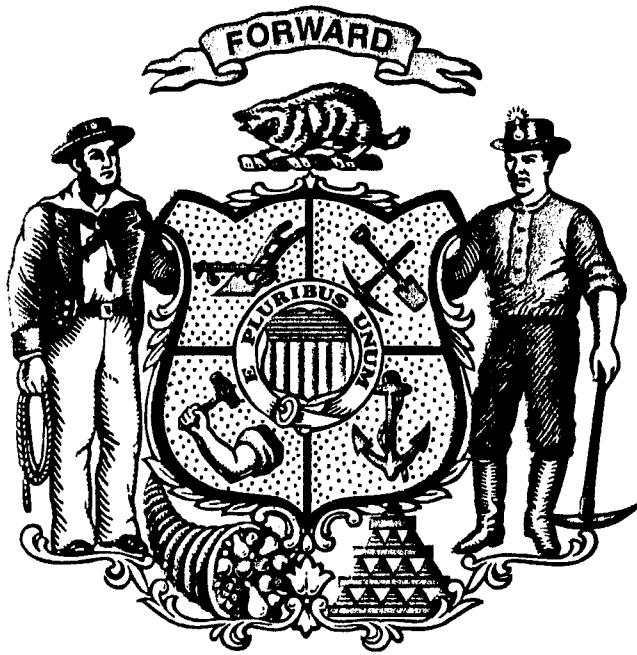
"The reason for our opposition is budgetary," said Sarah Diedrick, senior legislative associate with the Wisconsin Counties Association.

The bill fails to address the added costs for counties.

A precise estimate has been hard to make, Diedrick said, but a \$10 million minimum cost is expected for counties. And in the last state budget, counties got their youth aids appropriation cut by that amount.

"They want to add more kids to the system at a time when we're still dealing with a \$10 million loss in state funding," Diedrick said.

*Dowd can be reached at 715-833-9204, 800-236-7077 or [andrew.dowd@ecpc.com](mailto:andrew.dowd@ecpc.com).*





# Giving teens a second chance

By Patrick J. Fiedler  
Sept. 19, 2013

I've been involved in the criminal justice system for over 30 years. Prior to serving as an attorney in private practice, I served as both a state and a federal prosecutor, as secretary of the Wisconsin Department of Corrections and as a circuit judge for 18 years. I presided in both adult criminal court and juvenile court.

From that vantage point, and from the perspective of someone who is also a father and a grandfather, I support the Second Chance Bill.

This important initiative would return first-time, nonviolent 17-year-old offenders to juvenile court jurisdiction, reversing portions of a law that was passed in 1996.

I was a judge in adult criminal court in the mid-1990s when 17-year-olds first became adults in the eyes of the criminal system. I saw teens coming in for lesser offenses, such as shoplifting. They were in an adult system that did not know how to handle them.

I felt frustrated because I knew these young people would have gotten better, more personalized services and better chances at success had they been in the juvenile system. In my opinion, their automatic placement in adult court did not make our communities any safer.

In the years since, research has only confirmed those early negative impressions. A study conducted by the Wisconsin Legislative Audit Bureau found that only about 50% of youths placed on adult probation successfully complete their probation. Youths placed in an adult prison also reoffend after release at higher rates than young people placed in a juvenile institution.

The Second Chance Bill is an opportunity for Wisconsin to be truly smart on crime. I believe it's also an opportunity for Wisconsin to treat 17-year-olds appropriately, fairly and effectively.

It's important to focus on four key areas:

- The Second Chance Bill focuses on first-time and nonviolent 17-year-olds.
- It includes a list of violent offenses that will remain as adult charges.
- It ensures that a 17-year-old with a previous delinquency adjudication will be prosecuted in adult court.
- It ensures that prosecutors and judges retain discretion in the most serious of cases by keeping current options for waiving a youth accused of a serious offense into adult court.

Whenever the state looks at changing our criminal statutes, it's critical to consider the effect it will have on crime victims. Based upon my time as a judge in juvenile court, I feel very strongly that the juvenile

system will be more effective in helping young people pay their debt to victims.

The juvenile system is very effective in providing opportunities for restitution, community service and dialogue between offenders and their victims. The juvenile system is also more likely to have success in connecting young people with the treatment they need to reduce the risk that they'll reoffend in the future.

The Second Chance Bill provides youths who have made a mistake a second chance at a brighter future, one that allows them to graduate from high school, attain higher education, find employment and positively contribute to society without an adult criminal record holding them back.

Currently, Wisconsin is one of only 11 states that treat all 17-year-olds as adults. As a father and member of the legal community, I believe it's time for Wisconsin to look forward and return nonviolent 17-year-olds to juvenile court and truly give them a second chance.

*Patrick J. Fiedler is the 58th president of the State Bar of Wisconsin. He served as a Dane County circuit judge from 1993 to 2011 and was secretary of the Wisconsin Department of Corrections from 1991 to 1993. He also served as U.S. attorney for the Western District and as Waukesha County assistant district attorney. Fiedler is a partner at Axley Brynerson LLP.*

**Find this article at:**

<http://www.jsonline.com/news/opinion/giving-teens-a-second-chance-b99102090z1-224485461.html>

Check the box to include the list of links referenced in the article.