



1997 ASSEMBLY BILL 658

December 18, 1997 - Introduced by Representatives GREEN, F. LASEE, RYBA, DOBYNS, ZIEGELBAUER, SERATTI, STASKUNAS, BRANDEMUEHL, GOETSCH, HARSDORF, HAHN, PORTER, MUSSER, DUFF, FREESE, AINSWORTH, NASS and OTT, cosponsored by Senators DRZEWIECKI, FARROW, DARLING, C. POTTER, ROESSLER and ZIEN. Referred to Committee on Judiciary.

- 1 **AN ACT to create** 946.495 of the statutes; **relating to:** violations of nonsecure
2 custody orders by juveniles and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a juvenile may under certain circumstances be taken into custody, including when there are reasonable grounds to believe that the juvenile has violated a criminal law or when there is a warrant for the juvenile. In addition, a court authorized to exercise jurisdiction under the juvenile justice code (juvenile court) or an intake worker of a juvenile court may order that a juvenile be held in custody if there is probable cause to believe that the juvenile court has jurisdiction over the juvenile (for instance, if the juvenile is alleged to have committed a delinquent act) and if there is probable cause to believe that one of the following applies: 1) the juvenile will commit injury to the person or property of others if he or she is not held in custody; 2) the juvenile is being neglected or inadequately supervised and services to ensure the juvenile's safety and well-being are not available or would be inadequate; or 3) the juvenile will run away or be taken away so as to be unavailable for juvenile court or other proceedings.

If the criteria for holding a juvenile in custody are met, a juvenile may be held in nonsecure physical custody in places such as the home of his or her parents or guardian, the home of a relative, a licensed group home or foster home, a facility operated by a licensed child welfare agency and certain other nonsecure settings. If a juvenile runs away from nonsecure custody or commits a delinquent act while being held in nonsecure custody, he or she may be held in a secure detention facility unless a suitable alternative exists.

This bill makes it a crime for a juvenile alleged to have committed a delinquent act and placed in nonsecure custody to intentionally fail to comply with the conditions of his or her placement in nonsecure custody. A juvenile who violates this prohibition may be subject to an additional allegation of delinquency that is based on the violation. In addition, if certain criteria are met a juvenile who violates the

