



ENGROSSED 1997 ASSEMBLY BILL 686

February 12, 1998 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT to repeal** 118.16 (1) (a) 2., 118.162 (2) (intro.) and (a), 118.162 (3) (c) and
2 118.162 (5); **to renumber** 118.125 (2) (c) and 118.15 (5) (b); **to renumber and**
3 **amend** 118.15 (5) (a), 118.162 (2) (b), 118.163 (2m), 938.342 (1) and 938.355
4 (6m) (a); **to consolidate, renumber and amend** 118.16 (1) (a) (intro.) and 1.
5 and 118.162 (3) (intro.), (a) and (b); **to amend** 103.72 (2), 118.125 (2) (j), 118.15
6 (5) (am), 118.16 (2) (cg) 1., 118.16 (2) (cg) 3., 118.16 (2) (cg) 4., 118.16 (5m), 118.16
7 (6), 118.162 (1) (intro.), 118.163 (2) (a), 118.163 (2) (b), 118.163 (2) (d), 118.163
8 (2) (f), 895.035 (2m) (b), 938.125 (2), 938.13 (6), 938.17 (2) (a) 1., 938.17 (2) (g),
9 938.17 (2) (h) 1., 938.245 (5), 938.275 (1) (c), 938.32 (1) (a), 938.342 (1m) (a),
10 938.342 (1m) (b), 938.342 (2) (a), 938.342 (2) (b), 938.345 (2), 938.355 (6) (a),
11 938.355 (6) (an) 1., 938.355 (6m) (title), 938.355 (6m) (b) and 938.355 (6m) (c);
12 **to repeal and recreate** 49.26 (1) (a) 1., 118.163 (1) (b) and 118.163 (3); and **to**
13 **create** 118.125 (2) (c) 2., 118.15 (1) (am), 118.15 (3m), 118.15 (5) (a) 1. a. and b.,
14 118.15 (5) (a) 2., 118.15 (5) (b) 2., 118.162 (4m), 118.163 (1) (c), 118.163 (1) (d),

ENGROSSED ASSEMBLY BILL 686

1 118.163 (1m), 118.163 (2) (g) to (k), 118.163 (2m) (b), 118.163 (4), 938.17 (2) (i),
2 938.245 (2v), 938.32 (1v), 938.342 (1d), 938.342 (1g) (g) to (j), 938.342 (1m) (am),
3 938.355 (6m) (a) 1., 938.355 (6m) (ag) and 938.355 (6m) (am) of the statutes;
4 **relating to:** compulsory school attendance, truancy, habitual truancy, the
5 penalties for contributing to truancy, truancy planning committees and school
6 district truancy plans.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1997 Assembly Bill 686 consists of the following documents adopted in the assembly on February 10, 1998: Assembly Substitute Amendment 1 as affected by Assembly Amendment 1 (as affected by Assembly Amendment 1 thereto) and Assembly Amendments 2, 3, 4 and 5.

Content of Engrossed 1997 Assembly Bill 686

With certain exceptions, current law requires any person having under control a child between the ages of 6 and 18 years to ensure that the child attends school regularly. A person who violates that requirement may be fined not more than \$500 or imprisoned for not more than 30 days or both.

With certain exceptions, this bill requires any person having under control a child who is under the age of 6 and who is attending a public school to cause the child to continue to attend that school. This new requirement applies only if the school board adopts a resolution specifying that it applies. In addition, the requirement does not apply if the person in control of the child notifies the school board that the child will no longer be attending the program in which the child is enrolled.

The bill provides a new defense to a prosecution for a violation of the compulsory school attendance law. Specifically, if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the court must dismiss the action and refer the child to the court assigned to exercise jurisdiction under the children's code (juvenile court).

The bill also changes the penalties for violating the compulsory attendance law. The bill provides that for a 2nd or subsequent offense the person may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The bill authorizes a court, for a first or subsequent offense, to require a person to attend school with his or her child or to perform community service work for a public agency or a nonprofit charitable organization in lieu of the other penalties. The bill exempts any organization or agency to which the person is assigned from civil liability in excess of \$25,000 for any act or omission by or impacting on the defendant if the agency or organization acts in good faith.

ENGROSSED ASSEMBLY BILL 686

Under current law, any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy of a child 17 years of age or under is guilty of a Class C misdemeanor. This bill eliminates the requirement that the person know that his or her act or omission is encouraging or contributing to a child's truancy.

Under current law, a county, city, village or town may enact an ordinance prohibiting a person under 18 years of age from being a habitual truant. A habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days out of 10 consecutive school days during a school semester, or part or all of 10 or more school days during a school semester.

This bill provides that a habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of 5 or more school days during a semester. The bill also allows an ordinance to specify additional dispositions available to the court, including an order for the person to attend school, an order for the person's parent, guardian or legal custodian to attend school with the person, an order for the person or the person's parent or guardian to pay a forfeiture of up to \$500, an order placing the person under supervision and any other reasonable conditions, including a curfew. In addition, the bill exempts any county department of human services or social services (county department), community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned as a disposition for habitual truancy from civil liability in excess of \$25,000 for any act or omission by or impacting on the person if the county department, agency or organization acts in good faith.

Currently, when a pupil initially becomes a habitual truant, the school attendance officer must notify the pupil's parent or guardian.

The notice must specify the date on which the parent or guardian is requested to meet with appropriate school personnel to discuss the child's truancy. This bill requires the date to be within 5 school days after the date the notice is sent, except that with the consent of the parent or guardian the date may be extended for an additional 5 school days. The bill also provides that, if the meeting is not held within 10 school days after the notice is sent, the parent or guardian may be prosecuted for failing to comply with the compulsory school attendance law. Completion of the currently required meeting with the parent or guardian is not necessary.

Under current law, if the juvenile court finds that a juvenile who has been found to be in need of protection or services based on habitual truancy has violated a condition of his or her dispositional order, the juvenile court may impose certain sanctions on the juvenile. Those sanctions include, in addition to any of the dispositions that may be imposed for habitual truancy, suspension of the juvenile's operating privilege for not more than one year. Also under current law, if the municipal court or the juvenile court finds that a juvenile who has been adjudged to have violated a municipal ordinance, including an ordinance prohibiting habitual truancy, has violated a condition of his or her dispositional order, the municipal court or juvenile court may impose certain sanctions on the juvenile. Those sanctions include placement in secure or nonsecure detention for not more than 10 days,

ENGROSSED ASSEMBLY BILL 686

suspension of the juvenile's operating privilege for not more than 3 years, home detention for not more than 30 days and not more than 25 hours of community service work.

This bill permits a juvenile court or a municipal court to impose the same sanctions on a person who is habitually truant and who violates a condition of his or her dispositional order, whether that dispositional order is based on a municipal habitual truancy ordinance violation or a finding of need of protection or services based on habitual truancy. Those sanctions are the sanctions that may be imposed under current law and under the bill on a juvenile found to be in need of protection or services based on habitual truancy. In addition, the bill permits a person who has violated a condition of a dispositional order based on habitual truancy to be placed in secure or nonsecure detention for not more than 10 days.

The bill also permits a county, city, village or town to enact an ordinance prohibiting a person under 18 years of age from being a truant, which is defined in the bill as a pupil who is absent from school without an acceptable excuse for part or all of *any* day on which school is held, including a summer session. The ordinance may authorize the municipal court or juvenile court to order a truant to attend school or to impose on a truant or on his or her parent or guardian a forfeiture of not more than \$50 for a first violation or a forfeiture of not more than \$100 for a 2nd or subsequent violation. If the municipal court or juvenile court finds that a juvenile who has violated a municipal truancy ordinance has violated a condition of his or her dispositional order, the municipal court or juvenile court may impose on the juvenile any of the sanctions that may be imposed under current law and under the bill on a habitual truant except placement in secure or nonsecure detention.

Current law required the appointment, by July 1, 1988, of truancy planning committees in each county. The committees were required to make recommendations, by February 1, 1989, to school boards of school districts in the county on items to be included in the school districts' truancy plans. Each school board was required to adopt a truancy plan by September 1, 1989.

This bill requires each school board to review and, if appropriate, revise its truancy plan at least once every 2 years. The bill also requires the appointment of county truancy planning committees at least once every 4 years to make recommendations to the school districts in the county on the revisions to their truancy plans. County truancy planning committees must consist of representatives of:

1. School districts in the county.
2. The district attorney.
3. The sheriff's department.
4. Another local law enforcement agency.
5. The circuit court.
6. The county social services or human services agency.
7. The juvenile court intake unit.
8. A representative of the county community programs or developmental disabilities department (if the county has not established a human services agency).
9. Any other members, as determined by the committee.

ENGROSSED ASSEMBLY BILL 686

The district attorney representative on the county truancy planning committee must participate in reviewing and developing any recommendations regarding revisions to the portions of the school districts' truancy plans relating to the types of cases to be referred to the district attorney for the filing of information or prosecution and the time periods within which the district attorney will respond to and take actions on the referrals.

Each county truancy planning committee must write a report to accompany its recommendations to school districts that describes the factors that contribute to truancy in the county and any state statutes, municipal ordinances or school, social services, law enforcement, district attorney, court or other policies that contribute to or inhibit the response to truancy in the county. The committee must submit copies of the report to all of the entities designating representatives to the committee.

School districts' truancy plans must include all of the following:

1. Procedures to be followed for notifying the parents or guardians of the unexcused absences of habitual truants and for meeting and conferring with such parents or guardians.

2. Plans and procedures for identifying truant children and returning them to school, including the identity of school personnel to whom a truant child must be returned.

3. Methods to increase and maintain public awareness of and involvement in responding to truancy within the school district.

4. The immediate response to be made by school personnel when a truant child is returned to school.

5. The types of truancy cases to be referred to the district attorney for the filing of information or prosecution and the time periods within which the district attorney will respond to and take action on the referrals.

6. Plans and procedures to coordinate the responses to the problems of habitual truants with public and private social services agencies.

7. Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

Finally, under current law, subject to certain exceptions, all pupil records maintained by a public school are confidential. Current law, however, permits a school to disclose directory data about a pupil if the school has informed the pupil's parent, guardian or guardian ad litem (GAL) of the information that the school has designated as directory data and has allowed 14 days for the parent, guardian or GAL to inform the school that any or all of the directory data may not be released without the prior consent of the parent, guardian or GAL. Directory data includes such information as a pupil's name and address, telephone number, participation in sports and other extracurricular activities and dates of attendance. This bill requires a school also to notify a pupil's parent, guardian or GAL that he or she has

ENGROSSED ASSEMBLY BILL 686

14 days to inform the school that any or all of the pupil's directory data may not be released without the prior consent of the parent, guardian or GAL.

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

1 **SECTION 1.** 49.26 (1) (a) 1. of the statutes is repealed and recreated to read:

2 49.26 (1) (a) 1. "Habitual truant" has the meaning given in s. 118.16 (1) (a).

3 **SECTION 2.** 103.72 (2) of the statutes is amended to read:

4 103.72 (2) Whenever it appears to the department that a permit has been
5 improperly or illegally issued, or that the physical or moral welfare or school
6 attendance of the minor would be best served by the revocation of the permit or that
7 the failing school performance of the minor would be remedied by the revocation of
8 the permit, the department may immediately, without notice, revoke the permit. The
9 department shall revoke a permit if ordered to do so under s. 938.342 (1) (1g) (e). If
10 the department revokes a permit, the department shall, by registered mail, notify
11 the person employing the minor and the minor holding the permit of the revocation.
12 Upon receipt of the notice, the employer employing the minor shall immediately
13 return the revoked permit to the department and discontinue the employment of the
14 minor.

15 **SECTION 3.** 118.125 (2) (c) of the statutes is renumbered 118.125 (2) (c) 1.

16 **SECTION 4.** 118.125 (2) (c) 2. of the statutes is created to read:

17 118.125 (2) (c) 2. Names of dropouts shall be provided to a court in response to
18 an order under s. 118.163 (2m) (b).

19 **SECTION 4m.** 118.125 (2) (j) of the statutes is amended to read:

20 118.125 (2) (j) 1. Except as provided under subds. 2. and 3., directory data may
21 be disclosed to any person, if the school has notified the parent, legal guardian or

ENGROSSED ASSEMBLY BILL 686

1 guardian ad litem of the categories of information which it has designated as
2 directory data with respect to each pupil, has informed the parent, legal guardian or
3 guardian ad litem of that pupil that he or she has 14 days to inform the school that
4 all or any part of the directory data may not be released without the prior consent
5 of the parent, legal guardian or guardian ad litem and has allowed 14 days for the
6 parent, legal guardian or guardian ad litem of that pupil to inform the school that
7 all or any part of the directory data may not be released without the prior consent
8 of the parent, legal guardian or guardian ad litem.

9 2. If a school has notified the parent, legal guardian or guardian ad litem that
10 a pupil's name and address has been designated as directory data, has informed the
11 parent, legal guardian or guardian ad litem of the pupil that he or she has 14 days
12 to inform the school that the pupil's name and address may not be released without
13 the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14
14 days for the parent, legal guardian or guardian ad litem of the pupil to inform the
15 school that the pupil's name and address may not be released without the prior
16 consent of the parent, legal guardian or guardian ad litem and the parent, legal
17 guardian or guardian ad litem has not so informed the school, the school district clerk
18 or his or her designee, upon request, shall provide a technical college district board
19 with the name and address of each such pupil who is expected to graduate from high
20 school in the current school year.

21 3. If a school has notified the parent, legal guardian or guardian ad litem of the
22 information that it has designated as directory data with respect to any pupil, ~~the~~
23 ~~school~~ has informed the parent, legal guardian or guardian ad litem of the pupil that
24 he or she has 14 days to inform the school that such information may not be released
25 without the prior consent of the parent, legal guardian or guardian ad litem, has

ENGROSSED ASSEMBLY BILL 686

1 allowed 14 days for the parent, legal guardian or guardian ad litem of the pupil to
2 inform the school that such information may not be released without the prior
3 consent of the parent, legal guardian or guardian ad litem and the parent, legal
4 guardian or guardian ad litem has not so informed the school, the school district clerk
5 or his or her designee, upon request, shall provide any representative of a law
6 enforcement agency, as defined in s. 165.83 (1) (b), district attorney, city attorney or
7 corporation counsel, county department under s. 46.215, 46.22 or 46.23 or a court of
8 record or municipal court with such information relating to any such pupil enrolled
9 in the school district for the purpose of enforcing that pupil's school attendance,
10 investigating alleged criminal or delinquent activity by the pupil or responding to a
11 health or safety emergency.

12 **SECTION 5.** 118.15 (1) (am) of the statutes is created to read:

13 118.15 (1) (am) Except as provided under par. (d) and sub. (3m), unless the child
14 is excused under sub. (3), any person having under control a child who is under the
15 age of 6 and who is attending a public school, including a prekindergarten program,
16 shall cause the child to continue to attend that school regularly during the full period
17 and hours, religious holidays excepted, that the program in which the child is
18 enrolled is in session.

19 **SECTION 6.** 118.15 (3m) of the statutes is created to read:

20 118.15 (3m) (a) Subsection (1) (am) applies only if the school board of the school
21 district in which the child is enrolled has adopted a resolution specifying that it
22 applies.

23 (b) Subsection (1) (am) does not apply if the person in control of the child notifies
24 the school board of the school district in which the child is enrolled that the child will
25 no longer be attending the program in which the child is enrolled.

ENGROSSED ASSEMBLY BILL 686

1 **SECTION 7.** 118.15 (5) (a) of the statutes is renumbered 118.15 (5) (a) 1. (intro.)
2 and amended to read:

3 118.15 **(5)** (a) 1. (intro.) Except as provided under par. (b) or if a person has been
4 found guilty of a misdemeanor under s. 948.45, whoever violates this section may be
5 ~~fined not more than \$500 or imprisoned for not more than 30 days or both~~ penalized
6 as follows, if evidence has been provided by the school attendance officer that the
7 activities under s. 118.16 (5) have been completed or were not required to be
8 ~~completed due to the child's absence from school as provided in s. 118.16 (5m). In a~~
9 ~~prosecution under this paragraph, if the defendant proves that he or she is unable~~
10 ~~to comply with the law because of the disobedience of the child, the action shall be~~
11 ~~dismissed and the child shall be referred to the court assigned to exercise jurisdiction~~
12 ~~under chs. 48 and 938.:~~

13 **SECTION 8.** 118.15 (5) (a) 1. a. and b. of the statutes are created to read:

14 118.15 **(5)** (a) 1. a. For the first offense, by a fine of not more than \$500 or
15 imprisonment for not more than 30 days or both.

16 b. For a 2nd or subsequent offense, by a fine of not more than \$1,000 or
17 imprisonment for not more than 90 days or both.

18 **SECTION 9.** 118.15 (5) (a) 2. of the statutes is created to read:

19 118.15 **(5)** (a) 2. The court may require a person who is subject to subd. 1. to
20 perform community service work for a public agency or a nonprofit charitable
21 organization in lieu of the penalties specified under subd. 1. Any organization or
22 agency to which a defendant is assigned pursuant to an order under this subdivision
23 acting in good faith has immunity from any civil liability in excess of \$25,000 for any
24 act or omission by or impacting on the defendant.

25 **SECTION 9g.** 118.15 (5) (am) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 686**SECTION 9g**

1 118.15 (5) (am) The court may order any person who violates this section to
2 participate in counseling at the person's own expense or to attend school with his or
3 her child, or both.

4 **SECTION 10.** 118.15 (5) (b) of the statutes is renumbered 118.15 (5) (b) 1.

5 **SECTION 11.** 118.15 (5) (b) 2. of the statutes is created to read:

6 118.15 (5) (b) 2. In a prosecution under par. (a), if the defendant proves that he
7 or she is unable to comply with the law because of the disobedience of the child, the
8 action shall be dismissed and the child shall be referred to the court assigned to
9 exercise jurisdiction under ch. 48.

10 **SECTION 12.** 118.16 (1) (a) (intro.) and 1. of the statutes are consolidated,
11 renumbered 118.16 (1) (a) and amended to read:

12 118.16 (1) (a) "Habitual truant" means a pupil who is absent from school
13 without an acceptable excuse under sub. (4) and s. 118.15 for ~~either of the following:~~
14 ~~1. Part~~ part or all of 5 or more days ~~out of 10 consecutive days~~ on which school is held
15 during a school semester.

16 **SECTION 13.** 118.16 (1) (a) 2. of the statutes is repealed.

17 **SECTION 14.** 118.16 (2) (cg) 1. of the statutes is amended to read:

18 118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under
19 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

20 **SECTION 15.** 118.16 (2) (cg) 3. of the statutes is amended to read:

21 118.16 (2) (cg) 3. A request that the parent or guardian meet with appropriate
22 school personnel to discuss the child's truancy. The notice shall include the name of
23 the school personnel with whom the parent or guardian should meet, a date, time and
24 place for the meeting and the name, address and telephone number of a person to
25 contact to arrange a different date, time or place. The date for the meeting shall be

ENGROSSED ASSEMBLY BILL 686

1 within 5 school days after the date that the notice is sent, except that with the consent
2 of the child's parent or guardian the date for the meeting may be extended for an
3 additional 5 school days.

4 **SECTION 16.** 118.16 (2) (cg) 4. of the statutes is amended to read:

5 118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
6 imposed on the parent or guardian if he or she fails to cause the child to attend school
7 regularly as required under s. 118.15 (1) (a) and (am).

8 **SECTION 17m.** 118.16 (5m) of the statutes is amended to read:

9 118.16 (5m) Subsection (5) (a) does not apply if a meeting under sub. (2) (cg)
10 3. is not held within 10 school days after the date that the notice under sub. (2) (cg)
11 is sent. Subsection (5) (b), (c) and (d) does not apply if the school attendance officer
12 provides evidence that appropriate school personnel were unable to carry out the
13 activity due to the child's absences from school.

14 **SECTION 19.** 118.16 (6) of the statutes is amended to read:

15 118.16 (6) If the school attendance officer receives evidence that activities
16 under sub. (5) have been completed or were not required to be completed due to the
17 child's absence from school as provided in sub. (5m), the school attendance officer
18 may file information on any child who continues to be truant with the court assigned
19 to exercise jurisdiction under chs. 48 and 938 in accordance with s. 938.24. Filing
20 information on a child under this subsection does not preclude concurrent
21 prosecution of the child's parent or guardian under s. 118.15 (5).

22 **SECTION 20.** 118.162 (1) (intro.) of the statutes is amended to read:

23 118.162 (1) (intro.) ~~On July 1, 1988~~ At least once every 4 years, in each county,
24 the ~~superintendent~~ school district administrator of the school district which contains
25 the county seat designated under s. 59.05, or his or her designee, shall convene a

ENGROSSED ASSEMBLY BILL 686**SECTION 20**

1 committee under this section. ~~At its first meeting, the committee shall elect a~~
2 ~~chairperson, vice chairperson and secretary. Not later than February 1, 1989, the~~
3 ~~committee shall~~ to review and make recommendations to the school boards of all of
4 the school districts in the county on ~~the items to be included in~~ revisions to the school
5 districts' truancy plans under sub. (4) ~~(4)~~ (4m). The committee shall consist of the
6 following members:

7 **SECTION 21.** 118.162 (2) (intro.) and (a) of the statutes are repealed.

8 **SECTION 22.** 118.162 (2) (b) of the statutes is renumbered 118.162 (2) and
9 amended to read:

10 118.162 **(2)** The district attorney representative on the committee shall
11 participate in reviewing and developing any recommendations regarding revisions
12 to the portions of the plan school districts' plans under sub. (4) (e).

13 **SECTION 23.** 118.162 (3) (intro.), (a) and (b) of the statutes are consolidated,
14 renumbered 118.162 (3) and amended to read:

15 118.162 **(3)** The committee shall write a report to accompany the
16 recommendations under sub. (1). The report shall include ~~all of the following:~~ (a)
17 A a description of the factors that contribute to truancy in the county. ~~(b)~~
18 Identification and a description of any state statutes, municipal ordinances or school
19 or, social services, law enforcement, district attorney, court or other policies that
20 contribute to or inhibit the response to truancy in the county. A copy of the report
21 shall be submitted to each of the entities identified in sub. (1) (b) to (h) and any other
22 entity designating members on the committee under sub. (1) (i).

23 **SECTION 24.** 118.162 (3) (c) of the statutes is repealed.

24 **SECTION 25.** 118.162 (4m) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 686

1 118.162 (4m) At least once every 2 years, each school board shall review and,
2 if appropriate, revise the truancy plan adopted by the school board under sub. (4).

3 **SECTION 26.** 118.162 (5) of the statutes is repealed.

4 **SECTION 27.** 118.163 (1) (b) of the statutes is repealed and recreated to read:

5 118.163 (1) (b) "Habitual truant" has the meaning given in s. 118.16 (1) (a).

6 **SECTION 28.** 118.163 (1) (c) of the statutes is created to read:

7 118.163 (1) (c) "Operating privilege" has the meaning given in s. 340.01 (40).

8 **SECTION 29.** 118.163 (1) (d) of the statutes is created to read:

9 118.163 (1) (d) "Truant" means a pupil who is absent from school without an
10 acceptable excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which
11 school is held, including a summer session.

12 **SECTION 30.** 118.163 (1m) of the statutes is created to read:

13 118.163 (1m) A county, city, village or town may enact an ordinance prohibiting
14 a person under 18 years of age from being a truant. The ordinance shall provide
15 which of the following dispositions are available to the court:

16 (a) An order for the person to attend school.

17 (b) A forfeiture of not more than \$50 plus costs for a first violation, or a
18 forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation
19 committed within 12 months of a previous violation, subject to s. 938.37. All or part
20 of the forfeiture plus costs may be assessed against the person, the parents or
21 guardian of the person, or both.

22 **SECTION 31.** 118.163 (2) (a) of the statutes is amended to read:

23 118.163 (2) (a) Suspension of the person's operating privilege, ~~as defined in s.~~
24 ~~340.01 (40),~~ for not less than 30 days nor more than ~~90 days~~ one year. The court shall
25 immediately take possession of any suspended license and forward it to the

ENGROSSED ASSEMBLY BILL 686**SECTION 31**

1 department of transportation together with a notice stating the reason for and the
2 duration of the suspension.

3 **SECTION 32.** 118.163 (2) (b) of the statutes, is amended to read:

4 118.163 (2) (b) An order for the person to participate in counseling or a
5 supervised work program or other community service work ~~under~~ as described in s.
6 938.34 (5g). The costs of any such counseling, supervised work program or other
7 community service work may be assessed against the person, the parents or
8 guardian of the person, or both. Any county department of human services or social
9 services, community agency, public agency or nonprofit charitable organization
10 administering a supervised work program or other community service work to which
11 a person is assigned pursuant to an order under this paragraph acting in good faith
12 has immunity from any civil liability in excess of \$25,000 for any act or omission by
13 or impacting on that person.

14 **SECTION 33.** 118.163 (2) (d) of the statutes is amended to read:

15 118.163 (2) (d) An order for the person to attend an educational program ~~under~~
16 as described in s. 938.34 (7d).

17 **SECTION 34.** 118.163 (2) (f) of the statutes, is amended to read:

18 118.163 (2) (f) An order for the person to be placed in a teen court program as
19 described in s. 938.342 (1) ~~(1g)~~ (f).

20 **SECTION 35.** 118.163 (2) (g) to (k) of the statutes are created to read:

21 118.163 (2) (g) An order for the person to attend school.

22 (h) A forfeiture of not more than \$500 plus costs, subject to s. 938.37. All or part
23 of the forfeiture plus costs may be assessed against the person, the parents or
24 guardian of the person, or both.

ENGROSSED ASSEMBLY BILL 686

1 (i) Any other reasonable conditions consistent with this subsection, including
2 a curfew, restrictions as to going to or remaining on specified premises and
3 restrictions on associating with other children or adults.

4 (j) An order placing the person under formal or informal supervision, as
5 described in s. 938.34 (2), for up to one year.

6 (k) An order for the person's parent, guardian or legal custodian to participate
7 in counseling at the parent's, guardian's or legal custodian's own expense or to attend
8 school with the person, or both.

9 **SECTION 36.** 118.163 (2m) of the statutes is renumbered 118.163 (2m) (a) and
10 amended to read:

11 118.163 (2m) (a) A county, city, village or town may enact an ordinance
12 permitting a court to suspend the operating privilege, ~~as defined in s. 340.01 (40)~~, of
13 a person who is at least 16 years of age but less than 18 years of age and is a dropout.
14 The ordinance shall provide that the court may suspend the person's operating
15 privilege, ~~as defined in s. 340.01 (40)~~, until the person reaches the age of 18. The
16 court shall immediately take possession of any suspended license and forward it to
17 the department of transportation together with a notice stating the reason for and
18 the duration of the suspension.

19 **SECTION 37.** 118.163 (2m) (b) of the statutes is created to read:

20 118.163 (2m) (b) A court may order a school district to provide to the court a
21 list of all persons who are known to the school district to be dropouts and who reside
22 within the county in which the circuit court is located or the municipality in which
23 the municipal court is located. Upon request, the department of transportation shall
24 assist the court to determine which dropouts have operating privileges.

25 **SECTION 38.** 118.163 (3) of the statutes is repealed and recreated to read:

ENGROSSED ASSEMBLY BILL 686

1 118.163 (3) An ordinance enacted by a county under sub. (1m), (2) or (2m) is
2 applicable and may be enforced in that part of any city or village located in the county
3 and in any town located in the county regardless of whether the city, village or town
4 has enacted an ordinance under sub. (1m), (2) or (2m).

5 **SECTION 39.** 118.163 (4) of the statutes is created to read:

6 118.163 (4) A person who is under 17 years of age on the date of disposition is
7 subject to s. 938.342.

8 **SECTION 40.** 895.035 (2m) (b) of the statutes, as affected by 1997 Wisconsin Acts
9 27 and 35, is amended to read:

10 895.035 (2m) (b) If a juvenile fails to pay a forfeiture ~~or~~, surcharge or costs as
11 ordered by a court assigned to exercise jurisdiction under chs. 48 and 938 or a
12 forfeiture as ordered by a municipal court or if it appears likely that the juvenile will
13 not pay the forfeiture ~~or~~, surcharge or costs as ordered, the representative of the
14 public interest under s. 938.09, the agency, as defined in s. 938.38 (1) (a), supervising
15 the juvenile or the law enforcement agency that issued the citation to the juvenile
16 may petition the court assigned to exercise jurisdiction under chs. 48 and 938 to order
17 that the amount of the forfeiture ~~or~~, surcharge or costs unpaid by the juvenile be
18 entered and docketed as a judgment against the juvenile and the parent with custody
19 of the juvenile and in favor of the county or appropriate municipality. A petition
20 under this paragraph may be filed after the expiration of the dispositional order or
21 sentence under which the forfeiture ~~or~~, surcharge is or costs are payable, but no later
22 than one year after the expiration of the dispositional order or sentence or any
23 extension of the dispositional order or sentence.

24 **SECTION 41.** 938.125 (2) of the statutes, as affected by 1997 Wisconsin Act 35,
25 is amended to read:

ENGROSSED ASSEMBLY BILL 686

1 938.125 (2) That the court has exclusive jurisdiction over any juvenile alleged
2 to have violated an ordinance enacted under s. 118.163 (2) only if evidence is provided
3 by the school attendance officer that the activities under s. 118.16 (5) have been
4 completed or were not required to be completed ~~due to the juvenile's absence from~~
5 ~~school~~ as provided in s. 118.16 (5m).

6 **SECTION 42.** 938.13 (6) of the statutes, as affected by 1997 Wisconsin Act 35,
7 is amended to read:

8 938.13 (6) Who is habitually truant from school, if evidence is provided by the
9 school attendance officer that the activities under s. 118.16 (5) have been completed
10 or were not required to be completed ~~due to the juvenile's absence from school~~ as
11 provided in s. 118.16 (5m), except as provided under s. 938.17 (2).

12 **SECTION 43.** 938.17 (2) (a) 1. of the statutes is amended to read:

13 938.17 (2) (a) 1. Except as provided in sub. (1), municipal courts have
14 concurrent jurisdiction with the court assigned to exercise jurisdiction under this
15 chapter and ch. 48 in proceedings against juveniles aged 12 or older for violations of
16 county, town or other municipal ordinances. If evidence is provided by the school
17 attendance officer that the activities under s. 118.16 (5) have been completed or were
18 not required to be completed ~~due to the juvenile's absence from school~~ as provided
19 in s. 118.16 (5m), the municipal court specified in subd. 2. may exercise jurisdiction
20 in proceedings against a juvenile for a violation of an ordinance enacted under s.
21 118.163 (2) regardless of the juvenile's age and regardless of whether the court
22 assigned to exercise jurisdiction under this chapter and ch. 48 has jurisdiction under
23 s. 938.13 (6).

24 **SECTION 43d.** 938.17 (2) (g) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 686**SECTION 43d**

1 938.17 (2) (g) If the municipal court finds that a juvenile violated a municipal
2 ordinance enacted under s. 118.163 (1m), it shall enter a dispositional order under
3 s. 938.342 (1d). If a municipal court finds that a juvenile violated a municipal
4 ordinance enacted under s. 118.163 (2), it shall enter a dispositional order under s.
5 938.342 (1) (1g), and may enter a dispositional order under s. 938.342 (1m) (a), that
6 is consistent with the municipal ordinance. If a municipal court finds that a juvenile
7 violated a municipal ordinance enacted under s. 118.163 (2m), it shall enter a
8 dispositional order under s. 938.342 (2) that is consistent with the municipal
9 ordinance.

10 **SECTION 45.** 938.17 (2) (h) 1. of the statutes is amended to read:

11 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
12 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
13 her dispositional order, the municipal court may impose on the juvenile any of the
14 sanctions specified in s. 938.355 (6) (d) 2. to 4. that are authorized under par. (cm)
15 except for monitoring by an electronic monitoring system or may petition the court
16 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
17 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
18 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
19 authorized under par. (cm), if at the time of judgment the court explained the
20 conditions to the juvenile and informed the juvenile of the possible sanctions under
21 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
22 violation the juvenile has acknowledged in writing that he or she has read, or has had
23 read to him or her, those conditions and possible sanctions and that he or she
24 understands those conditions and possible sanctions.

25 **SECTION 46.** 938.17 (2) (i) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 686

1 938.17 (2) (i) 1. If a juvenile who has violated a municipal ordinance enacted
2 under s. 118.163 (1m) violates a condition of his or her dispositional order, the
3 municipal court may impose on the juvenile any of the sanctions specified in s.
4 938.355 (6m) (ag), if at the time of judgment the court explained those conditions to
5 the juvenile and informed the juvenile of those possible sanctions or if before the
6 violation the juvenile has acknowledged in writing that he or she has read, or has had
7 read to him or her, those conditions and possible sanctions and that he or she
8 understands those conditions and possible sanctions.

9 2m. If a juvenile who has violated a municipal ordinance enacted under s.
10 118.163 (2) violates a condition of his or her dispositional order, the municipal court
11 may impose on the juvenile any of the sanctions specified in s. 938.355 (6m) (a) that
12 are authorized under par. (cm) except for the sanction specified in s. 938.355 (6m) (a)
13 1. or may petition the court assigned to exercise jurisdiction under this chapter and
14 ch. 48 to impose on the juvenile the sanction specified in s. 938.355 (6m) (a) 1., if
15 authorized under par. (cm), if at the time of judgment the court explained the
16 conditions to the juvenile and informed the juvenile of the possible sanctions under
17 s. 938.355 (6m) (a) that are authorized under par. (cm) for a violation or if before the
18 violation the juvenile has acknowledged in writing that he or she has read, or has had
19 read to him or her, those conditions and possible sanctions and that he or she
20 understands those conditions and possible sanctions.

21 3. A motion requesting the municipal court to impose or petition for a sanction
22 may be brought by the person or agency primarily responsible for the provision of
23 dispositional services, the administrator of the school district in which the juvenile
24 is enrolled or resides, the municipal attorney or the court that entered the
25 dispositional order. If the court initiates the motion, that court is disqualified from

ENGROSSED ASSEMBLY BILL 686

1 holding a hearing on the motion. Notice of the motion shall be given to the juvenile
2 and the juvenile's parent, guardian or legal custodian.

3 4. Before imposing any sanction, the court shall hold a hearing, at which the
4 juvenile may present evidence.

5 4m. If the court assigned to exercise jurisdiction under this chapter and ch. 48
6 imposes the sanction specified in s. 938.355 (6m) (a) 1., on a petition described in
7 subd. 2m., that court shall order the municipality of the municipal court that filed
8 the petition to pay to the county the cost of providing the sanction imposed under s.
9 938.355 (6m) (a) 1.

10 **SECTION 46g.** 938.245 (2v) of the statutes is created to read:

11 938.245 (2v) If the deferred prosecution agreement is based on an allegation
12 that the juvenile has violated a municipal ordinance enacted under s. 118.163 (2), the
13 deferred prosecution agreement may require that the juvenile's parent, guardian or
14 legal custodian attend school with the juvenile.

15 **SECTION 46k.** 938.245 (5) of the statutes is amended to read:

16 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
17 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
18 custodian. A deferred prosecution agreement under sub. (2) (a) 9. may be terminated
19 by the court upon the request of the juvenile, parent, guardian or legal custodian.

20 **SECTION 47.** 938.275 (1) (c) of the statutes is amended to read:

21 938.275 (1) (c) If the court imposes a sanction on a juvenile as specified in s.
22 938.355 (6) (d) or (6m) (a) or (ag) or finds the juvenile in contempt under s. 938.355
23 (6g) (b) and orders a disposition under s. 938.34 or if the juvenile is placed in a secure
24 detention facility or place of nonsecure custody under s. 938.355 (6d) or 938.534 (1),
25 the court shall order the parents of the juvenile to contribute toward the cost of the

ENGROSSED ASSEMBLY BILL 686

1 sanction, disposition or placement the proportion of the total amount which the court
2 finds the parents are able to pay.

3 **SECTION 47m.** 938.32 (1) (a) of the statutes is amended to read:

4 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
5 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
6 commissioner may suspend the proceedings and place the juvenile under
7 supervision in the juvenile's own home or present placement or in a youth village
8 program as described in s. 118.42. The court may establish terms and conditions
9 applicable to the parent, guardian or legal custodian, and to the juvenile, including
10 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
11 under this section shall be known as a consent decree and must be agreed to by the
12 juvenile; the parent, guardian or legal custodian; and the person filing the petition
13 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
14 the consent decree shall include provisions for payment of the services as specified
15 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

16 **SECTION 47p.** 938.32 (1v) of the statutes is created to read:

17 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
18 services under s. 938.13 (6), the judge or juvenile court commissioner may establish
19 as a condition under sub. (1) that the juvenile's parent, guardian or legal custodian
20 attend school with the juvenile.

21 **SECTION 48.** 938.342 (1) of the statutes is renumbered 938.342 (1g), and
22 938.342 (1g) (a) and (b), as renumbered, are amended to read:

23 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
24 340.01 (40), for not less than 30 days nor more than ~~90 days~~ one year. The court shall
25 immediately take possession of the suspended license and forward it to the

ENGROSSED ASSEMBLY BILL 686

1 department of transportation together with a notice stating the reason for and
2 duration of the suspension.

3 (b) Order the person to participate in counseling or a supervised work program
4 or other community service work under as described in s. 938.34 (5g). The costs of
5 any such counseling, supervised work program or other community service work
6 may be assessed against the person, the parents or guardian of the person, or both.
7 Any county department, community agency, public agency or nonprofit charitable
8 organization administering a supervised work program or other community service
9 work to which a person is assigned pursuant to an order under this paragraph acting
10 in good faith has immunity from any civil liability in excess of \$25,000 for any act or
11 omission by or impacting on that person.

12 **SECTION 49.** 938.342 (1d) of the statutes is created to read:

13 938.342 (1d) If the court finds that the person violated a municipal ordinance
14 enacted under s. 118.163 (1m), the court shall enter an order making one or more of
15 the following dispositions if such a disposition is authorized by the municipal
16 ordinance:

17 (a) Order the person to attend school.

18 (b) Impose a forfeiture of not more than \$50 plus costs for a first violation, or
19 a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation
20 committed within 12 months of a previous violation, subject to s. 938.37. All or part
21 of the forfeiture plus costs may be assessed against the person, the parent or
22 guardian of the person, or both.

23 **SECTION 50.** 938.342 (1g) (g) to (j) of the statutes are created to read:

24 938.342 (1g) (g) Order the person to attend school.

ENGROSSED ASSEMBLY BILL 686

1 (h) Impose a forfeiture of not more than \$500 plus costs, subject to s. 938.37.

2 All or part of the forfeiture plus costs may be assessed against the person, the parent
3 or guardian of the person, or both.

4 (i) Order the person to comply with any other reasonable conditions that are
5 consistent with this subsection, including a curfew, restrictions as to going to or
6 remaining on specified premises and restrictions on associating with other juveniles
7 or adults.

8 (j) Place the person under formal or informal supervision, as described in s.
9 938.34 (2), for up to one year.

10 **SECTION 51m.** 938.342 (1m) (a) of the statutes is amended to read:

11 938.342 (1m) (a) If the court finds that the person violated a municipal
12 ordinance enacted under s. 118.163 (2), the court may, in addition to or instead of the
13 dispositions under sub. (1) (1g), order the person's parent, guardian or legal
14 custodian to participate in counseling at the parent's, guardian's or legal custodian's
15 own expense or to attend school with the person, or both, if such a disposition is
16 authorized by the municipal ordinance.

17 **SECTION 52.** 938.342 (1m) (am) of the statutes is created to read:

18 938.342 (1m) (am) If the court finds that the person violated a municipal
19 ordinance enacted under s. 118.163 (1m), the court may, as part of the disposition
20 under sub. (1d), order the person's parent or guardian to pay all or part of a forfeiture
21 plus costs assessed under sub. (1d) (b). If the court finds that the person violated a
22 municipal ordinance enacted under s. 118.163 (2), the court may, as part of the
23 dispositions under sub. (1g), order the person's parent or guardian to pay all or part
24 of the costs of any program ordered under sub. (1g) (b) or to pay all or part of a
25 forfeiture plus costs assessed under sub. (1g) (h).

ENGROSSED ASSEMBLY BILL 686

1 **SECTION 53.** 938.342 (1m) (b) of the statutes is amended to read:

2 938.342 **(1m)** (b) No order to any parent, guardian or legal custodian under par.
3 (a) or (am) may be entered until the parent, guardian or legal custodian is given an
4 opportunity to be heard on the contemplated order of the court. The court shall cause
5 notice of the time, place and purpose of the hearing to be served on the parent,
6 guardian or legal custodian personally at least 10 days before the date of the hearing.
7 The procedure in these cases shall, as far as practicable, be the same as in other cases
8 to the court. At the hearing, the parent, guardian or legal custodian may be
9 represented by counsel and may produce and cross-examine witnesses. Any parent,
10 guardian or legal custodian who fails to comply with any order issued by a court
11 under par. (a) or (am) may be proceeded against for contempt of court.

12 **SECTION 54.** 938.342 (2) (a) of the statutes is amended to read:

13 938.342 **(2)** (a) Except as provided in par. (b), if the court finds that a person
14 is subject to a municipal ordinance enacted under s. 118.163 (2m) (a), the court shall
15 enter an order suspending the person's operating privilege, as defined in s. 340.01
16 (40), until the person reaches the age of 18.

17 **SECTION 55.** 938.342 (2) (b) of the statutes is amended to read:

18 938.342 **(2)** (b) The court may enter an order making any of the dispositions
19 specified under sub. ~~(1)~~ (1g) if the court finds that suspension of the person's
20 operating privilege, as defined in s. 340.01 (40), until the person reaches the age of
21 18 would cause an undue hardship to the person or the juvenile's person's family.

22 **SECTION 56.** 938.345 (2) of the statutes is amended to read:

23 938.345 **(2)** If the court finds that a juvenile is in need of protection or services
24 based on the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b),
25 or based on habitual truancy, and the court also finds that the reason the juvenile has

ENGROSSED ASSEMBLY BILL 686

1 dropped out of school or is a habitual truant is a result of the juvenile's intentional
2 refusal to attend school rather than the failure of any other person to comply with
3 s. 118.15 (1) (a) or (am), the court, instead of or in addition to any other disposition
4 imposed under sub. (1), may enter an order permitted under s. 938.342.

5 **SECTION 57.** 938.355 (6) (a) of the statutes is amended to read:

6 938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have
7 violated a civil law or ordinance, other than an ordinance enacted under s. 118.163
8 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on
9 the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing
10 under s. 938.335, the court explained the conditions to the juvenile and informed the
11 juvenile of those possible sanctions or if before the violation the juvenile has
12 acknowledged in writing that he or she has read, or has had read to him or her, those
13 conditions and possible sanctions and that he or she understands those conditions
14 and possible sanctions. ~~Subject to sub. (6m), if~~ If a juvenile who has been found to
15 be in need of protection or services under s. 938.13 (4), (6m), (7), (12) or (14) violates
16 a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the
17 sanctions specified in par. (d), other than placement in a secure detention facility or
18 juvenile portion of a county jail, if, at the dispositional hearing under s. 938.335, the
19 court explained the conditions to the juvenile and informed the juvenile of those
20 possible sanctions or if before the violation the juvenile has acknowledged in writing
21 that he or she has read, or has had read to him or her, those conditions and possible
22 sanctions and that he or she understands those conditions and possible sanctions.
23 The court may not order the sanction of placement in a place of nonsecure custody
24 specified in par. (d) 1. unless the court finds that the agency primarily responsible
25 for providing services for the juvenile has made reasonable efforts to prevent the

ENGROSSED ASSEMBLY BILL 686

1 removal of the juvenile from his or her home and that continued placement of the
2 juvenile in his or her home is contrary to the welfare of the juvenile.

3 **SECTION 58.** 938.355 (6) (an) 1. of the statutes is amended to read:

4 938.355 (6) (an) 1. If a juvenile who has violated a municipal ordinance, other
5 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of a
6 dispositional order imposed by the municipal court, the municipal court may petition
7 the court assigned to exercise jurisdiction under this chapter and ch. 48 to impose
8 on the juvenile the sanction specified in par. (d) 1. or the sanction specified in par. (d)
9 3., with monitoring by an electronic monitoring system, if, at the time of the
10 judgment the municipal court explained the conditions to the juvenile and informed
11 the juvenile of those possible sanctions for a violation or if before the violation the
12 juvenile has acknowledged in writing that he or she has read, or has had read to him
13 or her, those conditions and possible sanctions and that he or she understands those
14 conditions and possible sanctions. The petition shall contain a statement of whether
15 the juvenile may be subject to the federal Indian child welfare act, 25 USC 1911 to
16 1963.

17 **SECTION 59.** 938.355 (6m) (title) of the statutes is amended to read:

18 938.355 (6m) (title) SANCTIONS FOR VIOLATION OF ORDER: TRUANCY OR HABITUAL
19 TRUANCY.

20 **SECTION 60m.** 938.355 (6m) (a) of the statutes is renumbered 938.355 (6m) (a)
21 (intro.) and amended to read:

22 938.355 (6m) (a) (intro.) If the court finds by a preponderance of the evidence
23 that a juvenile who has been found to have violated a municipal ordinance enacted
24 under s. 118.163 (2) or who has been found to be in need of protection or services based
25 ~~on habitual truancy from school under s. 938.13 (6)~~ has violated a condition specified

ENGROSSED ASSEMBLY BILL 686

1 under sub. (2) (b) 7., the court may order as a sanction any combination of the
2 ~~operating privilege suspension specified in this paragraph~~ sanction specified in
3 subds. 1. and 2. and the dispositions specified in s. 938.342 ~~(1) (1g)~~ (b) to ~~(f) (j)~~ and
4 (1m), regardless of whether the disposition was imposed in the order violated by the
5 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
6 conditions to the juvenile and informed the juvenile of the possible sanctions under
7 this paragraph for a violation or if before the violation the juvenile has acknowledged
8 in writing that he or she has read, or has had read to him or her, those conditions and
9 possible sanctions and that he or she understands those conditions and possible
10 sanctions. The court may order as a sanction ~~suspension under this paragraph~~ any
11 of the following:

12 2. Suspension of the juvenile's operating privilege, as defined under s. 340.01
13 (40), for not more than one year. If the juvenile does not hold a valid operator's license
14 under ch. 343, other than an instruction permit under s. 343.07 or a restricted license
15 under s. 343.08, on the date of the order issued under this paragraph subdivision, the
16 court may order the suspension to begin on the date that the operator's license would
17 otherwise be reinstated or issued after the juvenile applies and qualifies for issuance
18 or 2 years after the date of the order issued under this paragraph subdivision,
19 whichever occurs first. If the court suspends an operating privilege under this
20 paragraph subdivision, the court shall immediately take possession of the suspended
21 license and forward it to the department of transportation with a notice stating the
22 reason for and the duration of the suspension.

23 **SECTION 60p.** 938.355 (6m) (a) 1. of the statutes is created to read:

24 938.355 **(6m)** (a) 1. Placement of the juvenile in a secure detention facility or
25 juvenile portion of a county jail that meets the standards promulgated by the

ENGROSSED ASSEMBLY BILL 686

1 department by rule or in a place of nonsecure custody, for not more than 10 days and
2 the provision of educational services consistent with his or her current course of
3 study during the period of placement. The juvenile shall be given credit against the
4 period of detention or nonsecure custody imposed under this subdivision for all time
5 spent in secure detention in connection with the course of conduct for which the
6 detention or nonsecure custody was imposed.

7 **SECTION 61.** 938.355 (6m) (ag) of the statutes is created to read:

8 938.355 (6m) (ag) If the court finds by a preponderance of the evidence that a
9 juvenile who has been found to have violated a municipal ordinance enacted under
10 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may
11 order as a sanction any combination of the operating privilege suspension specified
12 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to (j) and (1m),
13 regardless of whether the disposition was imposed in the order violated by the
14 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
15 conditions to the juvenile and informed the juvenile of the possible sanctions under
16 this paragraph for a violation or if before the violation the juvenile has acknowledged
17 in writing that he or she has read, or has had read to him or her, those conditions and
18 possible sanctions and that he or she understands those conditions and possible
19 sanctions.

20 **SECTION 61m.** 938.355 (6m) (am) of the statutes is created to read:

21 938.355 (6m) (am) 1. If a juvenile who has violated a municipal ordinance
22 enacted under s. 118.163 (2) violates a condition of a dispositional order imposed by
23 the municipal court, the municipal court may petition the court assigned to exercise
24 jurisdiction under this chapter and ch. 48 to impose on the juvenile the sanction
25 specified in par. (a) 1. if, at the time of the judgment the municipal court explained

ENGROSSED ASSEMBLY BILL 686

1 the conditions to the juvenile and informed the juvenile of that possible sanction for
2 a violation or if before the violation the juvenile has acknowledged in writing that
3 he or she has read, or has had read to him or her, those conditions and that possible
4 sanction and that he or she understands those conditions and that possible sanction.
5 The petition shall contain a statement of whether the juvenile may be subject to the
6 federal Indian child welfare act, 25 USC 1911 to 1963.

7 2. If the court assigned to exercise jurisdiction under this chapter and ch. 48
8 imposes the sanction specified in par. (a) 1. on a petition described in subd. 1., that
9 court shall order the municipality of the municipal court that filed the petition to pay
10 to the county the cost of providing the sanction imposed under par. (a) 1.

11 **SECTION 62.** 938.355 (6m) (b) of the statutes is amended to read:

12 938.355 **(6m)** (b) A motion for the imposition of a sanction under par. (a) or (ag)
13 may be brought by the person or agency primarily responsible for providing
14 dispositional services to the juvenile, the administrator of the school district in which
15 the juvenile is enrolled or resides, the district attorney, the corporation counsel or the
16 court that entered the dispositional order. If the court initiates the motion, that court
17 is disqualified from holding a hearing on the motion. Notice of the motion shall be
18 given to the juvenile, guardian ad litem, counsel, parent, guardian, legal custodian
19 and all parties present at the original dispositional hearing.

20 **SECTION 63.** 938.355 (6m) (c) of the statutes is amended to read:

21 938.355 **(6m)** (c) Before imposing a sanction under par. (a) or (ag), the court
22 shall hold a hearing at which the juvenile is entitled to be represented by legal
23 counsel and to present evidence. The hearing shall be held within 15 days after the
24 filing of a motion under par. (b).

25 **SECTION 64. Initial applicability.**

